



RULE-MAKING ORDER

CR-103P (May 2009)
(Implements RCW 34.05.360)

Agency: Department of Retirement Systems

Permanent Rule Only

Effective date of rule:

Permanent Rules

- 31 days after filing.
- Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes
 - No
- If Yes, explain:

Purpose: Retiree Return to Work--These amendments will update retiree return to work rules, providing better clarification and bringing them into alignment with statutes.

Citation of existing rules affected by this order:

Repealed:
 Amended: WAC 415-02-030, 415-106-700, 415-108-710, 415-110-710, 415-112-525
 Suspended:

Statutory authority for adoption: 41.50.050 (5)

Other authority :

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 16-14-105 on July 5, 2016 (date).
 Describe any changes other than editing from proposed to adopted version: No changes. The text being adopted is identical to the proposed version.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: _____ phone () _____
 Address: _____ fax () _____
 e-mail _____

Date adopted: August 10, 2016

NAME (TYPE OR PRINT)
Marcie Frost

SIGNATURE

TITLE
Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: August 11, 2016

TIME: 1:39 PM

WSR 16-17-047

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Federal rules or standards:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Recently enacted state statutes:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>

The number of sections adopted at the request of a nongovernmental entity:

	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
--	-----	----------	---------	----------	----------	----------

The number of sections adopted in the agency's own initiative:

	New	<u>1</u>	Amended	<u>5</u>	Repealed	<u>0</u>
--	-----	----------	---------	----------	----------	----------

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

	New	<u>1</u>	Amended	<u>5</u>	Repealed	<u>0</u>
--	-----	----------	---------	----------	----------	----------

The number of sections adopted using:

Negotiated rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Pilot rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Other alternative rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>

AMENDATORY SECTION (Amending WSR 16-08-008, filed 3/24/16, effective 4/24/16)

WAC 415-02-030 Definitions.

This section contains definitions of words and phrases commonly used in the department of retirement systems' rules. It also serves as a directory for finding definitions within the RCW and WAC.

(1) **Accumulated contributions** means the sum of all contributions paid into a member's defined benefit account, including interest.

(2) **Appeal** means the proceeding through which a party obtains review of a department action in an adjudicative proceeding conducted under chapter [34.05](#) RCW (the Administrative Procedure Act) and chapter 415-08 WAC (the department's appeal rules).

(3) **Average final compensation** is defined in RCW [41.32.010](#)(30) (TRS); RCW [41.35.010](#)(14) (SERS); RCW [41.40.010](#)(17) (PERS); and RCW [41.37.010](#)(14) (PSERS).

(4) **Average final salary** for WSPRS is defined in RCW [43.43.120](#)(15).

(5) **Cafeteria plan** means a "qualified" employee benefit program under IRC section 125, such as certain health and welfare plans.

(6) **Calendar month.**

(a) Refers to one of the twelve named months of the year, extending from the first day of the named month through the last day. For example: January 1st through January 31st is a calendar month. February 1st through February 29th is a calendar month in a leap year. March 13th through April 12th is **not** a calendar month.

(b) Exception: For the purpose of administering the break in employment required by RCW [41.32.570](#), [41.32.802](#), [41.32.862](#), [41.35.060](#), [41.37.050](#) and [41.40.037](#) for retirees returning to work, one calendar month means thirty consecutive calendar days. For example: Kim's retirement date is August 1st. August 31st would be the earliest Kim could return to work and meet the requirement for a one calendar month break in employment.

(7) **Compensation earnable or earnable compensation** definitions can be found in RCW [41.32.010](#)(10) and [41.32.345](#) (TRS); RCW [41.35.010](#)(6) (SERS); RCW [41.37.010](#)(6) (PSERS); and RCW [41.40.010](#)(8) (PERS).

(8) **Contribution rate** is:

(a) For employees: The fraction (percent) of compensation a member contributes to a retirement system each month.

(b) For employers: The fraction (percent) of payroll a member's employer contributes to a retirement system each month. Contribution rates vary for the different systems and plans.

(9) **Deferred compensation** refers to the amount of the participant's compensation, which the participant voluntarily defers from earnings before taxes to a deferred compensation program.

(10) **Defined benefit plan** is a pension plan in which a lifetime retirement allowance is available, based on the member's service credit and compensation.

(11) **Defined contribution plan** is a plan in which part of members' or participants' earnings are deferred into investment accounts in which tax is deferred until funds are withdrawn. The benefit is based on the contributions and the amount of return from the investment of the contributions. Members or participants receive the full market rate of return minus expenses. There is no guaranteed rate of return and the value of an account will increase or decrease based upon market fluctuations.

(12) **Department** means the department of retirement systems.

(13) **Director** means the director of the department of retirement systems.

(14) **Employee** means a worker who performs labor or services for a retirement systems employer under the control and direction of the employer as determined under WAC 415-02-110(2). An employee may be eligible to participate as a member of one of the state-administered retirement systems according to eligibility requirements specified under the applicable retirement system.

(15) **Employer** is defined in RCW [41.26.030](#)(2) (LEOFF), [41.32.010](#)(11) (TRS), [41.34.020](#)(5) (Plan 3), [41.35.010](#)(4) (SERS), [41.37.010](#)(4) (PSERS) and [41.40.010](#)(4) (PERS).

(16) **Ex-spouse** refers to a person who is a party to a "dissolution order" as defined in RCW [41.50.500](#)(3).

(17) **Final average salary for LEOFF** is defined in RCW [41.26.030](#)(12).

(18) **HERPs** mean higher education retirement plans described in chapter [28B.10](#) RCW, which are non-DRS retirement plans offered by institutions of higher education, such as, but not limited to, University of Washington retirement plan (UWRP) and Western Washington University retirement plan (WWURP).

(19) **Independent contractor** means a contract worker who is not under the direction or control of the employer as determined under WAC 415-02-110 (2) and (3).

~~((+19+))~~ (20) **IRC** means the Federal Internal Revenue Code of 1986, as subsequently amended.

~~((+20+))~~ (21) **Indexed retirement allowance** means a defined benefit retirement allowance from an indexed retirement plan, payable to a member who separates after having completed at least twenty service credit years, that is increased by twenty-

five one-hundredths of one percent, compounded for each month from the date of separation to the date that the retirement allowance commences.

~~((21))~~ (22) **Indexed retirement plan** means one of the following retirement plans, which are administered by the department of retirement systems and provide an indexed retirement allowance: Law Enforcement Officers' and Firefighters Retirement System Plan 2 (RCW [41.26.530](#)), Public Employees' Retirement System Plan 3 (RCW [41.40.790](#)), School Employees' Retirement System Plan 3 (RCW [41.35.620](#)), and Teachers' Retirement System Plan 3 (RCW [41.32.840](#)).

~~((22))~~ (23) **JRF** means the judges' retirement fund created by chapter [2.12](#) RCW.

~~((23))~~ (24) **JRS** means the Washington judicial retirement system created by chapter [2.10](#) RCW.

~~((24))~~ (25) **LEOFF** means the Washington law enforcement officers' and firefighters' retirement system created by chapter [41.26](#) RCW.

~~((25))~~ (26) **Member** means a person who is included in the membership of one of the retirement systems created by chapters [2.10](#), [2.12](#), [41.26](#), [41.32](#), [41.34](#), [41.35](#), [41.37](#), [41.40](#), or [43.43](#) RCW.

~~((26))~~ (27) **Normal retirement** means qualifying for retirement based on the standard age and service credit requirements as specified in RCW [2.10.100](#) (JRS), [2.12.020](#) (JRF), [41.26.090](#) (LEOFF Plan 1), [41.26.430\(1\)](#) (LEOFF Plan 2), [41.32.470](#) (TRS Plan 1), [41.32.765\(1\)](#) (TRS Plan 2), [41.32.875\(1\)](#) (TRS Plan 3), [41.35.420\(1\)](#) (SERS Plan 2), [41.35.680\(1\)](#) (SERS Plan 3), [41.37.210\(1\)](#) (PSERS), [41.40.180](#) (PERS Plan 1), [41.40.630\(1\)](#) (PERS Plan 2), [41.40.820\(1\)](#) (PERS Plan 3), or [43.43.250](#) (WSPRS).

(28) **Participant** means an eligible employee who participates in a deferred compensation plan.

~~((27))~~ (29) **Participation agreement** means an agreement that an eligible employee signs to become a participant in a deferred compensation plan.

~~((28))~~ (30) **Pension plan** is a plan that provides a lifelong post retirement payment of benefits to employees.

~~((29))~~ (31) **PERS** means the Washington public employees' retirement system created by chapter [41.40](#) RCW.

~~((30))~~ (32) **Petition** means the method by which a party requests a review of an administrative determination prior to an appeal to the director. The department's petitions examiner performs the review under chapter 415-04 WAC.

~~((31))~~ (33) **Plan 1** means the retirement plans in existence prior to the enactment of chapters 293, 294 and 295, Laws of 1977 ex. sess.

((+32+)) (34) **Plan 2** means the retirement plans established by chapters 293, 294 and 295, Laws of 1977 ex. sess., chapter 341, Laws of 1998, and chapter 329, Laws of 2001.

((+33+)) (35) **Plan 3** means the retirement plans established by chapter 239, Laws of 1995, chapter 341, Laws of 1998, and chapter 247, Laws of 2000.

((+34+)) (36) **Plan year** is the twelve-month period that begins on January 1st and ends on December 31st of the same calendar year.

((+35+)) (37) **Portability** is the ability to use membership in more than one Washington state retirement system in order to qualify for retirement benefits. See chapters [41.54](#) RCW and 415-113 WAC.

((+36+)) (38) **PSERS** means the Washington public safety employees' retirement system created by chapter [41.37](#) RCW.

((+37+)) (39) **Public record** is defined in RCW [42.17.020](#)(41).

((+38+)) (40) **Restoration** is the process of restoring a member's service credit for prior periods.

((+39+)) (41) **Retirement system employer - See "employer."**

((+40+)) (42) **Rollover** means a distribution that is paid to or from an eligible retirement plan within the statutory time limit allowed.

((+41+)) (43) **Separation date** is the date a member ends employment in a position eligible for retirement (~~(or disability benefit coverage)~~).

((+42+)) (44) **SERS** means the Washington school employees' retirement system created by chapter [41.35](#) RCW.

((+43+)) (45) **Split account** is the account the department establishes for a member or retiree's ex-spouse.

((+44+)) (46) **Surviving spouse** refers to a person who was married to the member at the time of the member's death and who is receiving or is eligible to receive a survivor benefit.

((+45+)) (47) **Survivor beneficiary** means a person designated by the member to receive a monthly benefit allowance after the member dies.

((+46+)) (48) **Survivor benefit** is a feature of a retirement plan that provides continuing payments to a (~~(beneficiary)~~) designee after the death of a member or retiree.

((+47+)) (49) **TRS** means the Washington state teachers' retirement system created by chapter [41.32](#) RCW.

((+48+)) (50) **The Uniform Services Employment and Reemployment Rights Act of 1994 (USERRA)** is the federal law that requires employers to reemploy and preserve job security, pension and welfare benefits for qualified employees who engage in military service.

~~((49))~~ (51) **WSPRS** means the Washington state patrol retirement system created by chapter [43.43](#) RCW.
AMENDATORY SECTION (Amending WSR 08-02-046, filed 12/27/07, effective 1/27/08)

WAC 415-106-700 (~~(As a PSERS retiree, how will my retirement allowance be affected if I return to employment?)~~)
What are the return to work rules for PSERS?

(1) **How soon can I return to work after I retire without impacting my PSERS retirement benefit?** You may ~~((work as many hours as you choose and continue to receive))~~ begin working immediately after you retire without impacting your PSERS retirement ((allowance)) benefit if:

(a) You ~~((return))~~ go to work ~~((as an employee))~~ for a private employer;

(b) You ~~((return to work as a bona fide))~~ are an independent contractor as defined in WAC 415-02-110;

(c) Your only employment is as an elected official ~~((of a city or town))~~ and you are not a PERS member; or

(d) You work in an ineligible position ~~((; or~~

~~(e) You are a retiree returning as an active member of a higher education retirement plan)).~~

(2) If you return to work in a **PERS, SERS, or TRS Plan 2 or Plan 3, or LEOFF Plan 2 eligible position,** your retirement ~~((allowance))~~ benefit will be affected as follows:

(a) If you retire and then return to work ~~((within))~~ sooner than thirty consecutive calendar days from your accrual date (effective retirement date)((;

~~(i)),~~ your monthly retirement ((allowance)) benefit will be reduced ~~((by five and one half percent for every eight hours you work during that month. This reduction will be applied each month))~~ in accordance with RCW [41.37.050](#)(1) until you remain absent ((from such employment for thirty)) for at least thirty consecutive calendar days.

~~((ii) The reduction provided in (a)(i) of this subsection will accrue for a maximum of one hundred sixty hours per month. Any reduction over one hundred percent will be applied to the allowance you are eligible to receive in subsequent months. See RCW [41.37.050](#)(1).))~~

(b) If you ~~((return to work after))~~ retire and remain absent at least thirty consecutive calendar days ((have elapsed)) from your accrual date, you may work ~~((for))~~ up to eight hundred sixty-seven hours each calendar year before your retirement ((allowance)) benefit is suspended.

(3) If you return to work in an eligible **PSERS position,** your retirement ~~((allowance))~~ benefit will be affected as follows:

(a) If you ~~((return to an eligible PSERS position and))~~ elect to reenter membership, your retirement ~~((allowance))~~ benefit will be suspended. ~~((If you make this election))~~ When you reretire, your retirement ~~((allowance))~~ benefit will be recalculated pursuant to WAC 415-106-710 ~~((when you reretire))~~.

(b) If you return to an eligible PSERS position within thirty consecutive days of your accrual date (effective retirement date) and do not reenter membership, your monthly retirement ~~((allowance))~~ benefit will be reduced by five and one-half percent for every eight hours you work during that month. This reduction will be applied each month until you remain absent ~~((from such employment))~~ for thirty consecutive calendar days. The reduction will accrue for a maximum of one hundred sixty hours per month. Any reduction over one hundred percent will be applied to the ~~((allowance))~~ benefit you are eligible to receive in subsequent months. See RCW [41.37.050](#)(1).

(c) If you return to an eligible PSERS position after being absent for thirty consecutive calendar days ~~((of))~~ from your accrual date (effective retirement date) and do not reenter membership, your retirement ~~((allowance))~~ benefit will be suspended until you separate from PSERS employment.

(4) If you return to work after retirement from PSERS and another DRS retirement system, see WAC 415-113-300 to determine the effect of returning to work.

(5) What hours are counted toward the limit((s))?

(a) ~~((Hours that count))~~ Counted toward the eight hundred sixty-seven hour limit((s are: (i))): All compensated hours that ~~((you work))~~ are worked in an eligible position ~~((for any employer whose))~~ covered by a DRS or higher education retirement plan ~~((is administered by the department;~~

~~(ii) Used))~~, including the use of earned sick leave ~~((and))~~, vacation days ~~((;~~

~~(iii) Paid holidays; and~~

~~(iv) Compensatory time, whether you use the time or cash it out))~~, paid holidays, compensatory time, and cashouts of compensatory time.

(b) Not counted toward the hour limit((s)): Cashouts of unused sick and vacation leave ~~((you cash out))~~.

~~((+5))~~ (6) What happens if I work ((over)) more than the annual eight hundred sixty-seven hour limit? ~~((The department will:~~

~~(a) Suspend your retirement allowance on the day following the day))~~

(a) If you work more than the annual limit, your retirement benefit will be suspended. The suspension will be effective the day after you exceed the hour limit. DRS will prorate your

retirement benefit for the month in which you exceed the hour limit (~~(, and prorate your payment for that month)~~).

(b) (~~Restart~~) Your retirement ((allowance)) benefit will be restarted beginning the next calendar year (January) or the day after you terminate all eligible employment identified in subsection (2) of this section, whichever occurs first.

(c) DRS will recover any overpayments made to you for the month(s) in which you exceeded the ((hour)) work limit and received a retirement ((allowance)) benefit. See RCW [41.50.130](#).

(7) Terms used.

(a) Accrual date - RCW [41.37.240](#).

(b) PSERS: Public safety employees' retirement system.

(c) Eligible position - RCW [41.37.010](#)(10); WAC 415-106-100.

(d) Ineligible position - RCW [41.37.010](#)(17).

(e) Membership - RCW [41.37.020](#).

(f) Month - Calendar month as defined in WAC 415-02-030.

AMENDATORY SECTION (Amending WSR 04-04-037, filed 1/29/04, effective 3/1/04)

WAC 415-108-710 What are the ((PERS retiree)) return to work rules for PERS Plan 1, Plan 2, and Plan 3?

(1) How soon can I return to work after I retire without impacting my PERS retirement benefit?

(a) (~~There is no required waiting period to return to work~~) You may begin working immediately after you retire without impacting your PERS retirement benefit if:

(i) You go to work for a private employer;

(ii) You are (~~a bona fide~~) an independent contractor as defined in WAC 415-02-110;

(iii) Your only employment is as an elected official (~~of a city or town~~) and you end your PERS membership under RCW [41.40.023](#) (3)(b); or

(iv) You are a PERS Plan 1 retiree elected to office or appointed to office by the governor.

(b) If you retire and then return to work sooner than thirty consecutive calendar days from your accrual date (effective retirement date), your monthly retirement ((allowance)) benefit will be reduced in accordance with RCW [41.40.037](#)(1) until you ((separate)) remain absent for at least thirty consecutive calendar days.

(c) If you (~~wait~~) retire and remain absent at least thirty consecutive calendar days from your accrual date, you may return to work in any position (eligible((,)) or ineligible((, temporary, etc.)), for any employer whose retirement plan is administered by the department of retirement systems (DRS) or a public institution of higher education, without impacting your PERS retirement benefit until you reach your applicable hour limit.

(2) **What is the annual hour limit?** (~~After you meet the thirty day waiting period~~) Except as provided in subsection (5) of this section regarding the 2008 early retirement factors (ERFs), after being absent at least thirty consecutive calendar days as described in subsection (1)(c) of this section, (there are different) your annual hour limit (s that apply to you) will be based on (what kind of) the position you return to (the system from which you retired, and when you retired).

(a) **No limit.** You may work as many hours as you want without affecting your retirement (~~allowance~~) benefit if you work:

(i) In (~~an ineligible~~) a position (~~+~~

~~(ii) As a retiree returning as an active member of a~~) that is not eligible for membership in a DRS or higher education retirement plan;

~~((iii) As a bona fide)~~ (ii) As an independent contractor;

~~((iv))~~ (iii) For a private employer;

~~((v))~~ (iv) If you end your PERS membership as an elected official (of a city or town) under RCW [41.40.023](#) (3)(b); or

~~((vi))~~ (v) As a PERS Plan 1 retiree elected to office or appointed to office by the governor.

(b) (~~**Fifteen hundred hour limit.** You may work up to fifteen hundred hours in an eligible position as defined in RCW [41.32.010](#)(37), [41.35.010](#)(22), or [41.40.010](#)(25), or as a firefighter or law enforcement officer, as defined in RCW [41.26.030](#) (3) and (4), in a calendar year subject to the nineteen hundred hour cumulative limit described in subsection (3) of this section before your retirement allowance is suspended if:~~

~~(i) You are a PERS Plan 1 retiree who retired prior to August 1, 2003; or~~

~~(ii) You are a PERS Plan 1 retiree who retired on or after August 1, 2003, you waited at least ninety consecutive calendar days from your accrual date, and you met the additional conditions described in RCW [41.40.037](#) (2)(b).~~

~~(e))~~ **Eight hundred sixty-seven-hour limit.** You may work up to eight hundred sixty-seven hours in (~~an eligible position as defined in RCW [41.32.010](#)(37), [41.35.010](#)(22), or [41.40.010](#)(25), or as a firefighter or law enforcement officer, as defined in RCW [41.26.030](#) (3) and (4), in)~~) a calendar year, in a position that is eligible for membership in a DRS or a public institution of higher education retirement plan, before your retirement allowance is suspended (if:

~~(i) You are a PERS Plan 1 retiree who retired on or after August 1, 2003, and you do not meet the additional conditions described in RCW [41.40.037](#) (2)(b) or you have exceeded the~~

~~nineteen hundred hour cumulative limit described in subsection (3) of this section; or~~

~~(ii) You are a PERS Plan 2 or 3 retiree and return to work in an eligible position as defined in RCW [41.32.010](#) (37), [41.35.010](#) (22), or [41.40.010](#) (25), or as a firefighter or law enforcement officer, as defined in RCW [41.26.030](#) (3) and (4).~~

~~(d) If you are retired from PERS and another DRS retirement system, refer to the table below to determine the effect of returning to work:~~

Dual System Combination	Return to Work System	Outcome
PERS Plan 1 and LEOFF Plan 2	PERS	Your LEOFF Plan 2 benefit would be suspended and you could work up to the PERS Plan 1 limit (subsection (2)(a), (b) and (c) of this section) during the calendar year in an eligible position before your PERS benefit would be suspended.
	TRS	Your LEOFF Plan 2 benefit would be suspended and you could work up to the PERS Plan 1 limit (subsection (2)(a), (b) and (c) of this section) during the calendar year in an eligible position before your PERS benefit would be suspended.
	LEOFF Plan 2	Your LEOFF Plan 2 benefit would be suspended and you would be mandated back into LEOFF Plan 2 membership. Your PERS benefit would be suspended until you terminate from LEOFF Plan 2.
	WSPRS	If you have less than fifteen years of service credit in either system you retired from, then you are mandated into membership in WSPRS and your PERS and LEOFF Plan 2 benefits are suspended. If you have fifteen or more years of service credit in either system then you may not become a member of WSPRS. Your LEOFF Plan 2 benefit is suspended and you can work up to the PERS Plan 1 limit (subsection (2)(a), (b) and (c) of this section) during the calendar year in an eligible position before your PERS benefit would be suspended.
PERS Plan 1 and TRS Plan 1	PERS	If the position is at any educational institution in Washington state, then the TRS Plan 1 limits apply which allow you to work up to fifteen hundred hours during the fiscal year before your PERS and TRS benefits would be suspended. The one exception is if you return to work at a higher education employer and choose to join another retirement system (e.g., TIAA CREF). In that case, the PERS Plan 1 rules would apply. By definition, the position is ineligible in PERS and therefore you can work

Dual System Combination	Return to Work System	Outcome
		<p>unlimited hours without your PERS and TRS benefits being suspended.</p> <p>If the position is not at an educational institution in Washington state, the TRS Plan 1 limits would apply and you can work unlimited hours without your PERS and TRS benefits being suspended.</p>
	TRS	The TRS Plan 1 limits would apply and you can work up to fifteen hundred hours during the fiscal year before your PERS and TRS benefits would be suspended.
	LEOFF Plan 2	<p>If you have less than fifteen years of service credit in either system you retired from, then you are mandated into membership in LEOFF Plan 2 and your PERS and TRS benefits are suspended.</p> <p>If you have fifteen or more years of service credit in either system then you may not become a member in LEOFF Plan 2. The TRS Plan 1 limits would apply and you can work unlimited hours without your PERS and TRS benefits being suspended.</p>
	WSPRS	<p>If you have less than fifteen years of service credit in either system you are retired from, then you are mandated into membership in WSPRS and your PERS and TRS benefits are suspended.</p> <p>If you have fifteen or more years of service credit in either system then you may not become a member in WSPRS. The TRS Plan 1 limits would apply and you can work unlimited hours without your PERS and TRS benefits being suspended.</p>
	PERS	You can work up to the PERS Plan 1 limits (subsection (2)(a), (b) and (c) of this section) during the calendar year in an eligible position before your PERS and TRS benefits would be suspended.
	TRS	You can work up to the PERS Plan 1 limits (subsection (2)(a), (b) and (c) of this section) during the calendar year in an eligible position before your PERS and TRS benefits would be suspended.
	LEOFF Plan 2	If you have less than fifteen years of service credit in either system you are retired from, then you are mandated into

Dual System Combination	Return to Work System	Outcome
		<p>membership in LEOFF Plan 2 and your PERS and TRS benefits are suspended.</p> <p>If you have fifteen or more years of service credit in either system then you may not become a member in LEOFF Plan 2 and you can work up to the PERS Plan 1 limits (subsection (2)(a), (b) and (c) of this section) during the calendar year in an eligible position before your PERS and TRS benefits would be suspended.</p>
	WSPRS	<p>If you have less than fifteen years of service credit in either system you retired from, then you are mandated into membership in WSPRS and both your PERS and TRS benefits would be suspended.</p> <p>If you have fifteen or more years of service credit in either system then you may not become a member WSPRS and you can work up to the PERS Plan 1 limits (subsection (2)(a), (b) and (c) of this section) during the calendar year in an eligible position before your PERS and TRS benefits would be suspended.</p>
PERS Plan 1 and WSPRS	PERS	Your WSPRS benefit would not be suspended and you can work up to the PERS Plan 1 limits (subsection (2)(a), (b) and (c) of this section) during the calendar year in an eligible position before your PERS benefit would be suspended.
	TRS	Your WSPRS benefit would not be suspended and you can work up to the PERS 1 Plan limits (subsection (2)(a), (b) and (c) of this section) during the calendar year in an eligible position before your PERS benefit would be suspended.
	LEOFF Plan 2	<p>If you have less than fifteen years of service credit in either system you retired from, then you are mandated into membership in LEOFF. Your WSPRS benefit would not be suspended and your PERS benefit would be immediately be suspended.</p> <p>If you have fifteen or more years of service credit in either system then you may not become a member in LEOFF Plan 2. Your WSPRS benefit would not be suspended and you can work up to the PERS Plan 1 limits (subsection (2)(a), (b) and (c) of this section) during the calendar year in an eligible position before your PERS benefit would be suspended.</p>
	WSPRS	Your WSPRS benefit would be suspended and you would be mandated back into membership.

Dual System Combination	Return to Work System	Outcome
		Your PERS benefit would be suspended until you terminate from WSPRS.
PERS Plan 2 or 3 and LEOFF Plan 2	SERS	Your LEOFF Plan 2 benefit would be suspended and you can work up to eight hundred sixty seven hours during the calendar year in an eligible position before your PERS benefit would be suspended.
	PERS	Your LEOFF Plan 2 benefit would be suspended and you can work up to eight hundred sixty seven hours during the calendar year in an eligible position before your PERS benefit would be suspended.
	TRS	Your LEOFF Plan 2 benefit would be suspended and you can work up to eight hundred sixty seven hours during the calendar year in an eligible position before your PERS benefit would be suspended.
	LEOFF	Your LEOFF Plan 2 benefit would be suspended and you are mandated back into LEOFF Plan 2 membership. Your PERS benefit would be suspended until you terminate from LEOFF Plan 2.
	WSPRS	If you have less than fifteen years of service credit in either system you retired from, then you are mandated into membership in WSPRS and your PERS and LEOFF Plan 2 benefits are suspended. If you have fifteen or more years of service credit in either system then you may not become a member in WSPRS. Your LEOFF Plan 2 benefit is suspended and you can work up to eight hundred sixty seven hours during the calendar year before your PERS benefit would be suspended.
PERS Plan 2 or 3 and SERS Plan 2 or 3	SERS	You can work up to eight hundred sixty seven hours during the calendar year in an eligible position before your SERS and PERS benefits would be suspended.
	PERS	You can work up to eight hundred sixty seven hours during the calendar year in an eligible position before your SERS and PERS benefits would be suspended.

Dual System Combination	Return to Work System	Outcome
	TRS	You can work up to eight hundred sixty seven hours during the calendar year in an eligible position before your SERS and PERS benefits would be suspended.
	LEOFF Plan 2	<p>If you have less than fifteen years of service credit in either system you retired from, then you are mandated into membership in LEOFF and your SERS and PERS benefits are suspended.</p> <p>If you have fifteen or more years of service credit in either system then you may not become a member in LEOFF Plan 2 and you can work up to eight hundred sixty seven hours during the calendar year in an eligible position before your SERS and PERS benefits would be suspended.</p>
	WSPRS	<p>If you have less than fifteen years of service credit in either system you retired from, then you are mandated into membership in WSPRS and your SERS and PERS benefits would be suspended.</p> <p>If you have fifteen or more years of service credit in either system then you may not become a member in WSPRS and you can work up to eight hundred sixty seven hours during the calendar year in an eligible position before your SERS and PERS benefits would be suspended.</p>
PERS Plan 2 or 3 and TRS Plan 1	SERS	You can work up to fifteen hundred hours during the fiscal year in an eligible position before your PERS and TRS benefits would be suspended.
	PERS	<p>If the position is at any educational institution in Washington state you can work up to fifteen hundred hours during the fiscal year before your PERS and TRS benefits would be suspended.</p> <p>If the position is not at an educational institution in Washington state, you can work unlimited hours without your PERS and TRS benefits being suspended.</p>
	TRS	You can work up to fifteen hundred hours during the fiscal year in an eligible position before your PERS and TRS benefits would be suspended.
	LEOFF Plan 2	If you have less than fifteen years of service credit in either system you retired from, then you are mandated into membership in LEOFF and your PERS and TRS benefits are suspended.

Dual System Combination	Return to Work System	Outcome
		If you have fifteen or more years of service credit in either system then you may not become a member in LEOFF Plan 2 and you can work unlimited hours without your PERS and TRS benefits being suspended.
	WSPRS	<p>If you have less than fifteen years of service credit in either system you retired from, then you are mandated into membership in WSPRS and your PERS and TRS benefits would be suspended.</p> <p>If you have fifteen or more years of service credit in either system then you may not become a member in WSPRS and you can work unlimited hours without your PERS and TRS benefits being suspended.</p>
PERS Plan 2 or 3 and TRS Plan 2 or 3	SERS	You can work up to eight hundred sixty seven hours during the calendar year in an eligible position before your PERS and TRS benefits would be suspended.
	PERS	You can work up to eight hundred sixty seven hours during the calendar year in an eligible position before your PERS and TRS benefits would be suspended.
	TRS	You can work up to eight hundred sixty seven hours during the calendar year in an eligible position before your PERS and TRS benefits would be suspended.
	LEOFF Plan 2	<p>If you have less than fifteen years of service credit in either system you retired from, then you are mandated into membership in LEOFF and your PERS and TRS benefits are suspended.</p> <p>If you have fifteen or more years of service credit in either system then you may not become a member in LEOFF Plan 2 and you can work up to eight hundred sixty seven hours during the calendar year in an eligible position before your PERS and TRS benefits would be suspended.</p>
	WSPRS	<p>If you have less than fifteen years of service credit in either system you retired from, then you are mandated into membership in WSPRS and your PERS and TRS benefits would be suspended.</p> <p>If you have fifteen or more years of service credit in either system then you may not become a member in WSPRS and you can work up to eight hundred sixty seven hours during the</p>

Dual System Combination	Return to Work System	Outcome
		calendar year in an eligible position before your PERS and TRS benefits would be suspended.
PERS Plan 2 or 3 and WSPRS	SERS	Your WSPRS benefit would not be suspended and you can work up to eight hundred sixty seven hours during the calendar year in an eligible position before your PERS benefit would be suspended.
	PERS	Your WSPRS benefit would not be suspended and you can work up to eight hundred sixty seven hours during the calendar year in an eligible position before your PERS benefit would be suspended.
PERS Plan 2 or 3 and WSPRS	TRS	Your WSPRS benefit would not be suspended and you can work up to eight hundred sixty seven hours during the calendar year in an eligible position before your PERS benefit would be suspended.
	LEOFF Plan 2	<p>If you have less than fifteen years of service credit in either system you retired from, then you are mandated into membership in LEOFF. Your PERS benefit is suspended but your WSPRS benefit would not be suspended.</p> <p>If you have fifteen or more years of service credit in either system then you may not become a member in LEOFF Plan 2. You can work up to eight hundred sixty seven hours during the calendar year in an eligible position before your PERS benefit would be suspended. Your WSPRS benefit would not be suspended.</p>
	WSPRS	<p>Your WSPRS benefit would be suspended and you are mandated back into membership.</p> <p>Your PERS benefit would be suspended until you terminate from WSPRS.</p>

~~(3) What is the nineteen hundred hour cumulative hour limit?~~

~~(a) This limit is applicable only to PERS Plan 1 retirees. It puts a lifetime limit on the number of hours that can be worked in an eligible position while still receiving a retirement allowance. This limit applies to all retirements in PERS Plan 1. Any hours reported by your employer as worked over eight hundred sixty seven up to fifteen hundred in a calendar year while receiving a retirement allowance are counted toward~~

~~the cumulative limit. Hours accumulated toward your lifetime post retirement employment limit from a previous retirement will continue to be counted in your new retirement.~~

~~(b) DRS will send out statements annually to any PERS Plan 1 retiree who accumulated any hours toward the nineteen hundred hour cumulative limit in the preceding calendar year. The statement will show the hours you have worked in the calendar year and the total hours you have worked since your retirement date. If there has been no activity in the calendar year, DRS will not issue a statement, even if there is an accumulated total from previous calendar years. See also WAC 415-02-130).~~

~~((4))~~ **(3) What hours ((are counted)) count toward the limit((s))?**

(a) Counted toward the eight hundred sixty-seven-hour limit((s)): All compensated hours that are worked ~~((for any DRS-covered employer))~~ in an eligible position covered by a DRS or higher education retirement plan, including the use of earned sick leave, vacation days, paid holidays, compensatory time, and cashouts of compensatory time.

(b) Not counted toward the hour limit((s)): Cashouts of unused sick and vacation leave.

~~((5))~~ **(4) What happens if I work ((over)) more than the annual ((or cumulative)) eight hundred sixty-seven-hour limit?**

(a) If you work more than the annual limit, your retirement benefit will be suspended. The suspension will be effective the day after you exceed the hour limit. DRS will prorate your retirement ((allowance)) benefit for the month in which you exceed the ((applicable)) hour limit. ((The suspension of your retirement allowance will be effective the day after the day in which you exceeded the applicable hour limit.

~~**(b) If your retirement allowance is suspended for exceeding the nineteen hundred hour cumulative work limit, all subsequent calendar years will be subject to the eight hundred sixty-seven hour annual limit.**~~

~~**((e)) (b) Your retirement ((allowance)) benefit will be restarted beginning the next calendar year (January) or the day after you terminate all eligible ((DRS-covered)) employment, whichever occurs first.**~~

~~**((d)) (c) DRS will recover any overpayments made to you for the month(s) in which you exceeded the work limit and received a retirement ((allowance)) benefit. See RCW [41.50.130](#).**~~

(5) What if I am a PERS Plan 2 or Plan 3 member and retired using the 2008 early retirement factors (ERFs)?

(a) If you retire using the 2008 ERFs and then return to work before age sixty-five:

(i) You will not receive your retirement benefit for any month in which you are an employee in a position covered by a

DRS or higher education retirement plan including, but not limited to, permanent, nonpermanent, project, temporary, eligible and ineligible positions.

(ii) You will not receive your retirement benefit for any month in which you earn compensation for service performed as a contractor, or as the result of service performed by those in your employ, for an employer covered by a DRS or higher education retirement plan.

(iii) Your retirement benefit will stop effective the first day of the month you return to work and will restart the first day of the month after you stop working.

(6) Can I return to PERS membership?

(a) If you ~~((are a PERS retiree))~~ retire from PERS, you have the option to return to membership if you are employed by a PERS employer and meet the eligibility criteria. The option to return to membership is prospective from the first day of the month following the month in which you request to return to membership. See RCW [41.40.023](#)(12).

(b) If you reenter PERS membership and later choose to retire again, DRS will recalculate your retirement ~~((allowance))~~ benefit under the applicable statutes and regulations. See WAC 415-108-830. You will be subject to the return to work rules in place at the time of your reretirement. ~~((If you are a PERS Plan 1 member you will also be entitled to a new nineteen hundred hour cumulative hour limit. You will be subject to the return to work rules, including the nineteen hundred hour lifetime limit described in subsection (3) of this section, in place at the time of your retirement.))~~

(c) If you are a retiree from another retirement system ~~((that))~~ administered by DRS ~~((administers))~~, you may choose to enter PERS membership if you are eligible. See WAC 415-108-725. The option to enter membership is prospective from the first day of the month following the month in which you request membership. See RCW [41.40.270](#) and [41.40.023](#).

(7) What if I retired from PERS and another DRS retirement system?

(a) If you retired from PERS using the 2008 ERFs and another DRS retirement system, and are under age sixty-five:

(i) Your PERS retirement benefit will be impacted as described in subsection (5) of this section.

(ii) The retirement benefit from the other DRS retirement system will be impacted based on the rules for that system.

(b) If you retired from PERS and another DRS retirement system without using the 2008 ERFs, or using the 2008 ERFs and have reached age sixty-five, see WAC 415-113-300 to determine the effect of returning to work.

Note: You may have a choice of returning to membership. See the following WAC sections for more information: WAC 415-108-725, 415-110-725, 415-112-546, 415-106-725, and 415-104-111.

(8) Terms used.

- (a) 2008 Early retirement factors (ERFs) - RCW 41.40.630 (3)(b) for PERS Plan 2 or RCW 41.40.820 (3)(b) for PERS Plan 3.
- (b) Accrual date - RCW 41.40.193, 41.40.680, 41.40.801.
- ~~((b) Acronyms used:~~
- ~~(i) LEOFF: Law enforcement officers' and firefighters' retirement system.~~
- ~~(ii)) (c) PERS: Public employees' retirement system.~~
- ~~((iii) SERS: School employees' retirement system.~~
- ~~(iv) TRS: Teachers' retirement system.~~
- ~~(v) WSPRS: Washington state patrol retirement system.~~
- ~~(e) Calendar day - WAC 415-02-030.))~~
- (d) Elected official - WAC 415-108-550.
- (e) Eligible position - RCW 41.40.010((+25)); WAC 415-108-680 through 415-108-700.
- ~~((+e)) (f) Ineligible position - RCW 41.40.010((+26)).~~
- ~~((f) Law enforcement officer - RCW 41.26.030(3).))~~
- (g) Month - Calendar month as defined in WAC 415-02-030.
- (h) Public institution of higher education - RCW 28B.10.400.
- (i) Membership - RCW 41.40.023.

AMENDATORY SECTION (Amending WSR 04-04-037, filed 1/29/04, effective 3/1/04)

WAC 415-110-710 What are the ~~((SERS retiree))~~ return to work rules for SERS Plan 2 and Plan 3?

(1) How soon can I return to work after I retire without impacting my SERS retirement benefit?

~~((There is no required waiting period to return to work if))~~ You may begin working immediately after you retire without impacting your SERS retirement benefit if:

- (i) You go to work for a private employer;
- (ii) You are ~~((a bona fide))~~ an independent contractor as defined in WAC 415-02-110; or
- (iii) Your only employment is as an elected official ~~((of a city or town))~~ and you end your SERS membership under RCW 41.35.030 (2)(b).

(b) If you retire and then return to work sooner than thirty consecutive calendar days from your accrual date (effective retirement date), your monthly retirement ~~((allowance))~~ benefit will be reduced in accordance with RCW 41.35.060(1) until you ~~((separate))~~ remain absent for at least thirty consecutive calendar days.

(c) If you (~~wait~~) retire and remain absent at least thirty consecutive calendar days from your accrual date, you may return to work in any position (eligible(~~(7)~~) or ineligible(~~(7~~ temporary, etc.)) for any employer whose retirement plan is administered by the department of retirement systems (DRS) or a public institution of higher education, without impacting your SERS retirement benefit until you reach your applicable hour limit.

Example: Amy's last day at work for the ABC school district is June 19, 2015, and her official retirement date is September 1, 2015, (when she starts getting her monthly benefit). She wants to return to work at the start of the new school year on September 8, 2015. She needs to wait thirty consecutive calendar days from her September 1st retirement date before returning to work. If she returns to work before October 1st, her benefit will be reduced until she meets the required thirty-day break from employment.

(2) **What is the annual hour limit?** (~~After you meet the thirty day waiting period~~) Except as provided in subsection (5) of this section regarding the 2008 early retirement factors (ERFs), after being absent at least thirty consecutive calendar days as described in subsection (1)(c) of this section, (~~there are different annual hour limits that apply to you based on what kind of~~) your annual hour limit will be based on the position you return to.

(a) **No limit.** You (~~can~~) may work as many hours as you want without affecting your retirement (~~allowance~~) benefit if you work:

(i) ~~In (~~an ineligible position;~~~~

~~(ii) As a retiree returning as an active member of a) a position that is not eligible for membership in a DRS or higher education retirement plan;~~

~~((~~iii~~)) (ii) As (~~a bona fide~~) an independent contractor;~~

~~((~~iv~~)) (iii) For a private employer; or~~

~~((~~v~~)) (iv) If you end your SERS membership as an elected official (~~of a city or town~~) under RCW [41.35.030](#) (2)(b).~~

(b) **Eight hundred sixty-seven-hour limit.** You may work up to eight hundred sixty-seven hours (~~in an eligible position as defined in RCW [41.32.010](#)(37), [41.35.010](#)(22), or [41.40.010](#)(25), or as a firefighter or law enforcement officer, as defined in RCW [41.26.030](#) (3) and (4),)~~ in a calendar year, in a position which is eligible for membership in a DRS or public institution of higher education retirement plan, before your retirement (~~allowance~~) benefit is suspended.

~~((c) If you are retired from SERS and another DRS retirement system, refer to the table below to determine the effect of returning to work:~~

Dual System Combination	Return to Work System	Outcome
SERS Plan 2 or 3 and LEOFF Plan 2	SERS	Your LEOFF Plan 2 monthly retirement allowance would be suspended and you can work up to eight hundred sixty seven hours during the calendar year in an eligible position before your SERS monthly retirement allowance would be suspended.
	PERS	Your LEOFF Plan 2 monthly retirement allowance would be suspended and you can work up to eight hundred sixty seven hours during the calendar year in an eligible position before their SERS monthly retirement allowance would be suspended.
	TRS	Your LEOFF Plan 2 monthly retirement allowance would be suspended and you can work up to eight hundred sixty seven hours during the calendar year in an eligible position before your SERS monthly retirement allowance would be suspended.
	LEOFF Plan 2	<p>Your LEOFF Plan 2 monthly retirement allowance would be suspended and you would be mandated back into LEOFF Plan 2 membership.</p> <p>Your SERS monthly retirement allowance would be suspended until you terminate from LEOFF Plan 2.</p>
	WSPRS	<p>If you have less than fifteen years of service credit in either system you are retired from, then you are mandated into membership in WSPRS and your SERS and LEOFF Plan 2 monthly retirement allowances are suspended.</p> <p>If you have fifteen or more years of service credit in either system then you may not become a member in WSPRS. Your LEOFF Plan 2 monthly retirement allowance is suspended and you can work up to eight hundred sixty seven hours during the</p>

Dual System Combination	Return to Work System	Outcome
		calendar year before your SERS monthly retirement allowance would be suspended.
SERS Plan 2 or 3 and PERS Plan 2 or 3	SERS	You can work up to eight hundred sixty-seven hours during the calendar year in an eligible position before your SERS and PERS monthly retirement allowances would be suspended.
	PERS	You can work up to eight hundred sixty-seven hours during the calendar year in an eligible position before your SERS and PERS monthly retirement allowances would be suspended.
	TRS	You can work up to eight hundred sixty-seven hours during the calendar year in an eligible position before your SERS and PERS monthly retirement allowances would be suspended.
	LEOFF Plan 2	<p>If you have less than fifteen years of service credit in either system you retired from, then you are mandated into membership in LEOFF and your SERS and PERS monthly retirement allowances are suspended.</p> <p>If you have fifteen or more years of service credit in either system then you may not become a member in LEOFF Plan 2 and you can work up to eight hundred sixty seven hours during the calendar year in an eligible position before your SERS and PERS monthly retirement allowances would be suspended.</p>
	WSPRS	<p>If you have less than fifteen years of service credit in either system you retired from, then you are mandated into membership in WSPRS and your SERS and PERS monthly retirement allowances would be suspended.</p> <p>If you have fifteen or more years of service credit in either system then you may not become a member in WSPRS and you can work up to eight hundred sixty seven hours during the calendar year in an eligible position before your SERS and PERS</p>

Dual System Combination	Return to Work System	Outcome
		monthly retirement allowance would be suspended.
SERS Plan 2 or 3 and TRS Plan 1	SERS	You can work up to fifteen hundred hours during the fiscal year in an eligible position before your SERS and TRS monthly retirement allowances would be suspended.
	PERS	<p>If the position is at any educational institution in Washington state you can work up to fifteen hundred hours during the fiscal year before your SERS and TRS monthly retirement allowances would be suspended.</p> <p>If the position is not at an educational institution in Washington state, you can work unlimited hours without your SERS or TRS monthly retirement allowance being suspended.</p>
	TRS	You can work up to fifteen hundred hours during the fiscal year in an eligible position before your SERS and TRS monthly retirement allowances would be suspended.
	LEOFF Plan 2	<p>If you have less than fifteen years of service credit in either system you retired from, then you are mandated into membership in LEOFF and your SERS and TRS monthly retirement allowances are suspended.</p> <p>If you have fifteen or more years of service credit in either system then you may not become a member in LEOFF Plan 2 and you can work unlimited hours without your SERS and TRS monthly retirement allowances being suspended.</p>
	WSPRS	<p>If you have less than fifteen years of service credit in either system you retired from, then you are mandated into membership in WSPRS and your SERS and PERS monthly retirement allowances would be suspended.</p> <p>If you have fifteen or more years of service credit in either system then you may not become a member in WSPRS and you can</p>

Dual System Combination	Return to Work System	Outcome
		work up to eight hundred sixty seven hours during the calendar year in an eligible position before their SERS and PERS monthly retirement allowance would be suspended.
SERS Plan 2 or 3 and TRS Plan 2 or 3	SERS	You can work up to eight hundred sixty seven hours during the calendar year in an eligible position before your SERS and TRS monthly retirement allowances would be suspended.
	PERS	You can work up to eight hundred sixty seven hours during the calendar year in an eligible position before your SERS and TRS monthly retirement allowances would be suspended.
	TRS	The retiree can work up to eight hundred sixty seven hours during the calendar year in an eligible position before their SERS and TRS monthly retirement allowances would be suspended.
	LEOFF Plan 2	<p>If you have less than fifteen years of service credit in either system you retired from, then you are mandated into membership in LEOFF and your SERS and TRS monthly retirement allowances are suspended.</p> <p>If you have fifteen or more years of service credit in either system then you may not become a member in LEOFF Plan 2 and you can work up to eight hundred sixty seven hours during the calendar year in an eligible position before your SERS and TRS monthly retirement allowances would be suspended.</p>
	WSPRS	<p>If you have less than fifteen years of service credit in either system you retired from, then you are mandated into membership in WSPRS and your SERS and PERS monthly retirement allowances would be suspended.</p> <p>If you have fifteen or more years of service credit in either system then you may not become a member in WSPRS and you can work up to eight hundred sixty seven hours</p>

Dual System Combination	Return to Work System	Outcome
		during the calendar year in an eligible position before your SERS and PERS monthly retirement allowances would be suspended.
SERS Plan 2 or 3 and WSPRS	SERS	Your WSPRS monthly retirement allowance would not be suspended and you can work up to eight hundred sixty seven hours during the calendar year in an eligible position before your SERS monthly retirement allowance would be suspended.
	PERS	Your WSPRS monthly retirement allowance would not be suspended and you can work up to eight hundred sixty seven hours during the calendar year in an eligible position before your SERS monthly retirement allowance would be suspended.
	TRS	Your WSPRS monthly retirement allowance would not be suspended and you can work up to eight hundred sixty seven hours during the calendar year in an eligible position before your SERS monthly retirement allowance would be suspended.
	LEOFF Plan 2	<p>If you have less than fifteen years of service credit in either system you retired from, then you are mandated into membership in LEOFF. Your SERS monthly retirement allowance is suspended but your WSPRS monthly retirement allowance would not be suspended.</p> <p>If you have fifteen or more years of service credit in either system then you may not become a member in LEOFF Plan 2. You can work up to eight hundred sixty seven hours during the calendar year in an eligible position before your SERS monthly retirement allowance would be suspended.</p>
	WSPRS	Your WSPRS monthly retirement allowance would be suspended and you are mandated back into membership.

Dual System Combination	Return to Work System	Outcome
		Your SERS monthly retirement allowance would be suspended until you terminate from WSPRS.)

(3) **What hours (~~(are counted)~~) count toward the limit(~~(s)~~)?**

(a) **Counted toward the eight hundred sixty-seven hour limit(~~(s)~~)**: All compensated hours that are worked (~~(for any DRS-covered employer)~~) in an eligible position covered by a DRS or higher education retirement plan, including the use of earned sick leave, vacation days, paid holidays, compensatory time, and cashouts of compensatory time.

(b) **Not counted toward the hour limit(~~(s)~~)**: Cashouts of unused sick and vacation leave.

(4) **What happens if I work (~~(ever)~~) more than the annual eight hundred sixty-seven hour limit?**

(a) If you work more than the annual limit, your retirement benefit will be suspended. The suspension will be effective the day after you exceed the hour limit. DRS will prorate your retirement (~~(allowance)~~) benefit for the month in which you exceed the limit. (~~(The suspension will be effective the day after the day in which you exceeded the hour limit.)~~)

(b) Your retirement (~~(allowance)~~) benefit will be restarted beginning (~~(with)~~) the next calendar year (January) or the day after you terminate all eligible (~~(DRS-covered)~~) employment, whichever occurs first.

(c) DRS will recover any overpayments made to you for the month(s) in which you exceeded the hour limit and received a retirement (~~(allowance)~~) benefit. See RCW [41.50.130](#).

(5) **What if I retired using the 2008 early retirement factors (ERFs)?**

(a) If you retire using the 2008 ERFs and then return to work before age sixty-five:

(i) You will not receive your retirement benefit for any month in which you are an employee in a position covered by a DRS or higher education retirement plan including, but not limited to, permanent, nonpermanent, project, temporary, eligible and ineligible positions.

(ii) You will not receive your retirement benefit for any month in which you earn compensation for service performed as a contractor, or as the result of service performed by those in your employ, for an employer covered by a DRS or higher education retirement plan.

(iii) Your retirement benefit will stop effective the first day of the month you return to work and will restart the first day of the month after you stop working.

(b) If you retire using the 2008 ERFs and then return to work at or after age sixty-five, you can work under the rules described in subsections (2) and (3) of this section.

(6) **Can I return to SERS membership?**

(a) ~~((If you are a SERS retiree,))~~ If you retire from SERS, you have the option to return to membership if you are employed by a SERS employer and meet the eligibility criteria. The option to return to membership is prospective from the first day of the month following the month in which you request to return to membership. See RCW [41.35.030](#)(3).

(b) If you reenter SERS membership and later choose to retire again, DRS will recalculate your retirement ~~((allowance))~~ benefit under the applicable statutes and regulations. See WAC [415-110-830](#). You will be subject to the return to work rules in place at the time of your reretirement.

(c) If you are a retiree from another retirement system ~~((that))~~ administered by DRS ~~((administers))~~, you may choose to enter SERS membership if you are eligible. See WAC [415-110-725](#). The option to ~~((return to))~~ enter membership is prospective from the first day of the month following the month in which you request ~~((to return to))~~ membership. See RCW [41.04.270](#) and [41.35.030](#).

~~((+6))~~ (7) **What if I retired from SERS and another DRS retirement system?**

(a) If you retired from SERS using the 2008 ERFs and another DRS retirement system and are under age sixty-five:

(i) Your SERS retirement benefit will be impacted as described in subsection (5) of this section.

(ii) The retirement benefit from the other DRS retirement system will be impacted based on the rules for that system.

(b) If you retired from SERS and another DRS retirement system without using the 2008 ERFs, or using the 2008 ERFs and have reached age sixty-five, see WAC [415-113-300](#) to determine the effect of returning to work.

Note: You may have a choice of returning to membership. See the following WAC sections for more information: WAC [415-108-725](#), [415-110-725](#), [415-112-546](#), [415-106-725](#), and [415-104-111](#).

(8) **Terms used.**

(a) 2008 Early retirement factors (ERFs) - RCW [41.35.420](#) (3)(b) for SERS Plan 2, or RCW [41.35.680](#) for SERS Plan 3.

(b) Accrual date - RCW [41.35.450](#), [41.35.640](#).

~~((b) Acronyms used:~~

~~(i) LEOFF: Law enforcement officers' and firefighters' retirement system.~~

~~(ii) PERS: Public employees' retirement system.~~

~~(iii) SERS: School employees' retirement system.~~

~~(iv) TRS: Teachers' retirement system.~~

~~(v) WSPRS: Washington state patrol retirement system.)~~

~~(c) ((Calendar day — WAC 415-02-030.)) Elected official - WAC 415-110-550.~~

~~(d) Eligible position - RCW ((41.35.060(2))) 41.35.010; WAC 415-110-680 through 415-110-700.~~

~~(e) Ineligible position - RCW 41.35.010((+23)).~~

~~(f) ((Law enforcement officer — RCW 41.26.030(3).~~

~~(g)) Member - RCW 41.35.010((+5)).~~

~~(g) Month - Calendar month as defined in WAC 415-02-030.~~

~~(h) Public institution of higher education - RCW 28B.10.400.~~

~~(i) SERS - School employees' retirement system.~~

AMENDATORY SECTION (Amending WSR 02-02-060, filed 12/28/01, effective 1/1/02)

WAC 415-112-525 ((How soon can I return to work as a retiree?)) What are the return to work rules for TRS Plan 1, Plan 2, and Plan 3?

~~((1) If you return to work sooner than one full calendar month after your accrual date, your retirement allowance will be reduced by 5.5% for every seven hours worked during the month until you separate from all employment for one full calendar month. See RCW 41.32.570 (TRS Plan 1), 41.32.802 (TRS Plan 2), or 41.32.862 (TRS Plan 3).~~

Example 1:

~~Dave's last day of work is September 15th. He has no agreement to return to work. His accrual date is October 1st. If Dave wants to return to work after he retires, he will need to wait until at least November 1st to avoid receiving the daily percentage reduction in his retirement allowance.~~

Example 2:

~~Brian's last day of work is September 15th. He has no agreement to return to work. His accrual date is October 1st. Brian subsequently is asked to work for five seven hour work days between October 10th and October 17th. On November 1st, Brian's retirement allowance will be reduced by five and one-half percent for every seven hours worked during October. (RCW 41.32.570.) On December 1st, he will qualify for his full retirement benefit. Brian will also qualify to return to work under the work limits described in WAC 415-112-540(2).~~

Example 3:

~~Joe's last day of work is September 15th. He has no agreement to return to work. His accrual date is October 1st.~~

~~Joe then returns to work on October 10th and continues working. Joe's retirement benefit will be reduced by 5.5% for each seven hours he works. Joe's benefit reduction will accrue up to one hundred forty hours per month. If he stops working, his full retirement benefit will resume after he remains separated for one full calendar month. Any benefit reduction over one hundred percent will be applied to Joe's allowance in subsequent months.~~

~~(2) If you have a written agreement to return to work before your accrual date, and in fact return to work, you have not entered retirement status. See WAC 415-112-515. In this case, you are not a retiree, and the 5.5% reduction in subsection (1) of this section does not apply.~~

Example 4:

~~Teri's last day of work is September 15th. Her accrual date would ordinarily be on October 1st. However, on September 18th, Teri signed an agreement to work for one day in October. Teri signed the agreement prior to her accrual date. Under WAC 415-112-515 she is not a retiree, and not eligible for her retirement benefits. In addition, the 5.5% reduction does not apply. Teri's accrual date will now be November 1st, as long as she did not have any other agreements to work.~~

~~**Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed:~~

~~(a) "Accrual date" — WAC 415-112-520; RCW [41.32.795](#), [41.32.855](#).~~

~~(b) "Eligible position" — RCW [41.40.010](#), [41.32.010](#) (37)(a), [41.35.010](#)(22).~~

~~(c) "Employer" — RCW [41.32.010](#)(11).)) (1) How soon can I return to work after I retire without impacting my TRS retirement benefit?~~

~~(a) You may begin working immediately after you retire without impacting your TRS retirement benefit if:~~

~~(i) You go to work for a private employer;~~

~~(ii) You are an independent contractor as defined in WAC 415-02-110; or~~

~~(iii) You are a TRS Plan 1 retiree, your only employment is as an elected official, and you end your TRS membership under RCW [41.32.263](#).~~

~~(b) If you retire and then return to work for a public employer except as provided in (a) of this subsection, sooner than thirty consecutive calendar days from your accrual date (effective retirement date), your retirement allowance will be reduced until you remain absent for at least thirty consecutive calendar days. See RCW [41.32.570](#) (TRS Plan 1), [41.32.802](#) (TRS Plan 2), or [41.32.862](#) (TRS Plan 3).~~

~~(c) If you retire and remain absent at least thirty consecutive calendar days from your accrual date, you may return~~

to work in any position (eligible or ineligible) for any employer whose retirement plan is administered by the department of retirement systems (DRS) or a public institution of higher education, without impacting your TRS retirement benefit until you reach your applicable hour limit.

(d) **Examples:**

(i) **Return to work with no reduction**

Casey's last day of work is January 20th. Her accrual date (effective retirement date) is February 1st, and there are 28 days in February. If Casey wants to return to work for a public employer after she retires, she will need to wait until at least March 3rd to avoid the daily percentage reduction in her retirement allowance.

(ii) **Return to work before thirty day waiting period ends**

Brian's last day of work is September 1st. His accrual date (effective retirement date) is October 1st. Brian returns to work October 10 through October 17th. In November, Brian's retirement allowance will be reduced by 5.5% for every seven hours worked during October. Brian's new thirty day wait period would be October 18th through November 16th.

(2) **What is the annual hour limit?** Except as provided in subsection (5) of this section regarding the 2008 early retirement factors, after being absent at least thirty consecutive calendar days as described in subsection (1)(c) of this section, your annual hour limit will be based on the position you return to.

(a) **No limit.** You may work as many hours as you want without affecting your retirement benefit if:

(i) You go to work for a private employer;

(ii) You are an independent contractor as defined in WAC 415-02-110; or

(iii) You are a TRS Plan 1 retiree, and:

(A) Your only employment is as an elected official, and you end your TRS membership under RCW [41.32.263](#); or

(B) You go to work for a nonpublic educational institution.

(iv) You are a TRS Plan 2 or Plan 3 member working as an on-call substitute teacher.

(b) **Eight hundred sixty-seven-hour limit.** You may work up to eight hundred sixty-seven hours in a year (July through June for TRS Plan 1, January through December for TRS Plan 2) before your retirement benefit is suspended.

(3) **What hours count toward the limit?**

(a) **Counted toward the eight hundred sixty-seven-hour limit:** All compensated hours that are worked in an eligible position, including the use of earned sick leave, vacation days, paid holidays, compensatory time, and cashouts of compensatory time.

(b) **Not counted toward the hour limit:** Cashouts of unused sick and vacation leave.

(4) **What happens if I work more than the annual eight hundred sixty-seven-hour limit?**

(a) If you work more than the annual limit, your retirement benefit will be suspended. The suspension will be effective the day after you exceed the hour limit. DRS will prorate your retirement benefit for the month in which you exceed the limit.

(b) Your retirement benefit will be restarted beginning the next year (July for TRS Plan 1, January for TRS Plan 2 or Plan 3) or the day after you terminate all eligible employment, whichever occurs first.

(c) DRS will recover any overpayments made to you for the month(s) in which you exceeded the hour limit and received a retirement benefit. See RCW [41.50.130](#).

(5) **What if I am a TRS Plan 2 or Plan 3 member and retired using the 2008 early retirement factors (ERFs)?**

(a) If you retire using the 2008 ERFs and then return to work before age sixty-five:

(i) You will not receive your retirement benefit for any month in which you are an employee in a position covered by a DRS or higher education retirement plan including, but not limited to, permanent, nonpermanent, project, temporary, eligible and ineligible positions.

(ii) You will not receive your retirement benefit for any month in which you earn compensation for service performed as a contractor, or as the result of service performed by those in your employ, for an employer covered by a DRS or higher education retirement plan.

(iii) Your retirement benefit will stop effective the first day of the month you return to work and will restart the first day of the month after you stop working.

(b) If you retire using the 2008 ERFs, upon reaching age sixty-five you can work under the rules described in subsections (2) and (3) of this section.

(6) **Can I return to TRS membership?**

(a) You may choose to return to membership if you are employed by a public educational institution and are otherwise eligible. Membership will be prospective from the first day of the month following the month in which you request to return to membership. See RCW [41.32.044](#).

(b) If you reenter TRS membership and later choose to retire again, DRS will recalculate your retirement benefit under the applicable statutes and regulations. You will be subject to the return to work rules in place at the time of your reretirement.

(c) If you are a retiree from another retirement system administered by DRS, you may choose to enter TRS membership if you are eligible. See WAC 415-112-546. The option to enter membership is prospective from the first day of the month following the month in which you request membership. See RCW 41.04.270 and 41.35.030.

(7) What if I retired from TRS and another DRS retirement system?

(a) If you retired from TRS using the 2008 ERFs and another DRS retirement system, and are under age sixty-five:

(i) Your TRS retirement benefit will be impacted as described in subsection (5) of this section.

(ii) The retirement benefit from the other DRS retirement system will be impacted based on the rules for that system.

(b) If you retired from TRS and another DRS retirement system without using the 2008 ERFs, or using the 2008 ERFs and have reached age sixty-five, see WAC 415-113-300 to determine the effect of returning to work.

Note: You may have a choice of returning to membership. See the following WAC sections for more information: 415-108-725, 415-110-725, 415-112-546, 415-106-725, and 415-104-111.

(8) Terms used.

(a) "Accrual date" - WAC 415-112-520; RCW 41.32.795, 41.32.855.

(b) "Eligible position" - RCW 41.32.010.

(c) "Employer" - RCW 41.32.010.

(d) "Year."

(i) For TRS Plan 1, a "year" is July 1st through June 30th.

(ii) For TRS Plan 2 and Plan 3, a "year" is January 1st through December 31st.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 415-112-541 How will returning to work affect my TRS Plan 1 monthly pension?

WAC 415-112-542 How will returning to work affect my TRS Plan 2 or Plan 3 monthly retirement allowance?

EMPLOYMENT AFTER RETIREMENT

NEW SECTION

WAC 415-113-300 How is my benefit affected if I return to work after retiring from multiple DRS retirement systems?

(1) If you retired using the 2008 early retirement factors (ERFs) and return to work for a DRS employer before age sixty-five, your retirement benefit(s) based on the 2008 ERFs will be immediately suspended. Any benefit(s) not based on the 2008 ERFs will be subject to rules for that system.

(2) If you are retired from multiple DRS systems and return to work for a DRS employer, your benefits will be affected according to rules of each respective system with the following exception:

If one of the systems you retired from is TRS Plan 1, your annual hourly limit for all your systems will be counted using a fiscal year (July through June).

See WAC 415-108-710 (PERS), 415-110-710 (SERS), 415-112-541 (TRS Plan 1), 415-112-541 (TRS Plan 2 and Plan 3), 415-106-700 (PSERS), RCW [41.26.500](#) (LEOFF Plan 2), [43.43.130](#) (WSPRS).

(3) Term used.

Employer - See WAC 415-02-030.