



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: June 25, 2020

TIME: 10:22 AM

WSR 20-14-040

Agency: Department of Retirement Systems

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: Washington State Patrol Retirement System, Reportable Compensation – To implement [Chapter 97, Laws of 2020 \(SB 6218\)](#), modifying the definition of salary for Washington State Patrol Retirement System Plan 1 members who entered the system on or after July 1, 2001, to include lump sum payments for holiday pay and unused vacation leave for the purpose of calculating pension benefits.

Citation of rules affected by this order:

New:

Repealed:

Amended: WAC 415-103-100

Suspended:

Statutory authority for adoption: RCW 41.50.050

Other authority:

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as [WSR 20-11-080](#) on [May 20, 2020](#) (date).

Describe any changes other than editing from proposed to adopted version: No changes, the text being adopted is identical to the text as proposed.

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

Name:

Address:

Phone:

Fax:

TTY:

Email:

Web site:

Other:

**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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	<u>1</u>	Repealed	___

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

New	___	Amended	___	Repealed	___
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The number of sections adopted on the agency's own initiative:

New	___	Amended	___	Repealed	___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

New	___	Amended	<u>1</u>	Repealed	___
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The number of sections adopted using:

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	___	Repealed	___

Date Adopted: June 25, 2020

Name: Tracy Guerin

Title: Director

Signature:



AMENDATORY SECTION (Amending WSR 17-20-036, filed 9/28/17, effective 10/29/17)

WAC 415-103-100 Are payments I receive reportable compensation?

The following table will help you determine whether certain types of payments are reportable compensation. The department determines reportable compensation based upon the nature of the payment, not the name applied. See "salary" as defined in RCW 43.43.120.

Type of Payment	Commission Date: Prior to (7/1/2001) <u>1/1/2003</u>	Commission Date: On or after (7/1/2001) <u>1/1/2003</u>
Overtime related to RCW 47.46.040 or voluntary overtime, earned prior to 7/1/2001	Yes	(No) <u>N/A</u>
Overtime related to RCW 47.46.040 or voluntary overtime, earned on or after 7/1/2001 and before 7/1/2017	No	No
Overtime up to 70 hours per year ¹ in total related to either RCW 47.46.040 or voluntary overtime, earned on or after 7/1/2017 ²	Yes	Yes
Overtime in excess of 70 hours per year ¹ in total related to either RCW 47.46.040 or voluntary overtime, earned on or after 7/1/2017	No	No
Fringe benefits including, but not limited to, any type of insurance, or contributions for insurance, such as medical, dental, or life insurance, for members and/or their dependents	No	No
Lump sum payments for:		
Deferred annual sick leave ³	No	No
Unused accumulated annual leave - 240 hour maximum ⁴	Yes	No
Holiday pay - 80 hour maximum	Yes	No

¹ "Year" means "state fiscal year," which is the twelve-month period that begins on July 1st and ends on June 30th of the next calendar year.

² The combined total of overtime included in the average final salary, related to either RCW 47.46.040 or voluntary overtime, may not exceed one hundred forty hours for WSPRS Plan 1, or three hundred fifty hours for WSPRS Plan 2.

³ See also RCW 41.04.340(4).

⁴ See also RCW 43.43.263, 43.01.040 and 43.01.044.