



DRS Rule-making Update

May 18, 2022

Issue

- **DRS and the LEOFF 2 Board continue to coordinate on rule-making related to LEOFF 2 members and employers**

Background

- **Washington Administrative Code (WAC)**
- **State agencies adopt rules to implement state and federal law, case law, agency practice**
- **The legal requirements for rule-making are found in the Administrative Procedure Act, chapter 34.05 RCW**

Typical Rule-Making Process

1. File preproposal statement of inquiry (CR-101)
2. Draft the rule
3. File notice of proposed rule-making (CR-102)
4. File a rule-making order to adopt the rule (CR-103)

DRS/LEOFF 2 Process

- Identify potential rule-making topics
- Bring potential rule-making topics to monthly meetings
- Determine if rule-making is necessary
 - Collaborative discussions between DRS leadership, DRS subject matter experts, and LEOFF 2 Board staff
- Draft rules sent to LEOFF 2 Board for review and comment

2022 Rules

- **LEOFF 2 catastrophic duty disability**: To update the process for periodic reviews to assess continued eligibility for catastrophic duty disability benefits
 - Effective April 23, 2022
- **LEOFF 2 return from disability**: To clarify the process when a LEOFF 2 disability retiree returns to work
 - Effective: February 27, 2022
- **Survivor option changes**: To implement SB 6417 (2020), allowing members to change their survivor option one time within 90 calendar days following receipt of the first retirement benefit
 - Effective: January 8, 2022

Active Rule-Making

- **LEOFF 2 disability survivor option changes**: To clarify survivor options when a LEOFF 2 member's disability status changes
 - Hearing: May 10, 2022
- **LEOFF 2 career choice**: To clarify options for LEOFF 2 retirees returning to work in non-LEOFF membership as part of the career choice law
 - CR-101 filed on May 10, 2022

Rules in Discussion

- Definition of “firefighter”
- Holiday leave cash out
- Non-duty disability insurance



Thank You

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