

**From:** [Barry Pomeroy](#)  
**To:** [LEOFF Reception \(LEOFF\)](#)  
**Subject:** Request for board opinion & intervention.  
**Date:** Monday, October 23, 2023 2:42:57 PM

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External Email

Hello,

My name is Barry Pomeroy and I am a member of IAFF Local 46, and Fire Captain on disability leave from the Everett Fire Department. While researching retirement options this year, I have discovered some troubling rule interpretations through written and verbal communications with DRS staff. A few of these will affect my retirement substantially, and a few will not, but I was aghast to learn of the negative implications to LEOFF plan 2 members. I will cite my concerns and suggest a resolution that only the board has the authority or ability to pursue. These issues are critical considering the injuries, illnesses, and stress of COVID related changes to our professions.

1. Members who are disabled and must retire early are not being given full credit for their EARNED service. If a member is disabled off duty, DRS has changed their rules incrementally over the past 7 years and now immorally applies a benefit reduction factor to their EARNED pension service. I know they say it's because a member will draw for a longer period of time, however, they're disabled! Loss of income earning potential is terrible enough at a critical point in their lives! Why in the world would we not give members full-credit for time served when disabled for ANY reason?! A partial career length benefit also takes a smaller amount of money out of the benefit fund anyway, and will not make or break the fund. Consider that these are vulnerable members! Why would we agree to reduce the amount of any earned pension years of service? This is unjust considering the plethora of long term mental, emotional, and physical affects of this job, and worse to do it to members incapable of continuing to work on the job.

**Please discuss and instruct DRS to change their rule to provide full service credit pension calculations without reduction factors for all disabled members who are forced off the job early.** Please also consider applying the full credit standard to all early retirements due to the harsh working conditions and onerous demands that police and fire are living with during and after Covid.

2. Dual plan members who are retiring with a Duty-Disability can combine service credits to be eligible to retire from both plans, however, DRS will then re-segregate the service credits and apply an unfair Reduction factor to the non plan 2 service credits in the amount of years prior to that plan's usual retirement age. For LEOFF members, this denial of full credit cancels out those years of service if a FF or LEO who is injured on the job. The opinion of a DRS planner is that if PSERS doesn't have a disability retirement, then it doesn't matter if you get disabled from your current pension plan. You either have to withdraw a lump sum, or wait (13 years in my case) for full credit in my pension amount.

**Please discuss and direct the DRS to apply a reasonable rule that service credits remain combined, and that the combined amount of service credits uses the FAC in total (current practice) but Remove the cross plan early retirement factor for duty-disability retirements.**

3. DRS is not have a rule that LEOFF employers who are self-insured for L&I must report your total compensation during workers comp disability injuries as part of our Final Average Compensation. Instead, when on disability prior to DRS retirement, employers are being allowed to simply enter your labor contract base pay for rank. Even L&I rules state that employers must make us whole for missed earning potential based on our prior service levels and performance while one disability. Final average compensation includes our combined sick-leave through the employer and the L&I income replacement (a percentage split) that makes us whole. DRS is not requiring that compensation be reported as paid and documentation is easily verifiable.

**Please discuss and direct DRS to include total Final Average Compensation as actually paid to LEOFF members on disability via the employer & L&I (or self insured plan managers.)**

Thank you for your time. In this time of looking for member incentives, return to work options, and recruiting challenges, these issues may also work well in discussions for attracting employees and retaining employees as possible at the state programs level.

Respectfully,  
Barry Pomeroy  
1fireguy@whidbey.com  
206-321-7997

This e-mail address may have a response within 24 hours. Please contact me via mobile phone if you need a more immediate response.

**From:** [Roy Orlando](#)  
**To:** [Nelsen, Steve \(LEOFF\)](#)  
**Cc:** [Valencia, Tim \(LEOFF\)](#)  
**Subject:** Surviving Spouse Benefits  
**Date:** Monday, October 30, 2023 4:53:47 PM

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External Email

Hi Steve,

After our phone conversation today I attempted to email the LEOFF 2 Board using the web site. I was not able to send the email we discussed using Windows Live Mail. I've included the email I wrote below. Would you please see to it that the Board receives my request for a legislative remedy? If I need to do anything else to get my request to the Board please let me know.

Thanks,  
Roy Orlando

LEOFF-2 Board Members,

The surviving spouse of a Line of Duty Death Firefighter has been denied the presumptive death benefit. I urge the Board to seek a legislative remedy that will provide a surviving spouse or family member/s with the lump sum Line of Duty Death Benefit. I plan on attending the November 15th LEOFF 2 Board meeting if you have any questions.

Respectfully,  
Roy Orlando

WSCFF Retiree Assoc. Vice Chair