

Chapter 131-16 WAC

FACULTY AND STAFF PERSONNEL

WAC

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131-16-090 Additional qualification in areas of specialization. [Order 5, § 131-16-090, filed 12/12/69.] Repealed by Order 22, filed 11/27/73.
 131-16-200 Reduction in force guidelines and procedures supplemental to chapter 251-10 WAC. [Order 8, § 131-16-200, filed 3/8/71.] Repealed by 07-17-093, filed 8/16/07, effective 9/16/07. Statutory Authority: RCW 28B.16.100.
 131-16-210 Layoff unit defined. [Order 8, § 131-16-210, filed 3/8/71.] Repealed by 98-23-051, filed 11/13/98, effective 12/14/98. Statutory Authority: Chapter 28B.50 RCW.
 131-16-220 Duration of reduction in force lists. [Order 8, § 131-16-220, filed 3/8/71.] Repealed by 98-23-051, filed 11/13/98, effective 12/14/98. Statutory Authority: Chapter 28B.50 RCW.
 131-16-300 Salary increase for noncivil service personnel. [Order 27, § 131-16-300, filed 8/1/74.] Repealed by Order 54, filed 4/2/76.
 131-16-310 Preamble. [Order 49, § 131-16-310, filed 9/12/75.] Repealed by Order 54, filed 4/2/76.
 131-16-315 Specific legislative appropriations for salary increases. [Order 49, § 131-16-315, filed 9/12/75.] Repealed by Order 54, filed 4/2/76.
 131-16-320 Standards related to salary increases. [Order 49, § 131-16-320, filed 9/12/75.] Repealed by Order 54, filed 4/2/76.
 131-16-325 Legal authorization for review of district budgets. [Order 49, § 131-16-325, filed 9/12/75.] Repealed by Order 54, filed 4/2/76.
 131-16-330 Ratification of administrative memorandum. [Order 49, § 131-16-330, filed 9/12/75.] Repealed by Order 54, filed 4/2/76.
 131-16-335 Delegation of authority to review and revise budgets. [Order 49, § 131-16-335, filed 9/12/75.] Repealed by Order 54, filed 4/2/76.
 131-16-340 Criteria for calculating allowable salary increase funds. [Order 49, § 131-16-340, filed 9/12/75.] Repealed by Order 54, filed 4/2/76.
 131-16-410 Optional salary increases for faculty and exempt personnel of certain community colleges. [Statutory Authority: 1977 ex.s. c 339. 78-06-057 (Order 69, Resolution No. 78-22), § 131-16-410, filed 5/24/78; Order 66, § 131-16-410, filed 9/13/77.] Repealed by 79-12-071 (Orders 79 and 81, Resolution Nos. 79-43 and 79-46), filed 11/30/79. Statutory Authority: RCW 28B.50.090.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

131-16-005 Mandatory retirement age defined. [Statutory Authority: RCW 28B.10.400. 91-13-048 (Resolution No. 91-20, Order 129), § 131-16-005, filed 6/14/91, effective 7/15/91; 85-19-056 (Order 103, Resolution No. 85-25), § 131-16-005, filed 9/16/85. Statutory Authority: 1979 ex.s. c 159. 79-10-020 (Order 77, Resolution No. 79-30), § 131-16-005, filed 9/10/79; Order 28, § 131-16-005, filed 7/1/74.] Repealed by 95-10-014, filed 4/25/95, effective 5/26/95. Statutory Authority: RCW 28B.10.400.
 131-16-020 Employees eligible to participate in retirement annuity purchase plan. [Statutory Authority: RCW 28B.10.400. 83-20-042 (Order 95, Resolution No. 83-25), § 131-16-020, filed 9/28/83; Order 55, § 131-16-020, filed 4/2/76; Order 51, § 131-16-020, filed 1/9/76; Order 37, § 131-16-020, filed 5/19/75; Order 28, § 131-16-020, filed 7/1/74; Order 4, § 131-16-020, filed 10/22/69.] Repealed by 91-13-048 (Resolution No. 91-20, Order 129), filed 6/14/91, effective 7/15/91. Statutory Authority: RCW 28B.10.400.
 131-16-030 Optional participation for certain employees. [Order 28, § 131-16-030, filed 7/1/74; Order 9, § 131-16-030, filed 6/7/71; Order 4, § 131-16-030, filed 10/22/69.] Repealed by 91-13-048 (Resolution No. 91-20, Order 129), filed 6/14/91, effective 7/15/91. Statutory Authority: RCW 28B.10.400.
 131-16-069 Application of retirement plan to employees of state board. [Order 28, § 131-16-069, filed 7/1/74.] Repealed by 91-13-048 (Resolution No. 91-20, Order 129), filed 6/14/91, effective 7/15/91. Statutory Authority: RCW 28B.10.400.

WAC 131-16-010 Establishment of the state board retirement plan. There is hereby established for the eligible employees of participating employers, a retirement plan which shall provide such employees with a state board sponsored retirement plan through the Teachers' Insurance Annuity Association (TIAA) and the College Retirement Equities Fund (CREF), hereafter called TIAA-CREF, subject to the provisions of WAC 131-16-011 through 131-16-066 and the plan document. On and after January 1, 2006, this retirement plan is intended to comply with the requirements of a qualified plan under Section 401(a) of the Internal Revenue Code of 1986, as amended and the provisions of the plan document approved by the state board on December 1, 2005, as it may be amended from time to time.

[Statutory Authority: RCW 28B.10.400. 10-22-073, § 131-16-010, filed 10/29/10, effective 11/29/10; 05-24-051, § 131-16-010, filed 12/1/05, effective 1/1/06. Statutory Authority: RCW 28B.10.400 and chapter 28B.50 RCW. 98-14-033, § 131-16-010, filed 6/23/98, effective 7/24/98. Statutory Authority: Chapter 28B.50 RCW. 97-10-069, § 131-16-010, filed 5/5/97, effective 7/8/97. Statutory Authority: RCW 28B.10.400. 91-13-048 (Reso-

lution No. 91-20, Order 129), § 131-16-010, filed 6/14/91, effective 7/15/91; Order 28, § 131-16-010, filed 7/1/74; Order 4, § 131-16-010, filed 10/22/69.]

WAC 131-16-011 Definitions. For the purpose of WAC 131-16-010 through 131-16-066, the following definitions shall apply:

(1) "Participant" means any employee who is eligible to participate in the plan.

(2) "Supplemental retirement benefit" means payments, as calculated in accordance with WAC 131-16-061, to an eligible retired participant in the plan prior to July 1, 2011, or designated beneficiary whose retirement benefits provided by the plan do not attain the level of the retirement benefit goal established by WAC 131-16-015.

(3) "Year of full-time service" means retirement credit based on full-time employment or the equivalent thereof based on part-time employment in an eligible position for a period of not less than five months in any fiscal year during which contributions to TIAA-CREF were made by both the participant and a participating employer or a Washington public higher education institution or any year or fractional year of prior service in a Washington public retirement system while employed at a participating employer or a Washington public higher education institution: Provided, That the participant will receive a pension benefit from such other retirement system and that not more than one year of full-time service will be credited for service in any one fiscal year.

(4) "Fiscal year" means the period beginning on July 1 of any calendar year and ending on June 30 of the succeeding calendar year.

(5) "Average annual salary" means the amount derived when the salary received during the two consecutive highest salaried fiscal years of full-time service for which contributions to TIAA-CREF were made by both the participant and a participating employer or a Washington public higher education institution is divided by two.

(6) "Plan retirement benefit" means the amount of annual retirement income derived from a participant's accumulated balances including dividends at the time of retirement: Provided, That solely for the purpose of calculating a potential supplemental retirement benefit, such amount shall be adjusted to meet the assumptions set forth in WAC 131-16-061(2).

(7) "Salary" means all remuneration received by the participant from the participating employer, including summer quarter compensation, extra duty pay, leave stipends, and grants made by or through the participating employer; but not including any severance pay, early retirement incentive payment, remuneration for unused sick or personal leave, or remuneration for unused annual or vacation leave in excess of the amount payable for thirty days or two hundred forty hours of service.

(8) "Designated beneficiary" means the surviving spouse of the retiree or, with the consent of such spouse, if any, such other person or persons as shall have an insurable interest in the retiree's life and shall have been nominated by written designation duly executed and filed with the retiree's participating employer.

(9) "State board" means the state board for community and technical colleges as created in RCW 28B.50.050.

(10) "Appointing authority" means a participating employer's governing board or the designees of such boards.

(11) "Plan" means the retirement plan sponsored by the state board and funded by TIAA-CREF.

(12) "Participating employer" means an educational organization or agency operated by the state of Washington which is the employer of one or more eligible employees or former eligible employees and which is an employing entity designated by the state board to participate in the plan. The participating employers are listed in Appendix A of the plan document.

[Statutory Authority: RCW 28B.10.400. 11-19-065, § 131-16-011, filed 9/15/11, effective 10/16/11; 10-22-073, § 131-16-011, filed 10/29/10, effective 11/29/10; 05-24-051, § 131-16-011, filed 12/1/05, effective 1/1/06. Statutory Authority: RCW 28B.10.400 and chapter 28B.50 RCW. 98-14-033, § 131-16-011, filed 6/23/98, effective 7/24/98. Statutory Authority: Chapter 28B.50 RCW. 97-10-069, § 131-16-011, filed 5/5/97, effective 7/8/97. Statutory Authority: RCW 28B.10.400. 91-13-048 (Resolution No. 91-20, Order 129), § 131-16-011, filed 6/14/91, effective 7/15/91. Statutory Authority: RCW 28B.10.400(3). 86-22-027 (Order 111, Resolution No. 86-43), § 131-16-011, filed 10/30/86. Statutory Authority: RCW 28B.10.400. 83-20-042 (Order 95, Resolution No. 83-25), § 131-16-011, filed 9/28/83. Statutory Authority: RCW 28B.10.400(3). 82-11-014 (Order 91, Resolution No. 82-6), § 131-16-011, filed 5/10/82. Statutory Authority: RCW 28B.10.400. 79-12-069 (Order 80, Resolution No. 79-44), § 131-16-011, filed 11/30/79; Order 28, § 131-16-011, filed 7/1/74.]

WAC 131-16-015 Retirement benefit goal established. A retirement benefit goal is established for use in calculating eligibility for a supplemental benefit. Subject to the provisions of WAC 131-16-061, the retirement benefit goal for participants in the plan prior to July 1, 2011, is to provide participants at age sixty-five having twenty-five years of full-time service a minimum annual retirement income, exclusive of Federal Old Age Survivors Insurance benefits, equivalent to fifty percent of their average annual salary.

[Statutory Authority: RCW 28B.10.400. 11-19-065, § 131-16-015, filed 9/15/11, effective 10/16/11; 05-24-051, § 131-16-015, filed 12/1/05, effective 1/1/06; 91-13-048 (Resolution No. 91-20, Order 129), § 131-16-015, filed 6/14/91, effective 7/15/91. Statutory Authority: RCW 28B.10.400(3). 82-11-014 (Order 91, Resolution No. 82-6), § 131-16-015, filed 5/10/82; Order 28, § 131-16-015, filed 7/1/74.]

WAC 131-16-021 Employees eligible to participate in the retirement plan. (1) Eligibility to participate in the plan is limited to persons who hold appointments to participating employer staff positions as full-time or part-time faculty members, administrators or professional staff exempt from the provisions of chapter 41.06 RCW and, effective July 1, 1999, are assigned a cumulative total of at least fifty percent of a full-time workload as defined by the collective bargaining agreement and/or the appointing authority at one or more participating employers for at least two consecutive college quarters or its equivalent. (Part-time faculty workload is calculated in accordance with RCW 28B.50.489 and 28B.50.4891.) Effective July 1, 2011, otherwise eligible employees who have retired or are eligible to retire from a public employees' retirement system listed in RCW 41.50.030 are prohibited from participation in the plan.

(2) Participation in the plan is also permitted for current and former employees of participating employers who are on leave of absence or who have terminated employment by reason of permanent disability and who are receiving a salary continuation insurance benefit through a plan made available

by the state of Washington: Provided, That such noncontributory participation shall not be creditable toward the number of years of full-time service utilized in calculating eligibility for supplemental retirement benefits pursuant to WAC 131-16-061.

(3) Optional participation in tax-deferred annuities other than this qualified plan as offered by participating employers is permitted consistent with the Internal Revenue Code: Provided, That the provisions of WAC 131-16-015, 131-16-050, and 131-16-061 shall not apply in such cases. Optional tax-deferred annuities are provided through a salary reduction agreement between the employee and employer. There is no employer contribution for optional tax-deferred annuities.

(4) An employee who moves from an ineligible to an eligible position for the same appointing authority may become a participant by so electing in writing within thirty days following such move.

(5) A participant who moves from an eligible position to a classified position for the same appointing authority may continue to be a participant by so electing within thirty days following such move.

(6) As specified in RCW 28B.10.400, participation in the plan by employees of the higher education coordinating board is limited to eligible employees who have contributed premiums to a similar qualified plan and who are not receiving or accruing a retirement allowance under Title 41 RCW or chapter 43.43 RCW.

(7) Participants shall continue participation regardless of the proportion of full-time duties assigned, except as otherwise provided in this section, as long as continuously employed by a participating employer. The participating employer shall notify, in writing, all newly hired employees of their potential right to participate. A participating employee, who changes employers without a break in service, shall have the responsibility to notify in writing the new participating employer of his or her eligibility. In no case will there be a requirement for retroactive contributions if an employee fails to inform his or her participating employer about eligibility previously established with another participating employer. For the purposes of determining eligibility, spring and fall quarters shall be considered as consecutive periods of employment.

[Statutory Authority: RCW 28B.10.400. 11-19-065, § 131-16-021, filed 9/15/11, effective 10/16/11; 10-22-073, § 131-16-021, filed 10/29/10, effective 11/29/10; 05-24-051, § 131-16-021, filed 12/1/05, effective 1/1/06. Statutory Authority: Chapter 28B.50 RCW. 00-14-017, § 131-16-021, filed 6/28/00, effective 7/29/00; 99-22-052, § 131-16-021, filed 10/29/99, effective 11/29/99; 99-19-100, § 131-16-021, filed 9/20/99, effective 10/21/99. Statutory Authority: RCW 28B.10.400 and chapter 28B.50 RCW. 98-14-033, § 131-16-021, filed 6/23/98, effective 7/24/98. Statutory Authority: Chapter 28B.50 RCW. 97-10-069, § 131-16-021, filed 5/5/97, effective 7/8/97. Statutory Authority: RCW 28B.10.400. 91-13-048 (Resolution No. 91-20, Order 129), § 131-16-021, filed 6/14/91, effective 7/15/91.]

WAC 131-16-031 Participation in the plan. (1)

Except as provided in this chapter, participation in the plan is required of all otherwise eligible new employees, provided that:

(a) Any such new employee, who at the time of employment is a member of the Washington state teachers retirement system (TRS) or the Washington public employees retirement system (PERS), and whose employment meets the

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requirements of an "eligible position" as defined by such plan, may irrevocably elect to retain such membership within thirty days of meeting the plans eligibility criteria. Failure to make an election after thirty days will result in such new employee being placed into the state board retirement plan.

(b) Any such new employee, not already a member of TRS or PERS, may irrevocably elect to establish membership in TRS Plan 3 or PERS Plan 3 provided the employee's position meets the requirements of an "eligible position" as defined by such plan. Failure to make an election after thirty days will result in such new employee being placed into the state board retirement plan.

(2) Employees who establish plan eligibility in accordance with WAC 131-16-021 and who, through concurrent employment with another employer, are active Washington public employee retirement system (PERS) members are required to so advise the participating employer and shall be given the following options:

(a) To participate in the state board retirement plan in accordance with chapter 131-16 WAC, forgoing active PERS membership (contributions and service credit) with their other employer; or

(b) To continue active participation in PERS based upon their employment with the other public employer; forgoing participation in the state board retirement plan.

Failure to make an election within thirty days of notification results in the employee being placed in the plan. The participating employer is required to advise the department of retirement systems (DRS) of a PERS member's participation in the plan, whether through election or default. It shall be the employee's responsibility to notify the other employer if he or she elects to participate in the plan. The employee will notify his or her participating employer should the employee cease to be an active PERS member. This irrevocable election remains in effect as long as the employee is actively participating in a PERS plan and is required because RCW 41.40.-023(4) prohibits PERS members from simultaneously participating in two state retirement plans.

(3) Any current active participant of the plan who becomes an active member of PERS based on employment with another PERS employer is required to notify his or her participating employer. The employee will be provided the options listed in subsection (2) of this section and the participating employer will follow through accordingly.

[Statutory Authority: RCW 28B.10.400. 11-19-065, § 131-16-031, filed 9/15/11, effective 10/16/11; 10-22-073, § 131-16-031, filed 10/29/10, effective 11/29/10; 05-24-051, § 131-16-031, filed 12/1/05, effective 1/1/06. Statutory Authority: Chapter 28B.50 RCW. 00-14-017, § 131-16-031, filed 6/28/00, effective 7/29/00. Statutory Authority: RCW 28B.10.400 and chapter 28B.50 RCW. 98-14-033, § 131-16-031, filed 6/23/98, effective 7/24/98. Statutory Authority: RCW 28B.10.400. 91-13-048 (Resolution No. 91-20, Order 129), § 131-16-031, filed 6/14/91, effective 7/15/91.]

WAC 131-16-040 Disability retirement provisions for plan participants.

The appointing authority may approve the retirement of any participant for reasons of health or permanent disability either upon the request of the participant or the participant's supervisor: Provided, That reasonable consideration is first given to the written recommendations of the employee's personal physician or, if requested by either the employee or the appointing authority, a review of

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such recommendations by another physician appointed by mutual agreement for that purpose.

[Statutory Authority: RCW 28B.10.400. 10-22-073, § 131-16-040, filed 10/29/10, effective 11/29/10; 05-24-051, § 131-16-040, filed 12/1/05, effective 1/1/06; 91-13-048 (Resolution No. 91-20, Order 129), § 131-16-040, filed 6/14/91, effective 7/15/91; 83-20-042 (Order 95, Resolution No. 83-25), § 131-16-040, filed 9/28/83; 79-12-069 (Order 80, Resolution No. 79-44), § 131-16-040, filed 11/30/79; Order 28, § 131-16-040, filed 7/1/74; Order 4, § 131-16-040, filed 10/22/69.]

WAC 131-16-045 Transfers to and from other plans.

(1) A participant employed by a participating employer may directly transfer into his or her plan account any balances from other employers' retirement plans in accordance with Internal Revenue Code and the plan document: Provided, That such other employers' plans permit transfers out of their plans.

(2) A participant who leaves the employment of all participating employers may choose to transfer his or her existing plan account balances, subject to the rules established by TIAA-CREF for transfers, to any other employer's retirement plan in accordance with Internal Revenue Code and the plan document: Provided, That such other employer's plans will accept the transferred balances.

[Statutory Authority: RCW 28B.10.400. 10-22-073, § 131-16-045, filed 10/29/10, effective 11/29/10; 05-24-051, § 131-16-045, filed 12/1/05, effective 1/1/06. Statutory Authority: RCW 28B.10.400 and chapter 28B.50 RCW. 98-14-033, § 131-16-045, filed 6/23/98, effective 7/24/98. Statutory Authority: Chapter 28B.50 RCW. 93-22-008, § 131-16-045, filed 10/21/93, effective 11/21/93.]

WAC 131-16-050 Contribution rates established. (1)

On and after January 1, 1998, the participating employer shall make employee contributions on behalf of participants in lieu of paying an equal amount of each participant's salary, and such contributions shall be treated as employer contributions pursuant to Internal Revenue Code Section 414 (h)(2) in determining the tax treatment under the code. Such contributions shall be made by the employer in lieu of employee contributions.

(2) Contributions made under subsection (1) of this section shall be paid from the same source of funds as used in paying salary for affected participants. Participants do not have the option to receive the amounts contributed under subsection (1) of this section directly.

(3) The amounts of the contributions made under subsection (1) of this section shall be limited as follows:

(a) Five percent of salary each pay period until the participant attains age thirty-five;

(b) Seven and one-half percent of salary for each pay period from age thirty-five through and including age forty-nine; and

(c) Ten percent of salary for each pay period after attaining age fifty.

(4) The participating employer shall contribute an additional sum equal to the contributions required by subsection (3) of this section.

(5) During periods when participants are on leave of absence and are receiving partial compensation, the employer shall continue to make contributions on the same basis as herein provided if the participant agrees to contribute in a like manner.

[Statutory Authority: RCW 28B.10.400. 10-22-073, § 131-16-050, filed 10/29/10, effective 11/29/10. Statutory Authority: RCW 28B.10.400 and chapter 28B.50 RCW. 98-14-033, § 131-16-050, filed 6/23/98, effective 7/24/98. Statutory Authority: Chapter 28B.50 RCW. 97-10-069, § 131-16-050, filed 5/5/97, effective 7/8/97. Statutory Authority: RCW 28B.10.400. 91-13-048 (Resolution No. 91-20, Order 129), § 131-16-050, filed 6/14/91, effective 7/15/91; Order 28, § 131-16-050, filed 7/1/74; Order 13, § 131-16-050, filed 10/8/71; Order 4, § 131-16-050, filed 10/22/69.]

WAC 131-16-055 Options for self-directed investment of retirement plan contributions and accumulations. Participants may allocate current premiums or transfer accumulated balances to any of the investment options provided under the plan, subject to procedures established by TIAA-CREF.

[Statutory Authority: RCW 28B.10.400. 10-22-073, § 131-16-055, filed 10/29/10, effective 11/29/10; 05-24-051, § 131-16-055, filed 12/1/05, effective 1/1/06. Statutory Authority: RCW 28B.10.400 and chapter 28B.50 RCW. 98-14-033, § 131-16-055, filed 6/23/98, effective 7/24/98. Statutory Authority: RCW 28B.10.400. 91-13-048 (Resolution No. 91-20, Order 129), § 131-16-055, filed 6/14/91, effective 7/15/91.]

WAC 131-16-056 Hardship withdrawals. (1) In the event of a financial hardship consistent with requirements of subsection (2) of this section and Section 403 (b)(11) of the Internal Revenue Code, as amended, a participant may withdraw all or part of the following plan funds:

- (a) Pre-1998 employee contributions;
- (b) Any pre-1989 earnings on employee contributions;
- (c) Any Section 414(h) employer pick-up contributions;

and

(d) Any contributions transferred to this plan from another employer's plan. Such funds may be withdrawn from the participant's state board retirement plan account while actively employed. Hardship withdrawals may not be larger than the amount necessary to meet the immediate and heavy financial need defined in subsection (2) of this section plus taxes on withdrawn funds and early withdrawal penalties. Employer contributions (other than Section 414(h) pick-up contributions) and earnings on the employer contributions may not be withdrawn as a hardship withdrawal.

(2) To enable hardship withdrawal of funds, the Internal Revenue Code (Section 1.401(k)-1 (d)(2)) requires that the participating employer shall verify that the participant has certified in writing that:

- (a) The participant has an immediate and heavy financial need; and
- (b) The participant has no other resources reasonably available to meet the need.

Withdrawals shall be deemed to be for "an immediate and heavy financial need" only if they are for:

- (i) Payments to prevent eviction from or foreclosure on the principal residence of the participant;
- (ii) Payments to prevent the participant's impending bankruptcy; and/or
- (iii) Unreimbursable medical expenses incurred by the participant, spouse, dependent children, and/or dependent parents.

The participant shall be deemed to have "no other resources reasonably available to meet the need" if the participant certifies that he/she cannot meet the need through:

- (A) Reimbursement or compensation by insurance or another source;

(B) Reasonable liquidation of assets;

(C) Borrowing from supplemental retirement accounts, life insurance values, or commercial sources; and/or

(D) Stopping any voluntary employee contributions to tax deferral or savings plans made available by the employer. Contributions to the employer-sponsored retirement plan must continue while the employee remains eligible for the plan.

(3) Hardship withdrawals from the state board retirement plan are taxable income in the year received. Taxes, early withdrawal penalties, and any other consequences of hardship withdrawals shall be the sole responsibility of the participant. Withdrawals from this qualified plan may not be replaced at a later date.

[Statutory Authority: RCW 28B.10.400. 10-22-073, § 131-16-056, filed 10/29/10, effective 11/29/10; 05-24-051, § 131-16-056, filed 12/1/05, effective 1/1/06. Statutory Authority: RCW 28B.10.400 and chapter 28B.50 RCW. 98-14-033, § 131-16-056, filed 6/23/98, effective 7/24/98. Statutory Authority: Chapter 28B.50 RCW. 95-13-069, § 131-16-056, filed 6/20/95, effective 7/21/95.]

WAC 131-16-060 Cashability. Notwithstanding WAC 131-16-062(1), upon termination of employment at all participating employers for at least ninety consecutive calendar days with no expectation of continued employment, a participant may elect to receive a lump sum payment of his or her plan account pursuant to the settlement options made available by TIAA-CREF at that time.

[Statutory Authority: RCW 28B.10.400. 10-22-073, § 131-16-060, filed 10/29/10, effective 11/29/10; 05-24-051, § 131-16-060, filed 12/1/05, effective 1/1/06. Statutory Authority: Chapter 28B.50 RCW. 97-10-069, § 131-16-060, filed 5/5/97, effective 7/8/97. Statutory Authority: RCW 28B.10.400. 93-01-015, § 131-16-060, filed 12/4/92, effective 1/4/93; 91-13-048 (Resolution No. 91-20, Order 129), § 131-16-060, filed 6/14/91, effective 7/15/91; Order 28, § 131-16-060, filed 7/1/74; Order 4, § 131-16-060, filed 10/22/69.]

WAC 131-16-061 Supplemental retirement benefits.

(1) A participant is eligible to receive supplemental retirement benefit payments, provided the amount of the supplemental retirement benefit as calculated in accordance with this section is a positive amount, if at the time of retirement the participant:

(a) Participated in the plan prior to July 1, 2011; and

(b) Is at least age sixty-two; and

(c) Has ten years of full-time service in the plan at a Washington public institution of higher education.

(2) Subject to the provisions of subdivisions (c), (d), and (e) of this subsection, the annual amount of supplemental retirement benefit payable to a participant upon retirement is the excess, if any, when the value determined in subdivision (b) is subtracted from the value determined in subdivision (a), as follows:

(a) The lesser of fifty percent of the participant's average annual salary or two percent of the average annual salary multiplied by the number of years of full-time service; provided that if the participant did not elect to contribute ten percent of salary beginning July 1, 1974, or if later, after attainment of age fifty, service for such periods shall be calculated at the rate of one and one-half percent instead of two percent.

(b) The combined retirement benefit from the TIAA-CREF annuity and any other Washington state sponsored retirement plan that the participant would receive in the first

month of retirement multiplied by twelve: Provided, That the state board retirement plan benefit shall be calculated on the following assumptions:

(i) After July 1, 1974, fifty percent of the combined contributions were made to the TIAA traditional annuity and fifty percent to the CREF stock account during each year of full-time service: Provided, That benefit calculations related to contributions made prior to July 1, 1974, shall be computed on the basis of actual allocations between TIAA and CREF; and

(ii) The full TIAA-CREF annuity accumulations, including all dividends payable by TIAA Traditional Annuity and further including the amounts, if any, paid in a single sum under the retirement transition benefit option, were fully settled on a joint and two-thirds survivorship option with a ten-year guarantee, using actual ages of retiree and spouse, but not exceeding a five-year difference; except that for unmarried participants the TIAA Traditional Annuity accumulations, including dividends, were settled on an installment refund option and the CREF Stock Account accumulations were settled on a life annuity with ten-year guarantee option, all to be based on TIAA-CREF estimates at the time of retirement; and

(iii) Annuity benefits purchased by premiums paid other than as a participant in a Washington public institution of higher education retirement plan shall be excluded.

(iv) For the purposes of this calculation, the assumptions applied to the plan accumulation settlement shall also apply to settlement of the benefit from any other retirement plan.

(c) The amount of supplemental retirement benefit for a participant who has not attained age sixty-five at retirement is the amount calculated in subsection (2) of this section reduced by one-half of one percent for each calendar month remaining until age sixty-five: Provided, That the supplemental retirement benefit for an otherwise qualified participant retired for reason of health or permanent disability shall not be so reduced.

(d) Any portion of participant's plan accumulation paid to a participant's spouse upon dissolution of a marriage shall be included in any subsequent calculation of supplemental retirement benefits just as if these funds had remained in the participant's plan account.

(e) The selection of a retirement option other than the joint and two-thirds survivorship with ten-year guarantee shall not alter the method of calculating the supplemental retirement benefit; however, if the participant's combined plan retirement benefit and calculated supplemental retirement benefit exceeds fifty percent of the participant's average annual salary, the supplemental retirement benefit shall be reduced so that the total combined benefits do not exceed fifty percent of average annual salary.

(3) The payment of supplemental retirement benefits shall be consistent with the following provisions:

(a) Supplemental retirement benefits shall be paid in equal monthly installments, except that if such monthly installments should be less than ten dollars, such benefit payments may be paid at longer intervals as determined by the state board.

(b) Supplemental retirement benefit payments will continue for the lifetime of the retired participant; however, prior to retirement, a participant may choose to provide for the

continuation of supplemental retirement benefit payments, on an actuarially equivalent reduced basis, to his or her spouse or designated beneficiary after the retiree's death. Notification of such choice shall be filed in writing with the state board and shall be irrevocable after retirement. If such option is chosen, the supplemental retirement benefit payments shall be in the same proportion as any plan survivor annuity option potentially payable to and elected by the participant. If a designation of a survivor's option is not made and the participant dies after attaining age sixty-two but prior to retirement, any supplemental benefit payable shall be based on the two-thirds benefit to survivor option.

(c) Prior to making any supplemental benefit payments, the state board shall obtain a document signed by the participant and spouse, if any, or designated beneficiary acknowledging the supplemental retirement benefit option chosen by the participant.

(4) A retired participant who is reemployed shall continue to be eligible to receive retirement income benefits, except that the supplemental retirement benefit shall not continue during periods of employment for more than forty percent of full-time or seventy hours per month or five months duration in any fiscal year. Retirement contributions shall not be made from the salary for such employment, unless the individual once again becomes eligible to participate under the provisions of WAC 131-16-021.

[Statutory Authority: RCW 28B.10.400. 11-19-065, § 131-16-061, filed 9/15/11, effective 10/16/11; 10-22-073, § 131-16-061, filed 10/29/10, effective 11/29/10; 05-24-051, § 131-16-061, filed 12/1/05, effective 1/1/06. Statutory Authority: RCW 28B.10.400 and chapter 28B.50 RCW. 98-14-033, § 131-16-061, filed 6/23/98, effective 7/24/98. Statutory Authority: RCW 28B.10.400. 91-13-048 (Resolution No. 91-20, Order 129), § 131-16-061, filed 6/14/91, effective 7/15/91; 83-20-042 (Order 95, Resolution No. 83-25), § 131-16-061, filed 9/28/83. Statutory Authority: RCW 28B.10.400(3). 82-11-014 (Order 91, Resolution No. 82-6), § 131-16-061, filed 5/10/82. Statutory Authority: RCW 28B.10.400. 79-12-069 (Order 80, Resolution No. 79-44), § 131-16-061, filed 11/30/79; Order 28, § 131-16-061, filed 7/1/74.]

WAC 131-16-062 Benefit options after termination of employment. (1) After termination of employment, participants who have attained age fifty-five, or who have completed thirty years of full-time service in this plan or any combination of Washington state sponsored retirement plans, or who have retired due to disability in accordance with WAC 131-16-040 may exercise any settlement option for receipt of retirement benefits being made available by TIAA-CREF at that time.

(2) The federal income tax consequences resulting from the exercise of any options of elections provided by this section shall be the sole responsibility of the individual participant, and all federal tax regulations related to the receipt of retirement income benefits shall apply.

(3) The provisions of this section shall apply only to plan account accumulations attributable to contributions made as a result of employment in institutions or agencies subject to the provisions of WAC 131-16-005 through 131-16-066.

[Statutory Authority: RCW 28B.10.400. 05-24-051, § 131-16-062, filed 12/1/05, effective 1/1/06. Statutory Authority: RCW 28B.50.090. 92-22-045, (Order 137, Resolution 92-05-23), § 131-16-062, filed 10/28/92, effective 11/28/92. Statutory Authority: RCW 28B.10.400. 91-13-048 (Resolution No. 91-20, Order 129), § 131-16-062, filed 6/14/91, effective 7/15/91.]

WAC 131-16-065 Optional retirement transition benefit. Participants may choose the optional retirement transition benefit that at the time of their retirement permits receipt of not more than ten percent of the accumulated value in each annuity in a lump-sum payment, provided that annuity benefits commence after the participant's fifty-fifth birthday. Benefits from the remainder of the combined annuity value shall be paid in the form of other retirement options then available to the annuitant permitted by TIAA-CREF. Selection of the option to receive the retirement transition benefit shall be made immediately prior to retirement in such manner as permitted by TIAA-CREF.

[Statutory Authority: RCW 28B.10.400. 10-22-073, § 131-16-065, filed 10/29/10, effective 11/29/10; 05-24-051, § 131-16-065, filed 12/1/05, effective 1/1/06; 91-13-048 (Resolution No. 91-20, Order 129), § 131-16-065, filed 6/14/91, effective 7/15/91; Order 28, § 131-16-065, filed 7/1/74; Order 14, § 131-16-065, filed 2/18/72.]

WAC 131-16-066 Single sum death benefit to spouse beneficiaries. Unless previously indicated to the contrary by the participating employee in writing directly to TIAA-CREF, the surviving spouse or other beneficiary, if applicable, of any plan participant who dies before retirement shall be entitled to receive a single sum death benefit in the amount of the then current value of the annuity accumulation.

[Statutory Authority: RCW 28B.10.400. 05-24-051, § 131-16-066, filed 12/1/05, effective 1/1/06; 91-13-048 (Resolution No. 91-20, Order 129), § 131-16-066, filed 6/14/91, effective 7/15/91; Order 28, § 131-16-066, filed 7/1/74; Order 15, § 131-16-066, filed 2/9/73.]

WAC 131-16-067 Medical expense plans—Definitions. For purposes of establishing medical expense plans authorized under WAC 131-16-068, the following terms are defined:

(1) "Eligible employees" means any of the following groups of community and technical college system employees:

- (a) Academic employees as defined in RCW 28B.52-020;
- (b) Classified employees of technical colleges whose employment is governed under chapter 41.56 RCW;
- (c) Professional, paraprofessional, and administrative employees exempt from chapter 41.06 RCW; and
- (d) Employees of the state board for community and technical colleges who are exempt from chapter 41.06 RCW.

(2) "Covered eligible employee" means an eligible employee who is in a group for which a college board or the state board for community and technical colleges has established a medical expense plan.

[Statutory Authority: Chapter 28B.50 RCW. 97-20-030, § 131-16-067, filed 9/23/97, effective 10/24/97.]

WAC 131-16-068 Medical expense plans authorized. (1) In lieu of remuneration for unused sick leave at retirement, a college board (or the state board for community and technical colleges for employees under its jurisdiction) may provide with equivalent funds a medical expense plan for eligible employees.

(2) A medical expense plan provided under this section shall require, as a condition of participation, that each covered eligible employee sign an agreement to hold the

employer harmless if the employee or employer is later found to be indebted to the United States as a result of:

(a) The employee not paying income taxes on amounts contributed to the plan; or

(b) The employer not withholding or deducting a tax, assessment, or other payment on funds contributed to the plan as required by federal law.

Such agreement shall also include a provision requiring each covered eligible employee to forfeit remuneration for accrued sick leave at retirement if he/she is covered by a medical expense plan and the employee refuses to sign the required agreement.

(3) In providing a medical expense plan authorized under this section, a college board or the state board may only provide such plan covering all employees in one or more of the groups defined in WAC 131-16-067.

(4) In providing a medical expense plan for a group of eligible employees whose conditions of employment are governed by chapter 28B.52 or 41.56 RCW, a college board may only provide such plan by agreement applicable to all of the members of a bargaining unit.

(5) A medical expense plan established under this section shall be applicable to all retirements of covered eligible employees within a calendar year. Such a medical expense plan may be discontinued in any future year, but once discontinued it may not be reinstated for the same group of eligible employees within the same calendar year as it was discontinued.

[Statutory Authority: Chapter 28B.50 RCW. 97-20-030, § 131-16-068, filed 9/23/97, effective 10/24/97.]

WAC 131-16-070 Adoption and publication of district personnel selection practices and standards. Each college district board of trustees shall adopt and publish a statement of personnel selection practices and standards governing all nonclassified service personnel which are designed to ensure high standards of excellence in all phases of district operations, satisfy the standards of regional and national accrediting organization, and provide for a professional staff representing a wide range of educational and professional experience. Such personnel practices and standards shall be consistent with WAC 131-16-080.

[Statutory Authority: Chapter 28B.50 RCW. 04-07-094, § 131-16-070, filed 3/16/04, effective 4/16/04. Statutory Authority: RCW 28B.50.090 (7)(a). 91-21-009 (Order 134, Resolution No. 91-27), § 131-16-070, filed 10/4/91, effective 11/4/91; 80-13-011 (Order 82, Resolution No. 80-14), § 131-16-070, filed 9/8/80; Order 5, § 131-16-070, filed 12/12/69.]

WAC 131-16-080 General standards of qualifications for community and technical college personnel. Prior to employment of candidates to perform professional services in Washington community and technical colleges, the district board of trustees shall establish that the candidate possesses:

(1) Scholarship and/or technical skill that represents appropriate study, training, and skills in the proposed area of assignment,

(2) Expertise as a practitioner as evidenced by reports of former associates and supervisors,

(3) A demonstrable understanding and acceptance of the role to be played as a partner in an educational enterprise serving the best interests of the students,

(9/15/11)

(4) A demonstrable understanding and acceptance of the mission, role, and character of the community or technical college,

(5) The ability to perform assigned duties in a manner consistent with the goals of the institution and the community and technical college system, and

(6) Personal characteristics that contribute to the ability to promote the welfare of the students, the institution, and the state of Washington.

[Statutory Authority: Chapter 28B.50 RCW. 98-23-051, § 131-16-080, filed 11/13/98, effective 12/14/98. Statutory Authority: RCW 28B.50.090 (7)(a). 91-21-009 (Order 134, Resolution No. 91-27), § 131-16-080, filed 10/4/91, effective 11/4/91; 80-13-011 (Order 82, Resolution No. 80-14), § 131-16-080, filed 9/8/80; Order 22, § 131-16-080, filed 11/27/73; Order 5, § 131-16-080, filed 12/12/69.]

WAC 131-16-091 Additional qualifications in areas of specialization. In addition to the general standards required by WAC 131-16-080, the district board of trustees shall establish that candidates for appointment meet or exceed the following standards in their areas of specialization:

(1) Teaching personnel.

(a) Professional teaching personnel performing services for which advanced degrees are commonly available shall hold the equivalent of a master's degree in the field of their educational service from an accredited college or university or a bachelor's degree and professional expertise in the field of their educational service; or

(b) Professional teaching personnel in professional-technical fields for which bachelor's or master's degrees are not commonly available shall be particularly qualified to provide instruction in their area of specialization as demonstrated by possession of the following:

(i) Sufficient broad and comprehensive training;

(ii) Industry recognized certification when available; and

(iii) Two years relevant work experience and/or relevant, current teaching experience that particularly qualifies them to provide instruction in their area of specialization.

(c) In extraordinary cases, the requirements in (a) and (b) of this subsection may be waived by the college president. For personnel under waiver, a professional development plan must be developed to meet criteria under (a) or (b) of this subsection. This plan must be completed during the initial certification process.

(d) Part-time professional-technical teaching personnel must meet minimum qualifications as defined by (a), (b), or (c) of this subsection and have verification on file. This record must be on file for each part-time instructor during each quarter of teaching employment.

(2) Other instructional personnel.

All other professional-technical instructional personnel, including teachers' aides, lab assistants, and tutors, who do not meet the work experience and educational requirements specified above, may be employed either on a full-time or part-time basis. Such individuals shall possess appropriate technical skills and knowledge in the specific program area assigned; and such individuals shall work under the direct supervision of, or in direct coordination with, an appropriately qualified professional. Each college district shall maintain job descriptions for each position in this category.

(3) Chief professional-technical administrator.

The chief professional-technical administrator shall have:

(a) Earned an advanced degree, masters or doctorate, in a professional-technical area or have equivalent administrative expertise as demonstrated by successful performance of broad administrative responsibilities; and

(b) Been employed as a full-time professional-technical instructor or have the equivalent experience in business or industry or other public agencies; and

(c) Supervisory/administrative experience.

The chief professional-technical administrator must understand and have the ability to assess professional-technical faculty's ability to provide student instruction, supervise learning environments and implement curriculum, outcomes, and assessments. The chief professional-technical administrator must keep a copy of his/her current certificate in his/her personnel file.

(4) Other professional-technical administrators.

Other administrators who oversee professional-technical programs, must demonstrate to the employing agency a commitment to and understanding of professional-technical education, and their ability to use the professional-technical faculty skills standards to guide and support the professional development of the professional-technical instructors they supervise.

[Statutory Authority: Chapter 28B.50 RCW. 04-07-094, § 131-16-091, filed 3/16/04, effective 4/16/04; 93-14-008, § 131-16-091, filed 6/24/93, effective 7/25/93. Statutory Authority: RCW 28B.50.090 (7)(a). 91-21-009 (Order 134, Resolution No. 91-27), § 131-16-091, filed 10/4/91, effective 11/4/91; 80-13-011 (Order 82, Resolution No. 80-14), § 131-16-091, filed 9/8/80; Order 22, § 131-16-091, filed 11/27/73.]

WAC 131-16-092 Maintaining and improving certification competencies for professional-technical administrators and instructors. It shall be the responsibility of the president of each institution or district to assure compliance with the following standards, which must be met or exceeded by all districts:

(1) The institution or district will certify, through the chief professional-technical administrator or designee, each full-time professional-technical instructor and administrator and maintain documentation of such certification. The certificate and the documentation on file shall specify the function and/or the specific occupational area for which the individual is certified.

(2) Each full-time contracted professional-technical instructor shall have a professional development plan, approved by the supervising professional-technical administrator or designee. The professional development plan shall be developed in collaboration with the instructor in accordance with local bargaining agreements. The chief professional-technical administrator or designee shall maintain a file of all such plans. Such plans shall be reviewed periodically, as determined by the institution.

(3) Full-time professional-technical instructors must complete the requirements of the initial certification within three years to attain standard certification. Standard certificates must be renewed every five years.

(4) Part-time professional-technical instructors teaching a two-thirds full-time load for more than the equivalent of

three quarters must complete the requirements of the initial certification within three years, to attain standard certification. Standard certificates must be renewed every five years.

(5) All other part-time professional-technical instructors must be assessed as to their ability to provide student instruction, supervise learning environments and implement curriculum, outcomes, and assessments.

(6) The chief professional-technical administrator shall be certified by the president, who will maintain the chief professional administrator's professional development plan.

(7) Certification under the standards specified in WAC 131-16-070 through 131-16-094 is a condition of continued employment for all professional-technical education personnel.

(8) Safety and occupational health practices standards are met by meeting the requirements as set down by OSHA and WISHA. (As referenced in WAC 296-800-100 to 296-800-370.)

[Statutory Authority: Chapter 28B.50 RCW. 04-07-094, § 131-16-092, filed 3/16/04, effective 4/16/04; 93-14-008, § 131-16-092, filed 6/24/93, effective 7/25/93. Statutory Authority: RCW 28B.50.090 (7)(a). 91-21-009 (Order 134, Resolution No. 91-27), § 131-16-092, filed 10/4/91, effective 11/4/91; 80-13-011 (Order 82, Resolution No. 80-14), § 131-16-092, filed 9/8/80; Order 22, § 131-16-092, filed 11/27/73.]

WAC 131-16-093 Types of professional-technical education certificates. In issuing certificates for full-time and part-time professional-technical instructors, as identified in WAC 131-16-092 (3) and (4), the college district shall utilize the following nomenclature and shall meet the standards set forth below as a minimum:

(1) Teaching personnel.

Initial certification.

(a) Upon hire, teaching personnel will be issued initial certification by the chief professional-technical administrator. Initial certification lasts three years. The initial certification process includes documentation of a professional development plan which identifies priorities for professional growth as specified in WAC 131-16-094. An initial certificate is not renewable for professional-technical instructors.

Standard certification.

(b) Standard certification will be issued by the chief professional-technical administrator upon completion of the requirements for initial certification. Standard certification must be renewed on a five-year cycle. To maintain standard certification, professional-technical instructors must develop and complete a professional development plan as specified in WAC 131-16-094.

(c) The hiring institution shall hold an orientation for all new full-time professional-technical instructors. The orientation outline must be on file at each campus.

First aid and CPR.

(d) A current first-aid certificate, including CPR and bloodborne pathogens, must be earned by professional-technical instructors prior to the second quarter of employment in professional-technical programs where the instructional environment brings students into physical proximity with machinery, electrical circuits, biologicals, radioactive substances, chemicals, flammables, intense heat, gases under pressure, excavations, scaffolding, ladders, and/or other hazards. Responsibility for ensuring that appropriate staff has

first-aid training will rest with the assigned chief professional-technical administrator. The specific type of first-aid program, including CPR, required of professional-technical instructors shall be achieved by passing a course of first-aid/CPR/bloodborne pathogen instruction and participation in practical application of subject matter determined and required by the department of labor and industries. Specifically excluded from conformance to the first-aid requirement are:

(i) Those instructors who teach related subjects to professional-technical students, i.e., mathematics, English, or communications skills, etc., when such subjects are taught in classrooms rather than shops or laboratories.

(ii) Physicians, registered nurses, licensed practical nurses, and others when their occupational competencies and training include first-aid knowledge and skills equal to or superior to that represented by the first-aid certification being required under these regulations.

(2) Chief professional-technical administrators.

Upon hire, the chief professional-technical administrator will be issued initial certification. To maintain certification, the chief professional-technical administrator must develop and complete a professional development plan that includes as a minimum his/her ability to use the professional-technical faculty skill standards to guide and support the professional development of the professional-technical instructors they supervise.

[Statutory Authority: Chapter 28B.50 RCW. 04-07-094, § 131-16-093, filed 3/16/04, effective 4/16/04; 93-14-008, § 131-16-093, filed 6/24/93, effective 7/25/93. Statutory Authority: RCW 28B.50.090 (7)(a). 91-21-009 (Order 134, Resolution No. 91-27), § 131-16-093, filed 10/4/91, effective 11/4/91; 84-06-052 (Order 97, Resolution No. 84-7), § 131-16-093, filed 3/7/84; 80-13-011 (Order 82, Resolution No. 80-14), § 131-16-093, filed 9/8/80; Order 22, § 131-16-093, filed 11/27/73.]

WAC 131-16-094 Certification process for professional-technical instructors. The certification process for professional-technical instructors includes assessing the attainment of the standards contained in the professional-technical skill standards and the completion of a professional development plan. The professional development plan identifies priorities for professional growth. The priorities should address, at a minimum, the professional-technical faculty's ability to provide student instruction, supervise learning environments and implement curriculum, outcomes, and assessments. The professional development plan shall be developed in collaboration with the instructor and will include, based on local bargaining agreements, at least five professional development activities, linked to the professional-technical faculty skill standards.

The professional development plan includes:

(1) Faculty (self) and administrator identification of professional development activities for professional growth.

(2) Measurable outcomes and objective standards for measurement of skill standard achievement.

(3) A timeline for successful achievement of outcomes.

Examples of professional development activities include, but are not limited to, workshops, courses of instruction, conferences, industry experiences and projects. The assigned professional-technical administrator supervisor shall be responsible for the approval of the professional development plan. The chief professional-technical adminis-

trator shall be responsible for the approval of professional development activities.

[Statutory Authority: Chapter 28B.50 RCW. 04-07-094, § 131-16-094, filed 3/16/04, effective 4/16/04. Statutory Authority: RCW 28B.50.090 (7)(a). 91-21-009 (Order 134, Resolution No. 91-27), § 131-16-094, filed 10/4/91, effective 11/4/91; 80-13-011 (Order 82, Resolution No. 80-14), § 131-16-094, filed 9/8/80; Order 22, § 131-16-094, filed 11/27/73.]

WAC 131-16-095 Defining reciprocity. The following standards describe the recognition of professional-technical or vocational teaching certification issued by a community or technical college or the superintendent of public instruction.

(1) Instructors issued a professional-technical education certificate that meets the standards specified in WAC 131-16-080 through 131-16-094 by any community or technical college under the jurisdiction of the state board shall be recognized as certified by all colleges in the community and technical (CTC) system.

(2) It is also recognized that a vocational teaching certificate issued by the office of the superintendent of public instruction will be recognized by the community and technical colleges as fulfilling the minimum requirements for the specific subjects contained in the certification.

[Statutory Authority: Chapter 28B.50 RCW. 04-07-094, § 131-16-095, filed 3/16/04, effective 4/16/04. Statutory Authority: RCW 28B.50.090 (7)(a). 91-21-009 (Order 134, Resolution No. 91-27), § 131-16-095, filed 10/4/91, effective 11/4/91.]

WAC 131-16-400 Definition of "special funds" for the purpose of determining eligibility for tenurable faculty positions. (1) RCW 28B.50.851 authorizes the state board for community and technical colleges to designate certain funds as "special funds" for the purpose of exempting positions funded thereby from the award of community college faculty tenure status as provided in RCW 28B.50.850 through 28B.50.869.

(2) For the purpose of implementing the provisions of RCW 28B.50.851, "special funds" shall be defined as all funds received by a college district other than those generated by operating fees collected by such district pursuant to chapter 28B.15 RCW and state general funds appropriated by the legislature and distributed to college districts by the state board by formula allocation.

(3) "Special funds" shall include, but not be limited to, funds designated as special funds by the legislature, funds received by a community college district through contracts with federal, state, local, or private agencies; grants or gifts from philanthropic organizations; revenue produced by any auxiliary enterprise operated by a college district; federal vocational funds; funds awarded to colleges by the state board as grants for specified purposes, not allocated by formula; and specifically funds received for operating overseas military educational programs.

(4) In order to qualify for the exemption from faculty tenure status, a position must be primarily maintained and funded at least 51% for salary and related benefits by such "special funds" as defined in this section.

(5) Determination of the application of the provisions of this section to any future programs shall be made by the state director consistent with subsections (2) and (3) of this section.

[Statutory Authority: Chapter 28B.50 RCW. 98-23-051, § 131-16-400, filed 11/13/98, effective 12/14/98. Statutory Authority: RCW 28B.50.090 (7)(d) and (10), 28B.50.851, 28B.15.502(4), 28B.15.522, 28B.50.140(3) and 1990 c 29. 90-20-009 (Order 122, Resolution Nos. 90-42 and 90-43), § 131-16-400, filed 9/20/90, effective 10/21/90; Order 67, § 131-16-400, filed 9/13/77; Order 57, § 131-16-400, filed 5/10/76; Order 43, § 131-16-400, filed 9/12/75.]

WAC 131-16-450 Exceptional faculty awards trust fund. (1) Pursuant to chapter 29, Laws of 1990, the community and technical college exceptional faculty award program shall be subject to the following limitations:

(a) All funds generated by and through this program shall be credited to the college or its foundation exceptional faculty local endowment trust fund, from which only the earnings of such funds may be expended for the purpose of this program.

(b) Authorization to transfer funds from the exceptional faculty award trust fund in the state treasury to a college or its foundation endowment fund shall be contingent upon certification by the college that no less than ten thousand dollars of matching cash donations from private sources has been deposited in the college endowment fund.

(c) Award of requested grants to a college or its foundation shall be contingent upon determination by the state board for community and technical college that the request is consistent with and meets the requirements of the rules of the state board for community and technical colleges and RCW 28B.50.835 through 28B.50.844. Further, if grant requests exceed available funds, the state board for community and technical college shall select the recipients.

(d) Funds granted for the purposes of the faculty awards program shall be held in trust by the college to which such funds were specifically awarded.

(e) Each college shall establish procedures by which awards may be named in honor of a donor, benefactor, or honoree; may designate the use of funds to individuals, groups, or for the improvement of the faculty as a whole; and may renew or redesignate the award annually.

(f) At the end of each fiscal year, the state board for community and technical colleges will request an accounting from each of the participating colleges to include the amount of contributed endowment funds, their earnings, type of investments, and uses made during the previous fiscal year.

(g) The process for determining awards shall be subject to collective bargaining, except that the amount of individual awards and the recipient(s) shall be determined by the district board of trustees.

(h) Only individuals, groups, or the faculty as a whole, who hold faculty assignments as defined by RCW 28B.52.-020(2) shall be eligible to receive awards under this section.

(2) The award of exceptional faculty grants from the college endowment fund shall be subject to the following limitations:

The proceeds from the endowment fund shall be used to pay expenses for faculty awards, which may include faculty development activities, in-service training, temporary substitute or replacement costs directly associated with faculty development programs, conferences, travel, publication and dissemination of exemplary projects; to make a one time supplement to the salary of the holder or holders of a faculty

award, for the duration of the award; or to pay expenses associated with the holder's program area.

(3) Funds from this program shall not be used to supplant existing faculty development funds.

[Statutory Authority: Chapter 28B.50 RCW. 04-11-028, § 131-16-450, filed 5/11/04, effective 6/11/04; 00-20-039, § 131-16-450, filed 9/28/00, effective 10/29/00; 99-13-013, § 131-16-450, filed 6/4/99, effective 7/5/99; 98-15-007, § 131-16-450, filed 7/2/98, effective 8/2/98. Statutory Authority: RCW 28B.50.090 (7)(d) and (10), 28B.50.851, 28B.15.502(4), 28B.15.522, 28B.50.140(3) and 1990 c 29. 90-20-009 (Order 122, Resolution Nos. 90-42 and 90-43), § 131-16-450, filed 9/20/90, effective 10/21/90.]

WAC 131-16-500 Permissible compensation elements for community and technical college presidents. (1) RCW 28B.50.140(3) requires the state board for community and technical colleges to adopt rules defining the permissible elements of compensation which district boards may approve for community and technical college presidents.

(2) Compensation (including salary) increases granted in accordance with this section shall not exceed the amount or percentage established for that purpose in the state Omnibus Appropriations Act as allocated to the college districts by the state board for community and technical colleges.

(3) For the purpose of implementing RCW 28B.50.140 (3), the permissible elements of compensation shall include salary, premiums paid for insurance supplemental to the plans authorized by the state employees benefits board, deferred salary, relocation assistance, and premiums paid for tax deferred annuities: Provided, That such benefits, except salary, shall not affect but may supplement other benefits applicable to college presidents as state employees.

[Statutory Authority: RCW 28B.50.140(3). 91-21-013 (Order 132, Resolution No. 91-48), § 131-16-500, filed 10/4/91, effective 11/4/91. Statutory Authority: RCW 28B.50.090 (7)(d) and (10), 28B.50.851, 28B.15.502(4), 28B.15.522, 28B.50.140(3) and 1990 c 29. 90-20-009 (Order 122, Resolution Nos. 90-42 and 90-43), § 131-16-500, filed 9/20/90, effective 10/21/90.]