

WAC 415-108-350 What is the judicial benefit multiplier program?

(1) **Who is included in the judicial benefit multiplier program?** The judicial benefit multiplier (JBM) program provides a higher benefit multiplier to public employees' retirement system (PERS) members who serve as Washington supreme court justices or judges in the court of appeals, superior court, district court, or municipal court.

(2) **What is a benefit multiplier?** In this section, "multiplier" is the percentage component used, with average final compensation (AFC) and years of service credit, in the calculation of a retirement benefit.

(a) **Plan 1 and 2 members:** Your multiplier will be three and one-half percent. This means you will receive three and one-half percent of your AFC for each year of service credit you earn under the JBM program.

(b) **Plan 3 members:** Your multiplier will be one and six-tenths percent. This means you will receive one and six-tenths percent of your AFC for each year of service credit you earn under the JBM program.

(c) **Plan 1, Plan 2, and Plan 3 members:** Your multiplier for service not earned as a justice or judge will be determined by your retirement plan. See subsection (10) of this section.

(3) **Can I participate in the judicial benefit multiplier program?** You can participate in the JBM program if:

(a) You chose to be a member. If you were a PERS member in judicial service on December 31, 2006, and remained in judicial service on January 1, 2007, you had the opportunity to choose to participate in the JBM program during the open window from January 1, 2007, through December 31, 2007; or

(b) You are required to participate in the JBM program if you entered PERS membership as a justice or judge on or after January 1, 2007. If you have not previously established PERS membership, you will be mandated into PERS Plan 2. If your current term began prior to your entry into the JBM program, you must purchase service credit from the beginning of your term at the JBM program rate.

(4) **Can I be excluded from participating in the judicial benefit multiplier program?**

(a) You cannot participate in the JBM program if you are in judicial service employed by the City of Seattle, Tacoma, or Spokane.

(b) If you were a PERS member in judicial service on December 31, 2006, and remained in judicial service on January 1, 2007, and did not choose to participate in the JBM program during the election window, you cannot participate in the program even if you are subsequently elected or appointed in a judicial position after December 31, 2007.

(c) You do not qualify for the JBM program if you are a court commissioner or were a judicial officer of a board or commission.

(5) **What are the member contribution rates in the judicial benefit multiplier program?**

(a) If you serve as a Washington supreme court justice or judge in the court of appeals or superior court, your contribution rate will be:

(i) Plan 1: The contribution rate established under RCW 41.40.330 plus three and seventy-six one-hundredths percent (Plan 1 rate + 3.76%).

(ii) Plan 2: Two hundred fifty percent of the current PERS Plan 2 member contribution rate, less two and one-half percent (250% x Plan 2 rate - 2.5%).

(iii) Plan 3: A minimum of seven and one-half percent (7.5%) to your defined contribution account.

(b) If you serve as a district court or municipal court judge, your contribution rate will be:

(i) Plan 1: The contribution rate established under RCW 41.40.330 plus six and twenty-six one-hundredths percent (Plan 1 rate + 6.26%).

(ii) Plan 2: Two hundred fifty percent of the current PERS Plan 2 member contribution rate (250% × Plan 2 rate).

(iii) Plan 3: A minimum of seven and one-half percent (7.5%) to your defined contribution account.

(6) What is the employer contribution rate in the judicial benefit multiplier program?

(a) If you serve as a supreme court justice or court of appeals or superior court judge, your employer will pay the employer contribution rate in effect for your plan plus two and one-half percent of your compensation earnable. See RCW 41.40.010 for the definition of "compensation earnable."

(b) If you serve as a district court or municipal court judge, your employer will pay the employer contribution rate in effect for your plan.

(7) Will my retirement benefit be capped in the judicial benefit multiplier program? Yes, if you are in the JBM program your retirement benefit will be capped depending on your plan.

(a) **Plan 1 and Plan 2 members.** Your total PERS monthly retirement benefit, including the service credit you earn in the JBM program and the service credit you earned prior to and subsequent to participating in this program, may not exceed 75 percent of your AFC.

(b) **Plan 3 members.** Your total PERS monthly retirement benefit, including the service credit you earn in the JBM program and the service credit you earned prior to and subsequent to participating in this program, may not exceed 37.5 percent of your AFC.

(c) **Portability retirements.** Your total monthly benefit will be calculated per RCW 41.54.070(2) to combine the benefits from both retirement systems.

(8) May I choose to not participate in the judicial benefit multiplier program after I have made the election to participate? No, your decision to participate in the JBM program is permanent.

(9) May I join membership in DRS and not participate in the judicial benefit multiplier program? No, if you are an elected official in a judicial position and choose to join membership in PERS in this elected position you will be required to also be in the judicial benefit multiplier program. If you are in a nonelected judicial position and the employment is eligible for membership you will be required to be in the judicial benefit multiplier program.

(10) What if I am in the judicial benefit multiplier program and I have service credit that does not qualify for the higher multiplier? If you earn credit for service other than as a justice or a judge, the formulas in RCW 41.40.185, 41.40.620, or 41.40.790 will apply to that portion of service credit. Your retirement benefit will be calculated using the appropriate multiplier for the type of service credit and retirement plan.

Example: John is in PERS Plan 1 and has 20 years of service credit and an AFC of \$10,000. John earned 10 years of service credit as a prosecuting attorney and 10 years of service credit as a District Court judge in the JBM program. John's retirement benefit is \$5,500 calculated as:

(Prosecuting attorney service credit) 2% × 10 years × \$10,000	=	\$2,000
(District Court judge service credit) 3.5% × 10 years × \$10,000	=	\$3,500
Total retirement benefit	=	\$5,500

(11) **As a judicial benefit multiplier member, may I have the higher multiplier applied to prior service credit?** If you elected to participate in the JBM program, you may purchase the higher multiplier to be applied to prior judicial service credit. You may choose to have the higher multiplier applied to all, some, or none of your qualifying service credit. Only the service credit you earned as a justice or judge is eligible for the higher multiplier.

(12) **How do I have the higher multiplier applied to past judicial service credit?** If you elected to participate in the JBM program, you may request to increase the multiplier. The following rules apply:

(a) You may request to increase the multiplier when you apply for retirement.

(b) Your retirement date must be July 1, 2008, or later.

(c) You can only increase any remaining eligible months of past judicial service that have not already been increased.

(d) The cost formula is equal to five percent of your salary earned for each month of increase plus five and one-half percent annual interest, accumulated monthly. However, if the actuarial cost for increasing the selected number of past judicial service months is less, you will pay the lesser amount. The cost will be determined beginning with the salary for the latest judicial month being increased.

(e) The number of months you choose to increase cannot be an amount that would cause your retirement benefit to exceed:

(i) Plan 1 and Plan 2: Seventy-five percent of your AFC.

(ii) Plan 3: Thirty-seven and one-half percent of your AFC.

(f) The higher multiplier for the service credit chosen will be applied to your retirement benefit calculation following full payment of your bill. The increase to your retirement benefit will be retroactive to your effective retirement date.

(g) You must pay your bill within 90 days of the date of the bill.

(h) You may make your payment:

(i) With an eligible rollover, a direct rollover, or a trustee-to-trustee transfer from an eligible retirement plan such as your deferred compensation account or JRA; or

(ii) With a personal check, cashier's check, or money order. Refer to Internal Revenue Service regulations for potential tax implications related to payments made with after-tax dollars.

(13) **If I participate in the judicial benefit multiplier program, may I also contribute to a judicial retirement account?** If you participate in the JBM program, you and your employer cannot contribute to judicial retirement account (JRA). If you have a JRA account, your funds will remain in your account until you terminate employment. However, you may use your JRA funds to pay the cost of applying the higher multiplier to past service credit according to subsection (12) of this section.

(14) **How will a survivor option be applied on my retirement benefit under the judicial benefit multiplier program?** Your monthly retirement benefit will be reduced by the appropriate survivor option factor (SOF) after your benefit is capped.

Example: Mary is in PERS Plan 3 and has 27 years of service in the JBM program and an AFC of \$10,000. Mary elected survivor option 2 for her spouse, who is two years older. The SOF for option 2 is 0.843.

Mary's retirement benefit is capped at 37.5% of her AFC. Mary's monthly retirement benefit is \$3,161 calculated as:

$$\begin{aligned} 1.6\% \times 27 \text{ years } (43.2\%) \times \$10,000 &= \$4,320 \\ \text{Capped at } 37.5\% \times \$10,000 &= \$3,750 \\ \$3,750 \times 0.843 &= \$3,161 \end{aligned}$$

(15) **If I die prior to retirement, can my survivor choose to increase past judicial service to the higher multiplier to use in the calculation of a survivor benefit?** If you die prior to retirement, your survivor may not choose to increase your past judicial service to a higher multiplier. However, any JBM service earned or past judicial service that you increase to the higher multiplier prior to your death will be used in the calculation of the retirement benefit.

(16) **May I participate in both the post 30-year program and the judicial benefit multiplier program if I am in PERS Plan 1?**

(a) If you opted into the post 30-year program under the provisions of RCW 41.40.191 before becoming a participant in the JBM program, your post 30-year contributions will stop when you begin contributing to the JBM program. The balance in your post 30-year contribution account will continue to accrue interest and will be available for refund at retirement. Contributions made under the JBM program will not be available for refund at your retirement including any contributions made on leave cash outs.

(b) You will not be eligible to enter the post 30-year program if you participate in the JBM program.

(17) **How will my benefit be calculated if I am a participant in both the post-30 year program and the judicial benefit multiplier program?** If you are a member of both the post 30-year program and the JBM program, your benefit will have two parts. The first part will include the benefit you earned under the post 30-year program, and the second part will include the additional amount you earned under the JBM program. The two parts, added together, will provide you with one retirement benefit.

(a) The AFC determined when you opted into the post 30-year program will apply to the post 30-year part of your retirement benefit, and a different AFC, based on your JBM program service, will be used for the part of your retirement benefit earned under the JBM program.

(b) Your total retirement benefit cannot exceed 75 percent of the AFC used to determine the JBM part of your benefit.

(c) Leave cash outs allowed to be used in determining your AFC will be included in both AFCs used to calculate each part of your retirement benefit.

(18) **If I am a member of PERS Plan 2 in the judicial benefit multiplier program, can I transfer to PERS Plan 3?**

(a) If you are a PERS Plan 2 JBM member who had transfer rights as provided under RCW 41.40.795 prior to entering the JBM program, you will still have the option to transfer to Plan 3 during the annual January open window.

(b) If you have never been a PERS member and are mandated into PERS Plan 2 under the JBM program, you will not have the option to transfer to Plan 3. See subsection (3) of this section.

(19) **If I transfer to Plan 3 and have paid to increase prior judicial service credit to the higher multiplier under Plan 2, what happens to my payment?** The payment you made to increase the benefit multiplier on prior judicial service will be split: Forty percent of your payment will be transferred into the Plan 3 defined benefit trust

fund; and 60 percent of your payment will be transferred into your Plan 3 defined contribution account and will be available for you to manage.

(20) How will an early retirement reduction factor (ERF) be applied if I retire early? If you retire early according to the provisions for your retirement plan, an ERF will be applied to your total retirement benefit before the cap is applied.

Example 1: John is in PERS Plan 2 under the JBM program and has 27 years of judicial service. John decides to retire at age 63 which is two years before age 65. John's AFC at the time of retirement is \$10,000 and the ERF for retiring two years early is 0.805. John's monthly retirement benefit is \$7,500 calculated as:

$$\begin{aligned} 3.5\% \times 27 \text{ years} \times \$10,000 &= \$9,450 \times 0.805 = \$7,607.25 \\ \text{Capped at 75\% of } \$10,000 &= \$7,500.00 \end{aligned}$$

(21) If I retire for disability, how will my benefit be capped? Your benefit will be capped at 75 percent of your AFC. If an ERF is applied, it will be applied according to subsection (20) of this section.

Example: Susan is in PERS Plan 1 under the JBM program. She has 22 years of judicial service and is age 52. Susan becomes disabled and retires three years before normal retirement. Her disability was not duty-related so she retires under the nonduty disability retirement provisions for PERS Plan 1. Susan's AFC at retirement is \$10,000 and the ERF for retiring three years early is 0.754. Susan's nonduty disability retirement benefit is \$5,806 calculated as:

$$3.5\% \times 22 \text{ years} \times \$10,000 = \$7,700 \times 0.754 = \$5,806$$

(22) If I participate in the judicial benefit multiplier program, may I purchase additional service credit when I retire? Yes, if you participate in the JBM program you may purchase additional service credit when you retire under RCW 41.40.034. The amount you receive due to the purchase of service credit is in addition to your retirement benefit. See WAC 415-02-177.

(23) If I participate in the judicial benefit multiplier program, what multiplier will I receive on service credit if I work part-time in judicial service and part-time in nonjudicial service for the same employer? The multiplier you receive on service credit will depend on whether you earned the service credit before or after becoming a JBM program member.

(a) For service earned after becoming a JBM program member, all service earned during a month will be reported at the JBM program contribution rate and will receive the higher multiplier.

(b) For service earned before becoming a JBM program member, any month that you worked in judicial service and nonjudicial service may be increased to the higher multiplier.

(24) If I participate in the judicial benefit multiplier program, what multiplier will I receive on service credit if I work part-time in judicial service for one employer and part-time in nonjudicial service for a different employer? Each employer will report your compensation and hours according to the rules for the position you are working in for that employer. The rules for earning service credit are the same for JBM program members, both before entering the JBM program and while in the JBM program, as for non-JBM program members. The department will combine the hours reported by each employer to determine the total service credit earned each month. After the amount of serv-

ice credit earned has been totaled, the portion of the service credit that will receive the higher multiplier credit in JBM will be determined as follows:

(a) If you are a Plan 1, Plan 2, or Plan 3 member and your judicial position is statewide elected, you will receive the higher multiplier for a full month of service credit for any month compensation is reported for your judicial position, regardless of hours reported.

(b) If you are in PERS Plan 1 and your judicial position is locally elected or the governor appoints you to judicial service, you will receive the higher multiplier for a full month of service credit for any month compensation is reported for your judicial position, regardless of hours reported.

(c) For all other JBM program members, the following charts provide examples of how much of the service credit will receive the higher multiplier and how much will receive the regular multiplier.

**Plan 1 JBM Program Members
Locally Appointed Positions**

Reported Hours		Total Service Credit Earned	Service Credit Distribution	
JBM	Non-JBM		JBM	Non-JBM
1.0	80.0	1.0	.50	.50
60.0	60.0	1.0	.50	.50
60.0	30.0	1.0	.50	.50
30.0	70.0	1.0	.50	.50
70.0	70.0	1.0	1.0	0
5.0	30.0	.25	.25	0

**Plans 2 and 3 JBM Program Members
Locally Elected, Governor or Locally Appointed Positions**

Reported Hours		Total Service Credit Earned	Service Credit Distribution	
JBM	Non-JBM		JBM	Non-JBM
5.0	30.0	.25	.25	0
1.0	80.0	.50	.25	.25
80.0	1.0	.50	.50	0
40.0	40.0	.50	.25	.25
60.0	60.0	1.0	.50	.50
112.0	40.0	1.0	1.0	0
72.0	112.0	1.0	.50	.50
60.0	30.0	1.0	.50	.50
30.0	70.0	1.0	.50	.50
70.0	30.0	1.0	.50	.50

[Statutory Authority: RCW 41.50.050, 2.14.115, 41.32.581, 41.32.584, 41.32.587, 41.40.124, 41.40.127, 41.40.404, 41.40.408, 41.40.760, 41.40.763, 41.40.767, 41.40.770, 41.40.870, 41.40.873, 41.40.877, 41.40.880, 41.45.200, 41.45.203, and 41.45.207. WSR 24-01-024, § 415-108-350, filed 12/8/23, effective 1/8/24.]