
SENATE BILL 6143

State of Washington

54th Legislature

1996 Regular Session

By Senators Swecker and Roach

Read first time 01/08/96. Referred to Committee on Labor, Commerce & Trade.

1 AN ACT Relating to employment preferences for merchant marines who
2 served in war zones; and amending RCW 41.04.005 and 41.40.170.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 41.04.005 and 1991 c 240 s 1 are each amended to read
5 as follows:

6 As used in RCW 41.04.005, 41.04.010, 41.16.220, and 41.20.050
7 "veteran" includes every person, who at the time he or she seeks the
8 benefits of RCW (~~(28B.40.3617)~~) 41.04.005, 41.04.010, 41.16.220,
9 41.20.050, 41.40.170, 73.04.110, or 73.08.080 has received an honorable
10 discharge or received a discharge for physical reasons with an
11 honorable record and who meets at least one of the following two
12 criteria:

13 (1) The person has served between World War I and World War II or
14 during any period of war as either (a) a member in any branch of the
15 armed forces of the United States, (b) a member of the women's air
16 forces service pilots, or (c) a U.S. documented merchant mariner with
17 service aboard an ocean going vessel in a war zone or an oceangoing
18 vessel operated by the war shipping administration, the office of
19 defense transportation, or their agents, during the period of armed

1 conflict, December 7, 1941, to August 15, 1945, or a civil service
2 crewmember with service aboard a U.S. army transport service or U.S.
3 naval transportation service vessel in oceangoing service during the
4 period of armed conflict(([,])), December 7, 1941, to August 15, 1945;
5 or

6 (2) The person has received the armed forces expeditionary medal,
7 or marine corps and navy expeditionary medal, for opposed action on
8 foreign soil, for service (a) in any branch of the armed forces of the
9 United States; or (b) as a member of the women's air forces service
10 pilots.

11 A "period of war" includes World War I, World War II, the Korean
12 conflict, the Vietnam era, and the period beginning on the date of any
13 future declaration of war by the congress and ending on the date
14 prescribed by presidential proclamation or concurrent resolution of the
15 congress. The "Vietnam era" means the period beginning August 5, 1964,
16 and ending on May 7, 1975.

17 **Sec. 2.** RCW 41.40.170 and 1991 c 35 s 78 are each amended to read
18 as follows:

19 (1) A member who has served or shall serve on active federal
20 service in the military or naval forces of the United States or who is
21 a U.S. documented merchant mariner with service aboard an ocean going
22 vessel in a war zone and who left or shall leave an employer to enter
23 such service shall be deemed to be on military leave of absence if he
24 or she has resumed or shall resume employment as an employee within one
25 year from termination thereof.

26 (2) If he or she has applied or shall apply for reinstatement of
27 employment, within one year from termination of the military or
28 merchant marine service, and is refused employment for reasons beyond
29 his or her control, he or she shall, upon resumption of service within
30 ten years have such service credited to him or her.

31 (3) In any event, after completing twenty-five years of creditable
32 service, any member may have service in the armed forces or merchant
33 marines credited to him or her as a member whether or not he or she
34 left the employ of an employer to enter the armed or merchant marine
35 service: PROVIDED, That in no instance, described in this section,
36 shall military or merchant marine service in excess of five years be
37 credited: AND PROVIDED FURTHER, That in each instance the member must
38 restore all withdrawn accumulated contributions, which restoration must

1 be completed within five years of membership service following the
2 first resumption of employment or complete twenty-five years of
3 creditable service: AND PROVIDED FURTHER, That this section will not
4 apply to any individual, not a veteran within the meaning of RCW
5 41.04.005(~~(, as now or hereafter amended)~~): AND PROVIDED FURTHER, That
6 in no instance, described in this section, shall military or merchant
7 marine service be credited to any member who is receiving full military
8 retirement benefits pursuant to Title 10 United States Code.

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