
ENGROSSED SUBSTITUTE SENATE BILL 5092

State of Washington 52nd Legislature 1991 Regular Session

By Senate Committee on Ways & Means (originally sponsored by Senators Roach, Snyder, Stratton, Amondson, L. Kreidler, McCaslin, Erwin, Newhouse, Niemi, Sellar, Craswell, Gaspard, Hayner, Skratek, L. Smith, Talmadge, Oke, Bauer, Rasmussen, Thorsness, Johnson, Wojahn, Cantu and West).

Read first time March 6, 1991.

1 AN ACT Relating to employee benefits while on active duty during
2 operation Desert Shield; amending RCW 41.26.520, 41.32.810, and
3 41.40.710; creating a new section; and declaring an emergency.

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

5 **Sec. 1.** RCW 41.26.520 and 1989 c 88 s 2 are each amended to read
6 as follows:

7 (1) A member who is on a paid leave of absence authorized by a
8 member's employer shall continue to receive service credit as provided
9 for under the provisions of RCW 41.26.410 through 41.26.550.

10 (2) Except as specified in subsection (3) of this section, a member
11 shall be eligible to receive a maximum of two years service credit
12 during a member's entire working career for those periods when a member
13 is on an unpaid leave of absence authorized by an employer. Such
14 credit may be obtained only if the member makes the employer, member,
15 and state contributions plus interest as determined by the department

1 for the period of the authorized leave of absence within five years of
2 resumption of service or prior to retirement whichever comes sooner:
3 PROVIDED, That for the purpose of this subsection the contribution
4 shall not include the contribution for the unfunded supplemental
5 present value as required by RCW 41.26.450. The contributions required
6 shall be based on the average of the member's basic salary at both the
7 time the authorized leave of absence was granted and the time the
8 member resumed employment.

9 (3) A member who ~~((is inducted into))~~ leaves the employ of an
10 employer to enter the armed forces of the United States shall be
11 ~~((deemed to be on an unpaid, authorized leave of absence))~~ entitled to
12 retirement system service credit for up to four years of military
13 service.

14 (a) The member qualifies for service credit under this subsection
15 if:

16 (i) Within ninety days of the member's honorable discharge from the
17 United States armed forces, the member returns to the employ of the
18 employer who employed the member immediately prior to the member
19 entering the United States armed forces; and

20 (ii) The member makes the employee contributions required under RCW
21 41.26.450 plus interest as determined by the department within five
22 years of resumption of service or prior to retirement, whichever comes
23 sooner.

24 (b) Upon receipt of member contributions under (a)(ii) of this
25 subsection, the department shall bill the employer and the state for
26 their respective contributions required under RCW 41.26.450 for the
27 period of military service, plus interest as determined by the
28 department.

1 (c) The contributions required shall be based on the average of the
2 member's basic salary at both the time the authorized leave was granted
3 and the time the member resumed employment.

4 (4) A member receiving benefits under Title 51 RCW who is not
5 receiving benefits under this chapter shall be deemed to be on unpaid,
6 authorized leave of absence.

7 **Sec. 2.** RCW 41.32.810 and 1977 ex.s. c 293 s 13 are each amended
8 to read as follows:

9 (1) A member who is on a paid leave of absence authorized by a
10 member's employer shall continue to receive service credit as provided
11 for under the provisions of RCW 41.32.755 through 41.32.825.

12 (2) Except as specified in subsection (3) of this section, a member
13 shall be eligible to receive a maximum of two years service credit
14 during a member's entire working career for those periods when a member
15 is on an unpaid leave of absence authorized by an employer. Such
16 credit may be obtained only if the member makes both the employer and
17 member contributions plus interest as determined by the department for
18 the period of the authorized leave of absence within five years of
19 resumption of service or prior to retirement whichever comes sooner:
20 PROVIDED, That for the purpose of this subsection (({section})) the
21 contribution shall not include the contribution for the unfunded
22 supplemental present value as required by RCW 41.32.775. The
23 contributions required shall be based on the average of the member's
24 ((compensation)) earnable compensation at both the time the authorized
25 leave of absence was granted and the time the member resumed
26 employment.

27 (3) A member who ((is inducted into)) leaves the employ of an
28 employer to enter the armed forces of the United States shall be
29 ((deemed to be on an unpaid, authorized leave of absence)) entitled to

1 retirement system service credit for up to four years of military
2 service.

3 (a) The member qualifies for service credit under this subsection
4 if:

5 (i) Within ninety days of the member's honorable discharge from the
6 United States armed forces, the member returns to the employ of the
7 employer who employed the member immediately prior to the member
8 entering the United States armed forces; and

9 (ii) The member makes the employee contributions required under RCW
10 41.32.775 plus interest as determined by the department within five
11 years of resumption of service or prior to retirement, whichever comes
12 sooner.

13 (b) Upon receipt of member contributions under (a)(ii) of this
14 subsection, the department shall bill the employer for its contribution
15 required under RCW 41.32.775 for the period of military service, plus
16 interest as determined by the department.

17 (c) The contributions required shall be based on the average of the
18 member's earnable compensation at both the time the authorized leave
19 was granted and the time the member resumed employment.

20 **Sec. 3.** RCW 41.40.710 and 1991 c 35 s 100 are each amended to read
21 as follows:

22 (1) A member who is on a paid leave of absence authorized by a
23 member's employer shall continue to receive service credit as provided
24 for under the provisions of RCW 41.40.610 through 41.40.740.

25 (2) Except as specified in subsection (3) of this section, a member
26 shall be eligible to receive a maximum of two years service credit
27 during a member's entire working career for those periods when a member
28 is on an unpaid leave of absence authorized by an employer. Such
29 credit may be obtained only if the member makes both the plan II

1 employer and member contributions plus interest as determined by the
2 department for the period of the authorized leave of absence within
3 five years of resumption of service or prior to retirement whichever
4 comes sooner. The contributions required shall be based on the average
5 of the member's compensation earnable at both the time the authorized
6 leave of absence was granted and the time the member resumed
7 employment.

8 (3) A member who ((is inducted into)) leaves the employ of an
9 employer to enter the armed forces of the United States shall be
10 ((deemed to be on an unpaid, authorized leave of absence)) entitled to
11 retirement system service credit for up to four years of military
12 service.

13 (a) The member qualifies for service credit under this subsection
14 if:

15 (i) Within ninety days of the member's honorable discharge from the
16 United States armed forces, the member returns to the employ of the
17 employer who employed the member immediately prior to the member
18 entering the United States armed forces; and

19 (ii) The member makes the employee contributions required under RCW
20 41.40.650 plus interest as determined by the department within five
21 years of resumption of service or prior to retirement, whichever comes
22 sooner.

23 (b) Upon receipt of member contributions under (a)(ii) of this
24 subsection, the department shall bill the employer for its contribution
25 required under RCW 41.40.650 for the period of military service, plus
26 interest as determined by the department.

27 (c) The contributions required shall be based on the average of the
28 member's compensation earnable at both the time the authorized leave
29 was granted and the time the member resumed employment.

1 NEW SECTION. **Sec. 4.** This act applies retroactively for
2 retirement system service credit for military service which began on or
3 after January 1, 1990.

4 NEW SECTION. **Sec. 5.** This act is necessary for the immediate
5 preservation of the public peace, health, or safety, or support of the
6 state government and its existing public institutions, and shall take
7 effect immediately.