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**SUBSTITUTE SENATE BILL 5092**

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**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; adding a new section to chapter 28A.400 RCW;  
3 adding new sections to chapter 41.04 RCW; and declaring an emergency.

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

5       NEW SECTION.   **Sec. 1.** A new section is added to chapter 28A.400  
6 RCW to read as follows:

7       (1) If an employee of a school district or an educational service  
8 district is activated from either federal military reserve service or  
9 state militia service to active military service due to the situation  
10 known as "Desert Shield," "Desert Storm," or any operation following  
11 from these, from August 2, 1990, to a date specified by an agency of  
12 the federal government as the end of such operation, such employee's  
13 dependents shall be entitled to the same health care and other  
14 insurance in which such employee was enrolled immediately prior to

1 being placed on active duty. This continuation of coverage shall  
2 continue until either:

3 (a) The employee is either released or discharged from active duty;  
4 or

5 (b) Six months after the employee is killed in the line of duty  
6 unless the surviving spouse or dependent has a prior right to continue  
7 such coverage by law or contract.

8 (2) The premium cost, if any, of such health care and other  
9 insurance programs to the spouse and/or dependents shall be the same as  
10 the premium that would have been required of the employee had he or she  
11 remained in the employ of the school or educational service district.

12 NEW SECTION. **Sec. 2.** A new section is added to chapter 41.04 RCW  
13 to read as follows:

14 (1) If an employee of the state, county, municipality, or other  
15 political subdivision is activated from either federal military reserve  
16 service or state militia service to active military service due to the  
17 situation known as "Desert Shield," "Desert Storm," or any operation  
18 following from these, from August 2, 1990, to a date specified by an  
19 agency of the federal government as the end of such operation, such  
20 employee's dependents shall be entitled to the same health care and  
21 other insurance in which such employee was enrolled immediately prior  
22 to being placed on active duty. This continuation of coverage shall  
23 continue until either:

24 (a) The employee is either released or discharged from active duty;  
25 or

26 (b) Six months after the employee is killed in the line of duty  
27 unless the surviving spouse or dependent has a prior right to continue  
28 such coverage by law or contract.

1 (2) The premium cost, if any, of such health care and other  
2 insurance programs to the spouse and/or dependents shall be the same as  
3 the premium that would have been required of the employee had he or she  
4 remained in the employ of the employer.

5 NEW SECTION. **Sec. 3.** A new section is added to chapter 41.04 RCW  
6 to read as follows:

7 (1) A member of any of the retirement systems listed in RCW  
8 41.50.030 or those authorized under RCW 28B.10.400 whose public service  
9 is interrupted by activation from federal military reserve or state  
10 militia service to active military service due to the situation known  
11 as "Desert Shield," "Desert Storm," or any operation following from  
12 these, from August 2, 1990, to a date specified by an agency of the  
13 federal government as the end of such operation, shall be considered as  
14 continuing his or her membership as though still in the employ of the  
15 employer.

16 (2) A member who qualifies under subsection (1) of this section  
17 shall receive service credit from the retirement system that he or she  
18 was a member of prior to military activation for the period of such  
19 activation if he or she:

20 (a) Enters employment by an employer, as defined by the respective  
21 retirement system, within one year of discharge from active service as  
22 described in subsection (1) of this section; and

23 (b) Applies to such employer for payment of retirement  
24 contributions to the department of retirement systems or the  
25 institution of higher education or community college under subsection  
26 (4) of this section within one year of such entering employment or one  
27 year of the effective date of this act.

1 (3) The employer required to pay the contributions specified in  
2 subsection (4) of this section shall be the employer of the member  
3 prior to activation.

4 (4) Upon receipt of an employee application under subsection (2) of  
5 this section or notification by the current employer, the responsible  
6 employer shall pay the necessary required retirement contributions to  
7 the department of retirement systems or the institution of higher  
8 education or community college. The necessary required contributions  
9 include the employee contribution as well as the employer  
10 contributions. The contributions shall be based on the salary being  
11 paid to the member at the time of entering active service incremented  
12 by either:

13 (a) Any subsequent general salary increase; or

14 (b) A negotiated salary increase.

15 (5) The department of retirement systems or the institution of  
16 higher education or community college shall treat the salary that the  
17 contributions are based on as compensation utilized in determining the  
18 final average salary, however it may be defined, in the normal  
19 retirement benefit or supplemental amount.

20 (6) Service shall be credited to the appropriate retirement system  
21 upon payment of the contributions to the member's account by the  
22 employer under this section.

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