
HOUSE BILL 1546

State of Washington 58th Legislature 2003 Regular Session

By Representatives Dunshee, Simpson, Schual-Berke and Conway

Read first time 01/29/2003. Referred to Committee on Appropriations.

1 AN ACT Relating to service credit for military service by members
2 of the public employees' retirement system, plan 2; and amending RCW
3 41.40.710.

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

5 **Sec. 1.** RCW 41.40.710 and 2000 c 247 s 1106 are each amended to
6 read 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 41.40.610 through 41.40.740.

10 (2) A member who receives compensation from an employer while on an
11 authorized leave of absence to serve as an elected official of a labor
12 organization, and whose employer is reimbursed by the labor
13 organization for the compensation paid to the member during the period
14 of absence, may also be considered to be on a paid leave of absence.
15 This subsection shall only apply if the member's leave of absence is
16 authorized by a collective bargaining agreement that provides that the
17 member retains seniority rights with the employer during the period of
18 leave. The compensation earnable reported for a member who establishes

1 service credit under this subsection may not be greater than the salary
2 paid to the highest paid job class covered by the collective bargaining
3 agreement.

4 (3) Except as specified in subsection (4) of this section, a member
5 shall be eligible to receive a maximum of two years service credit
6 during a member's entire working career for those periods when a member
7 is on an unpaid leave of absence authorized by an employer. Such
8 credit may be obtained only if:

9 (a) The member makes both the plan 2 employer and member
10 contributions plus interest as determined by the department for the
11 period of the authorized leave of absence within five years of
12 resumption of service or prior to retirement whichever comes sooner; or

13 (b) If not within five years of resumption of service but prior to
14 retirement, pay the amount required under RCW 41.50.165(2).

15 The contributions required under (a) of this subsection shall be
16 based on the average of the member's compensation earnable at both the
17 time the authorized leave of absence was granted and the time the
18 member resumed employment.

19 (4) A member who leaves the employ of an employer to enter the
20 armed forces of the United States shall be entitled to retirement
21 system service credit for up to five years of military service. This
22 subsection shall be administered in a manner consistent with the
23 requirements of the federal uniformed services employment and
24 reemployment rights act.

25 (a) The member qualifies for service credit under this subsection
26 if:

27 (i) Within ninety days of the member's honorable discharge from the
28 United States armed forces, the member applies for reemployment with
29 the employer who employed the member immediately prior to the member
30 entering the United States armed forces; and

31 (ii) The member makes the employee contributions required under RCW
32 41.45.061 and 41.45.067 within five years of resumption of service or
33 prior to retirement, whichever comes sooner; or

34 (iii) Prior to retirement and not within ninety days of the
35 member's honorable discharge or five years of resumption of service the
36 member pays the amount required under RCW 41.50.165(2).

37 (b) Upon receipt of member contributions under (a)(ii) of this
38 subsection, the department shall establish the member's service credit

1 and shall bill the employer for its contribution required under RCW
2 41.45.060, 41.45.061, and 41.45.067 for the period of military service,
3 plus interest as determined by the department.

4 (c) The contributions required under (a)(ii) of this subsection
5 shall be based on the compensation the member would have earned if not
6 on leave, or if that cannot be estimated with reasonable certainty, the
7 compensation reported for the member in the year prior to when the
8 member went on military leave.

9 (5)(a) After completing twenty-five years of creditable service,
10 any member who is a veteran of the Vietnam conflict may have service in
11 the armed forces credited to him or her as a member whether or not he
12 or she left the employ of an employer to enter the armed forces.
13 However, (i) in no instance under this subsection may military service
14 in excess of five years be credited, and (ii) in each instance the
15 member must restore all withdrawn accumulated contributions, which
16 restoration must be completed within five years of membership service
17 following the first resumption of employment, or complete twenty-five
18 years of creditable service.

19 (b) "Veteran of the Vietnam conflict" means a person who (i)(A)
20 served in the Republic of Vietnam during the period beginning February
21 28, 1961, and ending May 7, 1975, or (B) served during the period
22 beginning August 5, 1964, and ending on May 7, 1975, and (ii) received
23 an honorable discharge or received a discharge for physical reasons
24 with an honorable record.

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