
SENATE BILL 5521

State of Washington 59th Legislature 2005 Regular Session

By Senators Rasmussen, McAuliffe, Schmidt, Oke, Keiser, Shin,
Thibaudeau, Kline, Kohl-Welles and Benson

Read first time 01/26/2005. Referred to Committee on Government
Operations & Elections.

1 AN ACT Relating to military service credit; amending RCW 41.32.810,
2 41.35.470, and 41.40.710; and reenacting and amending RCW 41.04.005.

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

4 **Sec. 1.** RCW 41.32.810 and 1996 c 61 s 2 are each amended to read
5 as follows:

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

9 (2) A member who receives compensation from an employer while on an
10 authorized leave of absence to serve as an elected official of a labor
11 organization, and whose employer is reimbursed by the labor
12 organization for the compensation paid to the member during the period
13 of absence, may also be considered to be on a paid leave of absence.
14 This subsection shall only apply if the member's leave of absence is
15 authorized by a collective bargaining agreement that provides that the
16 member retains seniority rights with the employer during the period of
17 leave. The earnable compensation reported for a member who establishes
18 service credit under this subsection may not be greater than the salary

1 paid to the highest paid job class covered by the collective bargaining
2 agreement.

3 (3) Except as specified in subsection (6) of this section, a member
4 shall be eligible to receive a maximum of two years service credit
5 during a member's entire working career for those periods when a member
6 is on an unpaid leave of absence authorized by an employer. Such
7 credit may be obtained only if the member makes both the employer and
8 member contributions plus interest as determined by the department for
9 the period of the authorized leave of absence within five years of
10 resumption of service or prior to retirement whichever comes sooner.

11 (4) If a member fails to meet the time limitations of subsection
12 (3) of this section, the member may receive a maximum of two years of
13 service credit during a member's working career for those periods when
14 a member is on unpaid leave of absence authorized by an employer. This
15 may be done by paying the amount required under RCW 41.50.165(2) prior
16 to retirement.

17 (5) For the purpose of subsection (3) of this section, (~~the~~
18 ~~contribution shall not include the contribution for the unfunded~~
19 ~~supplemental present value as required by RCW 41.32.775.~~) the
20 contributions required shall be based on the average of the member's
21 earnable compensation at both the time the authorized leave of absence
22 was granted and the time the member resumed employment.

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

29 (~~a) The member qualifies for service credit under this subsection~~
30 ~~if:~~

31 (~~i) Within ninety days of the member's honorable discharge from the~~
32 ~~United States armed forces, the member applies for reemployment with~~
33 ~~the employer who employed the member immediately prior to the member~~
34 ~~entering the United States armed forces; and~~

35 (~~ii) The member makes the employee contributions required under RCW~~
36 ~~41.32.775 within five years of resumption of service or prior to~~
37 ~~retirement, whichever comes sooner; or~~

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

4 ~~(b) Upon receipt of member contributions under (a)(ii) of this~~
5 ~~subsection, the department shall establish the member's service credit~~
6 ~~and shall bill the employer for its contribution required under RCW~~
7 ~~41.32.775 for the period of military service, plus interest as~~
8 ~~determined by the department.~~

9 ~~(c) The contributions required under (a)(ii) of this subsection~~
10 ~~shall be based on the compensation the member would have earned if not~~
11 ~~on leave, or if that cannot be estimated with reasonable certainty, the~~
12 ~~compensation reported for the member in the year prior to when the~~
13 ~~member went on military leave.)) A member who has served or shall serve~~
14 ~~on active federal service in the military or naval forces of the United~~
15 ~~States and who left or shall leave an employer to enter such service~~
16 ~~shall be deemed to be on military leave of absence if he or she has~~
17 ~~resumed or shall resume employment as an employee within one year from~~
18 ~~termination.~~

19 (7) If he or she has applied or shall apply for reinstatement of
20 employment, within one year from termination of the military service,
21 and is refused employment for reasons beyond his or her control, he or
22 she shall, upon resumption of service within ten years have such
23 service credited to him or her.

24 (8) In any event, after completing twenty-five years of creditable
25 service, any member may have service in the armed forces credited to
26 him or her as a member whether or not he or she left the employ of an
27 employer to enter the armed service: PROVIDED, That in no instance,
28 described in this section, shall military service in excess of five
29 years be credited: AND PROVIDED FURTHER, That in each instance the
30 member must restore all withdrawn accumulated contributions, which
31 restoration must be completed within five years of membership service
32 following the first resumption of employment or complete twenty-five
33 years of creditable service: AND PROVIDED FURTHER, That this section
34 will not apply to any individual, not a veteran within the meaning of
35 RCW 41.04.005: AND PROVIDED FURTHER, That in no instance, described in
36 this section, shall military service be credited to any member who is
37 receiving full military retirement benefits pursuant to Title 10 United
38 States Code.

1 **Sec. 2.** RCW 41.35.470 and 1998 c 341 s 108 are each amended to
2 read as follows:

3 (1) A member who is on a paid leave of absence authorized by a
4 member's employer shall continue to receive service credit as provided
5 for under the provisions of RCW 41.35.400 through 41.35.599.

6 (2) A member who receives compensation from an employer while on an
7 authorized leave of absence to serve as an elected official of a labor
8 organization, and whose employer is reimbursed by the labor
9 organization for the compensation paid to the member during the period
10 of absence, may also be considered to be on a paid leave of absence.
11 This subsection shall only apply if the member's leave of absence is
12 authorized by a collective bargaining agreement that provides that the
13 member retains seniority rights with the employer during the period of
14 leave. The compensation earnable reported for a member who establishes
15 service credit under this subsection may not be greater than the salary
16 paid to the highest paid job class covered by the collective bargaining
17 agreement.

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

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

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

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

33 (4) ~~((A member who leaves the employ of an employer to enter the
34 armed forces of the United States shall be entitled to retirement
35 system service credit for up to five years of military service. This
36 subsection shall be administered in a manner consistent with the
37 requirements of the federal uniformed services employment and
38 reemployment rights act.~~

1 ~~(a) The member qualifies for service credit under this subsection~~
2 ~~if:~~

3 ~~(i) Within ninety days of the member's honorable discharge from the~~
4 ~~United States armed forces, the member applies for reemployment with~~
5 ~~the employer who employed the member immediately prior to the member~~
6 ~~entering the United States armed forces; and~~

7 ~~(ii) The member makes the employee contributions required under RCW~~
8 ~~41.35.430 within five years of resumption of service or prior to~~
9 ~~retirement, whichever comes sooner; or~~

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

13 ~~(b) Upon receipt of member contributions under (a)(ii) of this~~
14 ~~subsection, the department shall establish the member's service credit~~
15 ~~and shall bill the employer for its contribution required under RCW~~
16 ~~41.35.430 for the period of military service, plus interest as~~
17 ~~determined by the department.~~

18 ~~(c) The contributions required under (a)(ii) of this subsection~~
19 ~~shall be based on the compensation the member would have earned if not~~
20 ~~on leave, or if that cannot be estimated with reasonable certainty, the~~
21 ~~compensation reported for the member in the year prior to when the~~
22 ~~member went on military leave.)) A member who has served or shall serve~~
23 ~~on active federal service in the military or naval forces of the United~~
24 ~~States and who left or shall leave an employer to enter such service~~
25 ~~shall be deemed to be on military leave of absence if he or she has~~
26 ~~resumed or shall resume employment as an employee within one year from~~
27 ~~termination.~~

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

33 (6) In any event, after completing twenty-five years of creditable
34 service, any member may have service in the armed forces credited to
35 him or her as a member whether or not he or she left the employ of an
36 employer to enter the armed service: PROVIDED, That in no instance,
37 described in this section, shall military service in excess of five
38 years be credited: AND PROVIDED FURTHER, That in each instance the

1 member must restore all withdrawn accumulated contributions, which
2 restoration must be completed within five years of membership service
3 following the first resumption of employment or complete twenty-five
4 years of creditable service: AND PROVIDED FURTHER, That this section
5 will not apply to any individual, not a veteran within the meaning of
6 RCW 41.04.005: AND PROVIDED FURTHER, That in no instance, described in
7 this section, shall military service be credited to any member who is
8 receiving full military retirement benefits pursuant to Title 10 United
9 States Code.

10 **Sec. 3.** RCW 41.40.710 and 2000 c 247 s 1106 are each amended to
11 read as follows:

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

15 (2) A member who receives compensation from an employer while on an
16 authorized leave of absence to serve as an elected official of a labor
17 organization, and whose employer is reimbursed by the labor
18 organization for the compensation paid to the member during the period
19 of absence, may also be considered to be on a paid leave of absence.
20 This subsection shall only apply if the member's leave of absence is
21 authorized by a collective bargaining agreement that provides that the
22 member retains seniority rights with the employer during the period of
23 leave. The compensation earnable reported for a member who establishes
24 service credit under this subsection may not be greater than the salary
25 paid to the highest paid job class covered by the collective bargaining
26 agreement.

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

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

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

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

5 ~~(4) ((A member who leaves the employ of an employer to enter the
6 armed forces of the United States shall be entitled to retirement
7 system service credit for up to five years of military service. This
8 subsection shall be administered in a manner consistent with the
9 requirements of the federal uniformed services employment and
10 reemployment rights act.~~

11 ~~(a) The member qualifies for service credit under this subsection
12 if:~~

13 ~~(i) Within ninety days of the member's honorable discharge from the
14 United States armed forces, the member applies for reemployment with
15 the employer who employed the member immediately prior to the member
16 entering the United States armed forces; and~~

17 ~~(ii) The member makes the employee contributions required under RCW
18 41.45.061 and 41.45.067 within five years of resumption of service or
19 prior to retirement, whichever comes sooner; or~~

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

23 ~~(b) Upon receipt of member contributions under (a)(ii) of this
24 subsection, the department shall establish the member's service credit
25 and shall bill the employer for its contribution required under RCW
26 41.45.060, 41.45.061, and 41.45.067 for the period of military service,
27 plus interest as determined by the department.~~

28 ~~(c) The contributions required under (a)(ii) of this subsection
29 shall be based on the compensation the member would have earned if not
30 on leave, or if that cannot be estimated with reasonable certainty, the
31 compensation reported for the member in the year prior to when the
32 member went on military leave.)~~ A member who has served or shall serve
33 on active federal service in the military or naval forces of the United
34 States and who left or shall leave an employer to enter such service
35 shall be deemed to be on military leave of absence if he or she has
36 resumed or shall resume employment as an employee within one year from
37 termination.

1 (5) If he or she has applied or shall apply for reinstatement of
2 employment, within one year from termination of the military service,
3 and is refused employment for reasons beyond his or her control, he or
4 she shall, upon resumption of service within ten years have such
5 service credited to him or her.

6 (6) In any event, after completing twenty-five years of creditable
7 service, any member may have service in the armed forces credited to
8 him or her as a member whether or not he or she left the employ of an
9 employer to enter the armed service: PROVIDED, That in no instance,
10 described in this section, shall military service in excess of five
11 years be credited: AND PROVIDED FURTHER, That in each instance the
12 member must restore all withdrawn accumulated contributions, which
13 restoration must be completed within five years of membership service
14 following the first resumption of employment or complete twenty-five
15 years of creditable service: AND PROVIDED FURTHER, That this section
16 will not apply to any individual, not a veteran within the meaning of
17 RCW 41.04.005: AND PROVIDED FURTHER, That in no instance, described in
18 this section, shall military service be credited to any member who is
19 receiving full military retirement benefits pursuant to Title 10 United
20 States Code.

21 **Sec. 4.** RCW 41.04.005 and 2002 c 292 s 1 and 2002 c 27 s 1 are
22 each reenacted and amended to read as follows:

23 (1) As used in RCW 41.04.005, 41.16.220, 41.20.050, 41.40.170, and
24 28B.15.380 "veteran" includes every person, who at the time he or she
25 seeks the benefits of RCW 41.04.005, 41.16.220, 41.20.050, 41.40.170,
26 or 28B.15.380 has received an honorable discharge or received a
27 discharge for physical reasons with an honorable record and who meets
28 at least one of the following criteria:

29 (a) The person has served between World War I and World War II or
30 during any period of war, as defined in subsection (2) of this section,
31 as either:

32 (i) A member in any branch of the armed forces of the United
33 States;

34 (ii) A member of the women's air forces service pilots;

35 (iii) A U.S. documented merchant mariner with service aboard an
36 oceangoing vessel operated by the war shipping administration, the

1 office of defense transportation, or their agents, from December 7,
2 1941, through December 31, 1946; or

3 (iv) A civil service crewmember with service aboard a U.S. army
4 transport service or U.S. naval transportation service vessel in
5 oceangoing service from December 7, 1941, through December 31, 1946; or

6 (b) 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:

9 (i) In any branch of the armed forces of the United States; or

10 (ii) As a member of the women's air forces service pilots.

11 (2) A "period of war" includes:

12 (a) World War I;

13 (b) World War II;

14 (c) The Korean conflict;

15 (d) The Vietnam era(~~([, which])~~), which means:

16 (i) The period beginning on February 28, 1961, and ending on May 7,
17 1975, in the case of a veteran who served in the Republic of Vietnam
18 during that period;

19 (ii) The period beginning August 5, 1964, and ending on May 7,
20 1975;

21 (e) The Persian Gulf War, which was the period beginning August 2,
22 1990, and ending on the date prescribed by presidential proclamation or
23 law;

24 (f) The period beginning on the date of any future declaration of
25 war by the congress and ending on the date prescribed by presidential
26 proclamation or concurrent resolution of the congress; and

27 (g) The following armed conflicts, if the participant was awarded
28 the respective campaign badge or medal: The crisis in Lebanon; the
29 invasion of Grenada; Panama, Operation Just Cause; Somalia, Operation
30 Restore Hope; Haiti, Operation Uphold Democracy; (~~and~~) Bosnia,
31 Operation Joint Endeavor; Afghanistan, Operation Enduring Freedom; and
32 Iraq, Operation Iraqi Freedom.

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