
SENATE BILL 6123

State of Washington 64th Legislature 2015 1st Special Session

By Senators Bailey, Schoesler, Hewitt, Angel, Brown, O'Ban, Padden, Rivers, Roach, Honeyford, Miloscia, and Warnick

Read first time 05/20/15. Referred to Committee on Ways & Means.

1 AN ACT Relating to retirement service credit; and amending RCW
2 41.40.710.

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

4 **Sec. 1.** RCW 41.40.710 and 2009 c 205 s 1 are each amended to
5 read 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
8 provided for under the provisions of RCW 41.40.610 through 41.40.740.

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

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

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

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

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

17 A member who is a state elected official shall not receive
18 service credit under this subsection (3) for an authorized leave of
19 absence that is provided after the member has been charged with a
20 felony offense, unless the felony charges are subsequently dismissed
21 or the member is acquitted of the felony charges.

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

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

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

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

37 (iii) Prior to retirement and not within ninety days of the
38 member's honorable discharge or five years of resumption of service
39 the member pays the amount required under RCW 41.50.165(2); or

1 (iv) Prior to retirement the member provides to the director
2 proof that the member's interruptive military service was during a
3 period of war as defined in RCW 41.04.005. Any member who made
4 payments for service credit for interruptive military service in a
5 period of war as defined in RCW 41.04.005 may, prior to retirement
6 and on a form provided by the department, request a refund of the
7 funds standing to his or her credit for up to five years of such
8 service, and this amount shall be paid to him or her. Members with
9 one or more periods of interruptive military service during a period
10 of war may receive no more than five years of free retirement system
11 service credit under this subsection.

12 (b) Upon receipt of member contributions under (a)(ii), (d)(iii),
13 or (e)(iii) of this subsection, or adequate proof under (a)(iv),
14 (d)(iv), or (e)(iv) of this subsection, the department shall
15 establish the member's service credit and shall bill the employer for
16 its contribution required under RCW 41.45.060, 41.45.061, and
17 41.45.067 for the period of military service, plus interest as
18 determined by the department.

19 (c) The contributions required under (a)(ii), (d)(iii), or
20 (e)(iii) of this subsection shall be based on the compensation the
21 member would have earned if not on leave, or if that cannot be
22 estimated with reasonable certainty, the compensation reported for
23 the member in the year prior to when the member went on military
24 leave.

25 (d) The surviving spouse or eligible child or children of a
26 member who left the employ of an employer to enter the uniformed
27 services of the United States and died while serving in the uniformed
28 services may, on behalf of the deceased member, apply for retirement
29 system service credit under this subsection up to the date of the
30 member's death in the uniformed services. The department shall
31 establish the deceased member's service credit if the surviving
32 spouse or eligible child or children:

33 (i) Provides to the director proof of the member's death while
34 serving in the uniformed services;

35 (ii) Provides to the director proof of the member's honorable
36 service in the uniformed services prior to the date of death; and

37 (iii) Pays the employee contributions required under chapter
38 41.45 RCW within five years of the date of death or prior to the
39 distribution of any benefit, whichever comes first; or

1 (iv) Prior to the distribution of any benefit, provides to the
2 director proof that the member's interruptive military service was
3 during a period of war as defined in RCW 41.04.005. If the deceased
4 member made payments for service credit for interruptive military
5 service during a period of war as defined in RCW 41.04.005, the
6 surviving spouse or eligible child or children may, prior to the
7 distribution of any benefit and on a form provided by the department,
8 request a refund of the funds standing to the deceased member's
9 credit for up to five years of such service, and this amount shall be
10 paid to the surviving spouse or eligible child or children. Members
11 with one or more periods of interruptive military service during a
12 period of war may receive no more than five years of free retirement
13 system service credit under this subsection.

14 (e) A member who leaves the employ of an employer to enter the
15 uniformed services of the United States and becomes totally
16 incapacitated for continued employment by an employer while serving
17 in the uniformed services is entitled to retirement system service
18 credit under this subsection up to the date of discharge from the
19 uniformed services if:

20 (i) The member obtains a determination from the director that he
21 or she is totally incapacitated for continued employment due to
22 conditions or events that occurred while serving in the uniformed
23 services;

24 (ii) The member provides to the director proof of honorable
25 discharge from the uniformed services; and

26 (iii) The member pays the employee contributions required under
27 chapter 41.45 RCW within five years of the director's determination
28 of total disability or prior to the distribution of any benefit,
29 whichever comes first; or

30 (iv) Prior to retirement the member provides to the director
31 proof that the member's interruptive military service was during a
32 period of war as defined in RCW 41.04.005. Any member who made
33 payments for service credit for interruptive military service during
34 a period of war as defined in RCW 41.04.005 may, prior to retirement
35 and on a form provided by the department, request a refund of the
36 funds standing to his or her credit for up to five years of such
37 service, and this amount shall be paid to him or her. Members with
38 one or more periods of interruptive military service credit during a

1 period of war may receive no more than five years of free retirement
2 system service credit under this subsection.

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