
HOUSE BILL 1814

State of Washington

68th Legislature

2023 Regular Session

By Representatives Corry, Chapman, Volz, Robertson, Jacobsen, Griffey, Couture, Graham, McClintock, and Schmidt

Read first time 02/10/23. Referred to Committee on Labor & Workplace Standards.

1 AN ACT Relating to the reemployment and pension service credit of
2 public employees separated from service due to a vaccination mandate;
3 amending RCW 41.26.520, 41.32.810, 41.32.865, 41.35.470, 41.35.650,
4 41.37.260, 41.40.710, 41.40.805, and 43.43.260; adding a new section
5 to chapter 41.04 RCW; creating a new section; and declaring an
6 emergency.

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

8 NEW SECTION. **Sec. 1.** The legislature finds that governor
9 executive order 22-13 required nearly all state employees to be
10 vaccinated and boosted against COVID-19. This order resulted in the
11 loss of nearly 1,900 state employees, including 400 transportation
12 workers, which led to curtailed ferry service, reduced snowplow
13 service, and fewer state patrol officers. The legislature further
14 finds that vaccine requirements for state employees continue to
15 evolve as the most recently negotiated state employee collective
16 bargaining agreements remove the vaccine booster requirement and
17 replace it with a \$1,000 incentive payment. In light of recent and
18 future changes to employer mandated vaccination policies, it is the
19 intent of the legislature to facilitate the efficient return of state
20 employees who separated from employment due to mandatory vaccination
21 policies, by providing a hiring preference. It is also the intent of

1 the legislature to permit these individuals, employed by both the
2 state and local governments, to make employee contributions and
3 receive state retirement system service credit for specified periods
4 of work missed due to employer mandated vaccination policies.

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

7 (1) In all competitive examinations, unless otherwise provided in
8 this section, to determine the qualifications of applicants for
9 public offices, positions, or employment, either the state, and all
10 of its political subdivisions and all municipal corporations, or
11 private companies or agencies contracted with by the state to give
12 the competitive examinations shall give a scoring criteria status to
13 individuals separated from employment due to vaccination status
14 during the 2020, 2021, or 2022 calendar years. This preference must
15 be implemented by adding 10 percent to the passing mark, grade or
16 rating only, based upon a possible rating of 100 points.

17 (2) The vaccination status scoring criteria may be claimed upon
18 submission by an applicant to a prospective employer, as listed in
19 subsection (1) of this section, of either proof of dismissal related
20 to vaccination status, or proof of the prior employer's vaccination
21 policy, and an affidavit that the applicant separated from employment
22 due to the employer policy.

23 **Sec. 3.** RCW 41.26.520 and 2016 c 115 s 2 are each amended to
24 read as follows:

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

28 (2) A member who receives compensation from an employer while on
29 an authorized leave of absence to serve as an elected official of a
30 labor organization, and whose employer is reimbursed by the labor
31 organization for the compensation paid to the member during the
32 period of absence, may also be considered to be on a paid leave of
33 absence. This subsection shall only apply if the member's leave of
34 absence is authorized by a collective bargaining agreement that
35 provides that the member retains seniority rights with the employer
36 during the period of leave. The basic salary reported for a member
37 who establishes service credit under this subsection may not be

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

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

12 (4) A law enforcement member may be authorized by an employer to
13 work part time and to go on a part-time leave of absence. During a
14 part-time leave of absence a member is prohibited from any other
15 employment with their employer. A member is eligible to receive
16 credit for any portion of service credit not earned during a month of
17 part-time leave of absence if the member makes the employer, member,
18 and state contributions, plus interest, as determined by the
19 department for the period of the authorized leave within five years
20 of resumption of full-time service or prior to retirement whichever
21 comes sooner. Any service credit purchased for a part-time leave of
22 absence is included in the two-year maximum provided in subsection
23 (3) of this section.

24 (5) If a member fails to meet the time limitations of subsection
25 (3) or (4) of this section, the member may receive a maximum of two
26 years of service credit during a member's working career for those
27 periods when a member is on unpaid leave of absence authorized by an
28 employer. This may be done by paying the amount required under RCW
29 41.50.165(2) prior to retirement.

30 (6) For the purpose of subsection (3) or (4) of this section the
31 contribution shall not include the contribution for the unfunded
32 supplemental present value as required by RCW 41.45.060, 41.45.061,
33 and 41.45.067. The contributions required shall be based on the
34 average of the member's basic salary at both the time the authorized
35 leave of absence was granted and the time the member resumed
36 employment.

37 (7) A member who leaves the employ of an employer to enter the
38 uniformed services of the United States shall be entitled to
39 retirement system service credit for up to five years of military
40 service. This subsection shall be administered in a manner consistent

1 with the requirements of the federal uniformed services employment
2 and reemployment rights act.

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
6 the uniformed services of the United States, the member applies for
7 reemployment with the employer who employed the member immediately
8 prior to the member entering the uniformed services; and

9 (ii) The member makes the employee contributions required under
10 RCW 41.45.060, 41.45.061, and 41.45.067 within five years of
11 resumption of service or prior to retirement, whichever comes sooner;
12 or

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

16 (iv) Prior to retirement the member provides to the director
17 proof that the member's interruptive military service was during a
18 period of war as defined in RCW 41.04.005. Any member who made
19 payments for service credit for interruptive military service during
20 a period of war as defined in RCW 41.04.005 may, prior to retirement
21 and on a form provided by the department, request a refund of the
22 funds standing to his or her credit for up to five years of such
23 service, and this amount shall be paid to him or her. Members with
24 one or more periods of interruptive military service credit during a
25 period of war may receive no more than five years of free retirement
26 system service credit under this subsection.

27 (b) Upon receipt of member contributions under (a)(ii), (d)(iii),
28 or (e)(iii) of this subsection, or adequate proof under (a)(iv),
29 (d)(iv), or (e)(iv) of this subsection, the department shall
30 establish the member's service credit and shall bill the employer and
31 the state for their respective contributions required under RCW
32 41.26.450 for the period of military service, plus interest as
33 determined by the department.

34 (c) The contributions required under (a)(ii), (d)(iii), or
35 (e)(iii) of this subsection shall be based on the compensation the
36 member would have earned if not on leave, or if that cannot be
37 estimated with reasonable certainty, the compensation reported for
38 the member in the year prior to when the member went on military
39 leave.

1 (d) The surviving spouse, domestic partner, or eligible child or
2 children of a member who left the employ of an employer to enter the
3 uniformed services of the United States and died while serving in the
4 uniformed services may, on behalf of the deceased member, apply for
5 retirement system service credit under this subsection up to the date
6 of the member's death in the uniformed services. The department shall
7 establish the deceased member's service credit if the surviving
8 spouse or eligible child or children:

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

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

13 (iii) Pays the employee contributions required under chapter
14 41.45 RCW within five years of the date of death or prior to the
15 distribution of any benefit, whichever comes first; or

16 (iv) Prior to the distribution of any benefit, provides to the
17 director proof that the member's interruptive military service was
18 during a period of war as defined in RCW 41.04.005. If the deceased
19 member made payments for service credit for interruptive military
20 service during a period of war as defined in RCW 41.04.005, the
21 surviving spouse or eligible child or children may, prior to the
22 distribution of any benefit and on a form provided by the department,
23 request a refund of the funds standing to the deceased member's
24 credit for up to five years of such service, and this amount shall be
25 paid to the surviving spouse or children. Members with one or more
26 periods of interruptive military service during a period of war may
27 receive no more than five years of free retirement system service
28 credit under this subsection.

29 (e) A member who leaves the employ of an employer to enter the
30 uniformed services of the United States and becomes totally
31 incapacitated for continued employment by an employer while serving
32 in the uniformed services is entitled to retirement system service
33 credit under this subsection up to the date of discharge from the
34 uniformed services if:

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

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

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

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

16 (f) The surviving spouse, domestic partner, or eligible child or
17 children of a member who left the employ of an employer to enter the
18 uniformed services of the United States, federal emergency management
19 agency, or national disaster medical system of the United States
20 department of health and human services and died while performing
21 service in response to a disaster, major emergency, special event,
22 federal exercise, or official training on or after March 22, 2014,
23 may, on behalf of the deceased member, apply for retirement system
24 service credit under this subsection up to the date of the member's
25 death in such service. The department shall establish the deceased
26 member's service credit if the surviving spouse or eligible child or
27 children provides to the director proof of the member's death while
28 in such service.

29 (g) A member who leaves the employ of an employer to enter the
30 uniformed services of the United States, federal emergency management
31 agency, or national disaster medical system of the United States
32 department of health and human services and becomes totally
33 incapacitated for continued employment by an employer while providing
34 such service is entitled to retirement system service credit under
35 this subsection up to the date of separation from such service if the
36 member obtains a determination from the director that he or she is
37 totally incapacitated for continued employment due to conditions or
38 events that occurred while performing such service.

39 (8) A member who leaves the employ of an employer voluntarily or
40 involuntarily due to the imposition of an employer mandate to receive

1 a vaccination after January 1, 2020, is entitled to retirement system
2 service credit for up to five years of service credit.

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

5 (i) (A) Within 90 days of the member's return to retirement
6 system-covered employment related to a vaccination mandate-related
7 separation, the member applies for vaccination mandate service
8 credit; and

9 (B) The member makes the employee contributions required under
10 RCW 41.45.061 and 41.45.067 within five years of resumption of
11 service or prior to retirement, whichever comes sooner; or

12 (ii) Prior to retirement and not within 90 days of the member's
13 return to retirement system-covered employment related to a
14 vaccination mandate-related separation or five years of resumption of
15 service the member pays the amount required under RCW 41.50.165(2).

16 (b) Upon receipt of member contributions under (a) of this
17 subsection the department shall establish the member's service credit
18 and shall bill the employer for its contribution required under RCW
19 41.45.060, 41.45.061, and 41.45.067 for the period of vaccination
20 mandate-related separation, plus interest as determined by the
21 department.

22 (c) The contributions required under (a) of this subsection shall
23 be based on the compensation the member would have earned if no
24 vaccination mandate-related separation had occurred, or if that
25 cannot be estimated with reasonable certainty, the compensation
26 reported for the member in the year prior to when the member was
27 subject to a vaccination mandate-related separation.

28 (9) A member receiving benefits under Title 51 RCW who is not
29 receiving benefits under this chapter shall be deemed to be on
30 unpaid, authorized leave of absence.

31 **Sec. 4.** RCW 41.32.810 and 2009 c 205 s 6 are each amended to
32 read as follows:

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

36 (2) A member who receives compensation from an employer while on
37 an authorized leave of absence to serve as an elected official of a
38 labor organization, and whose employer is reimbursed by the labor
39 organization for the compensation paid to the member during the

1 period of absence, may also be considered to be on a paid leave of
2 absence. This subsection shall only apply if the member's leave of
3 absence is authorized by a collective bargaining agreement that
4 provides that the member retains seniority rights with the employer
5 during the period of leave. The earnable compensation reported for a
6 member who establishes service credit under this subsection may not
7 be greater than the salary paid to the highest paid job class covered
8 by the collective bargaining agreement.

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

18 (4) If a member fails to meet the time limitations of subsection
19 (3) of this section, the member may receive a maximum of two years of
20 service credit during a member's working career for those periods
21 when a member is on unpaid leave of absence authorized by an
22 employer. This may be done by paying the amount required under RCW
23 41.50.165(2) prior to retirement.

24 (5) For the purpose of subsection (3) of this section, the
25 contribution shall not include the contribution for the unfunded
26 supplemental present value as required by RCW 41.32.775. The
27 contributions required shall be based on the average of the member's
28 earnable compensation at both the time the authorized leave of
29 absence was granted and the time the member resumed employment.

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

36 (a) The member qualifies for service credit under this subsection
37 if:

38 (i) Within ninety days of the member's honorable discharge from
39 the uniformed services of the United States, the member applies for

1 reemployment with the employer who employed the member immediately
2 prior to the member entering the uniformed services; and

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

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

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

20 (b) Upon receipt of member contributions under (a)(ii), (d)(iii),
21 or (e)(iii) of this subsection, or adequate proof under (a)(iv),
22 (d)(iv), or (e)(iv) of this subsection, the department shall
23 establish the member's service credit and shall bill the employer for
24 its contribution required under RCW 41.32.775 for the period of
25 military service, plus interest as determined by the department.

26 (c) The contributions required under (a)(ii), (d)(iii), or
27 (e)(iii) of this subsection shall be based on the compensation the
28 member would have earned if not on leave, or if that cannot be
29 estimated with reasonable certainty, the compensation reported for
30 the member in the year prior to when the member went on military
31 leave.

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

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

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

5 (iii) Pays the employee contributions required under chapter
6 41.45 RCW within five years of the date of death or prior to the
7 distribution of any benefit, whichever comes first; or

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

21 (e) A member who leaves the employ of an employer to enter the
22 uniformed services of the United States and becomes totally
23 incapacitated for continued employment by an employer while serving
24 in the uniformed services is entitled to retirement system service
25 credit under this subsection up to the date of discharge from the
26 uniformed services if:

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

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

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

37 (iv) Prior to retirement the member provides to the director
38 proof that the member's interruptive military service was during a
39 period of war as defined in RCW 41.04.005. Any member who made
40 payments for service credit for interruptive military service during

1 a period of war as defined in RCW 41.04.005 may, prior to retirement
2 and on a form provided by the department, request a refund of the
3 funds standing to his or her credit for up to five years of such
4 service, and this amount shall be paid to him or her. Members with
5 one or more periods of interruptive military service credit during a
6 period of war may receive no more than five years of free retirement
7 system service credit under this subsection.

8 (7) A member who leaves the employ of an employer voluntarily or
9 involuntarily due to the imposition of an employer mandate to receive
10 a vaccination after January 1, 2020, is entitled to retirement system
11 service credit for up to five years of service credit.

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

14 (i) (A) Within 90 days of the member's return to retirement
15 system-covered employment related to a vaccination mandate-related
16 separation, the member applies for vaccination mandate service
17 credit; and

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

21 (ii) Prior to retirement and not within 90 days of the member's
22 return to retirement system-covered employment related to a
23 vaccination mandate-related separation or five years of resumption of
24 service the member pays the amount required under RCW 41.50.165(2).

25 (b) Upon receipt of member contributions under (a) of this
26 subsection the department shall establish the member's service credit
27 and shall bill the employer for its contribution required under RCW
28 41.45.060, 41.45.061, and 41.45.067 for the period of vaccination
29 mandate-related separation, plus interest as determined by the
30 department.

31 (c) The contributions required under (a) of this subsection shall
32 be based on the compensation the member would have earned if no
33 vaccination mandate-related separation had occurred, or if that
34 cannot be estimated with reasonable certainty, the compensation
35 reported for the member in the year prior to when the member was
36 subject to a vaccination mandate-related separation.

37 **Sec. 5.** RCW 41.32.865 and 2009 c 205 s 7 are each amended to
38 read as follows:

1 (1) A member who is on a paid leave of absence authorized by a
2 member's employer shall continue to receive service credit.

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

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

20 (a) The member makes the contribution on behalf of the employer,
21 plus interest, as determined by the department; and

22 (b) The member makes the employee contribution, plus interest, as
23 determined by the department, to the defined contribution portion.

24 The contributions required shall be based on the average of the
25 member's earnable compensation at both the time the authorized leave
26 of absence was granted and the time the member resumed employment.

27 (4) A member who leaves the employ of an employer to enter the
28 uniformed services of the United States shall be entitled to
29 retirement system service credit for up to five years of military
30 service if within ninety days of the member's honorable discharge
31 from the uniformed services of the United States, the member applies
32 for reemployment with the employer who employed the member
33 immediately prior to the member entering the uniformed services. This
34 subsection shall be administered in a manner consistent with the
35 requirements of the federal uniformed services employment and
36 reemployment rights act.

37 The department shall establish the member's service credit and
38 shall bill the employer for its contribution required under chapter
39 239, Laws of 1995 for the period of military service, plus interest
40 as determined by the department. Service credit under this subsection

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

14 The contributions required shall be based on the compensation the
15 member would have earned if not on leave, or if that cannot be
16 estimated with reasonable certainty, the compensation reported for
17 the member in the year prior to when the member went on military
18 leave.

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

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

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

31 (iii) Pays the employee contributions required under this
32 subsection within five years of the date of death or prior to the
33 distribution of any benefit, whichever comes first; or

34 (iv) Prior to the distribution of any benefit, provides to the
35 director proof that the member's interruptive military service was
36 during a period of war as defined in RCW 41.04.005. If the deceased
37 member made payments for service credit for interruptive military
38 service during a period of war as defined in RCW 41.04.005, the
39 surviving spouse or eligible child or children may, prior to the
40 distribution of any benefit and on a form provided by the department,

1 request a refund of the funds standing to the deceased member's
2 credit for up to five years of such service, and this amount shall be
3 paid to the surviving spouse or children. Members with one or more
4 periods of interruptive military service during a period of war may
5 receive no more than five years of free retirement system service
6 credit under this subsection.

7 (b) A member who leaves the employ of an employer to enter the
8 uniformed services of the United States and becomes totally
9 incapacitated for continued employment by an employer while serving
10 in the uniformed services is entitled to retirement system service
11 credit under this subsection up to the date of discharge from the
12 uniformed services if:

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

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

19 (iii) The member pays the employee contributions required under
20 this subsection within five years of the director's determination of
21 total disability or prior to the distribution of any benefit,
22 whichever comes first; or

23 (iv) Prior to retirement the member provides to the director
24 proof that the member's interruptive military service was during a
25 period of war as defined in RCW 41.04.005. Any member who made
26 payments for service credit for interruptive military service during
27 a period of war as defined in RCW 41.04.005 may, prior to retirement
28 and on a form provided by the department, request a refund of the
29 funds standing to his or her credit for up to five years of such
30 service, and this amount shall be paid to him or her. Members with
31 one or more periods of interruptive military service during a period
32 of war may receive no more than five years of free retirement system
33 service credit under this subsection.

34 (5) A member who leaves the employ of an employer voluntarily or
35 involuntarily due to the imposition of an employer mandate to receive
36 a vaccination after January 1, 2020, is entitled to retirement system
37 service credit for up to five years of service credit.

38 (a) The member qualifies for service credit under this subsection
39 if:

1 (i)(A) Within 90 days of the member's return to retirement
2 system-covered employment related to a vaccination mandate-related
3 separation, the member applies for vaccination mandate service
4 credit; and

5 (B) The member makes the employee contributions required under
6 RCW 41.45.061 and 41.45.067 within five years of resumption of
7 service or prior to retirement, whichever comes sooner; or

8 (ii) Prior to retirement and not within 90 days of the member's
9 return to retirement system-covered employment related to a
10 vaccination mandate-related separation or five years of resumption of
11 service the member pays the amount required under RCW 41.50.165(2).

12 (b) Upon receipt of member contributions under (a) of this
13 subsection the department shall establish the member's service credit
14 and shall bill the employer for its contribution required under RCW
15 41.45.060, 41.45.061, and 41.45.067 for the period of vaccination
16 mandate-related separation, plus interest as determined by the
17 department.

18 (c) The contributions required under (a) of this subsection shall
19 be based on the compensation the member would have earned if no
20 vaccination mandate-related separation had occurred, or if that
21 cannot be estimated with reasonable certainty, the compensation
22 reported for the member in the year prior to when the member was
23 subject to a vaccination mandate-related separation.

24 **Sec. 6.** RCW 41.35.470 and 2009 c 205 s 4 are each amended to
25 read as follows:

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

29 (2) A member who receives compensation from an employer while on
30 an authorized leave of absence to serve as an elected official of a
31 labor organization, and whose employer is reimbursed by the labor
32 organization for the compensation paid to the member during the
33 period of absence, may also be considered to be on a paid leave of
34 absence. This subsection shall only apply if the member's leave of
35 absence is authorized by a collective bargaining agreement that
36 provides that the member retains seniority rights with the employer
37 during the period of leave. The compensation earnable reported for a
38 member who establishes service credit under this subsection may not

1 be greater than the salary paid to the highest paid job class covered
2 by the collective bargaining agreement.

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

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

13 (b) If not within five years of resumption of service but prior
14 to 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
17 the 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 uniformed services of the United States shall be entitled to
21 retirement system service credit for up to five years of military
22 service. This subsection shall be administered in a manner consistent
23 with the requirements of the federal uniformed services employment
24 and 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
28 the uniformed services of the United States, the member applies for
29 reemployment with the employer who employed the member immediately
30 prior to the member entering the uniformed services; and

31 (ii) The member makes the employee contributions required under
32 RCW 41.35.430 within five years of resumption of service or prior to
33 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
36 the member pays the amount required under RCW 41.50.165(2); or

37 (iv) Prior to retirement the member provides to the director
38 proof that the member's interruptive military service was during a
39 period of war as defined in RCW 41.04.005. Any member who made
40 payments for service credit for interruptive military service during

1 a period of war as defined in RCW 41.04.005 may, prior to retirement
2 and on a form provided by the department, request a refund of the
3 funds standing to his or her credit for up to five years of such
4 service, and this amount shall be paid to him or her. Members with
5 one or more periods of interruptive military service credit during a
6 period of war may receive no more than five years of free retirement
7 system service credit under this subsection.

8 (b) Upon receipt of member contributions under (a)(ii), (d)(iii),
9 or (e)(iii) of this subsection, or adequate proof under (a)(iv),
10 (d)(iv), or (e)(iv) of this subsection, the department shall
11 establish the member's service credit and shall bill the employer for
12 its contribution required under RCW 41.35.430 for the period of
13 military service, plus interest as determined by the department.

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

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

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

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

32 (iii) Pays the employee contributions required under chapter
33 41.45 RCW within five years of the date of death or prior to the
34 distribution of any benefit, whichever comes first; or

35 (iv) Prior to the distribution of any benefit, provides to the
36 director proof that the member's interruptive military service was
37 during a period of war as defined in RCW 41.04.005. If the deceased
38 member made payments for service credit for interruptive military
39 service during a period of war as defined in RCW 41.04.005, the
40 surviving spouse or eligible child or children may, prior to the

1 distribution of any benefit and on a form provided by the department,
2 request a refund of the funds standing to the deceased member's
3 credit for up to five years of such service, and this amount shall be
4 paid to the surviving spouse or children. Members with one or more
5 periods of interruptive military service during a period of war may
6 receive no more than five years of free retirement system service
7 credit under this subsection.

8 (e) A member who leaves the employ of an employer to enter the
9 uniformed services of the United States and becomes totally
10 incapacitated for continued employment by an employer while serving
11 in the uniformed services is entitled to retirement system service
12 credit under this subsection up to the date of discharge from the
13 uniformed services if:

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

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

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

24 (iv) Prior to retirement the member provides to the director
25 proof that the member's interruptive military service was during a
26 period of war as defined in RCW 41.04.005. Any member who made
27 payments for service credit for interruptive military service during
28 a period of war as defined in RCW 41.04.005 may, prior to retirement
29 and on a form provided by the department, request a refund of the
30 funds standing to his or her credit for up to five years of such
31 service, and this amount shall be paid to him or her. Members with
32 one or more periods of interruptive military service credit during a
33 period of war may receive no more than five years of free retirement
34 system service credit under this subsection.

35 (5) A member who leaves the employ of an employer voluntarily or
36 involuntarily due to the imposition of an employer mandate to receive
37 a vaccination after January 1, 2020, is entitled to retirement system
38 service credit for up to five years of service credit.

39 (a) The member qualifies for service credit under this subsection
40 if:

1 (i)(A) Within 90 days of the member's return to retirement
2 system-covered employment related to a vaccination mandate-related
3 separation, the member applies for vaccination mandate service
4 credit; and

5 (B) The member makes the employee contributions required under
6 RCW 41.45.061 and 41.45.067 within five years of resumption of
7 service or prior to retirement, whichever comes sooner; or

8 (ii) Prior to retirement and not within 90 days of the member's
9 return to retirement system-covered employment related to a
10 vaccination mandate-related separation or five years of resumption of
11 service the member pays the amount required under RCW 41.50.165(2).

12 (b) Upon receipt of member contributions under (a) of this
13 subsection the department shall establish the member's service credit
14 and shall bill the employer for its contribution required under RCW
15 41.45.060, 41.45.061, and 41.45.067 for the period of vaccination
16 mandate-related separation, plus interest as determined by the
17 department.

18 (c) The contributions required under (a) of this subsection shall
19 be based on the compensation the member would have earned if no
20 vaccination mandate-related separation had occurred, or if that
21 cannot be estimated with reasonable certainty, the compensation
22 reported for the member in the year prior to when the member was
23 subject to a vaccination mandate-related separation.

24 **Sec. 7.** RCW 41.35.650 and 2009 c 205 s 5 are each amended to
25 read as follows:

26 (1) A member who is on a paid leave of absence authorized by a
27 member's employer shall continue to receive service credit.

28 (2) A member who receives compensation from an employer while on
29 an authorized leave of absence to serve as an elected official of a
30 labor organization, and whose employer is reimbursed by the labor
31 organization for the compensation paid to the member during the
32 period of absence, may also be considered to be on a paid leave of
33 absence. This subsection shall only apply if the member's leave of
34 absence is authorized by a collective bargaining agreement that
35 provides that the member retains seniority rights with the employer
36 during the period of leave. The earnable compensation reported for a
37 member who establishes service credit under this subsection may not
38 be greater than the salary paid to the highest paid job class covered
39 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 the contribution on behalf of the employer,
7 plus interest, as determined by the department; and

8 (b) The member makes the employee contribution, plus interest, as
9 determined by the department, to the defined contribution portion.

10 The contributions required shall be based on the average of the
11 member's earnable compensation at both the time the authorized leave
12 of absence was granted and the time the member resumed employment.

13 (4) A member who leaves the employ of an employer to enter the
14 uniformed services of the United States shall be entitled to
15 retirement system service credit for up to five years of military
16 service if within ninety days of the member's honorable discharge
17 from the uniformed services of the United States, the member applies
18 for reemployment with the employer who employed the member
19 immediately prior to the member entering the uniformed services. This
20 subsection shall be administered in a manner consistent with the
21 requirements of the federal uniformed services employment and
22 reemployment rights act.

23 The department shall establish the member's service credit and
24 shall bill the employer for its contribution required under RCW
25 41.35.720 for the period of military service, plus interest as
26 determined by the department. Service credit under this subsection
27 may be obtained only if the member makes the employee contribution to
28 the defined contribution portion as determined by the department, or
29 prior to retirement, the member provides to the director proof that
30 the member's interruptive military service was during a period of war
31 as defined in RCW 41.04.005. Any member who made payments for service
32 credit for interruptive military service during a period of war as
33 defined in RCW 41.04.005 may, prior to retirement and on a form
34 provided by the department, request a refund of the funds standing to
35 his or her credit for up to five years of such service, and this
36 amount shall be paid to him or her. Members with one or more periods
37 of interruptive military service during a period of war may receive
38 no more than five years of free retirement system service credit
39 under this subsection.

1 The contributions required shall be based on the compensation the
2 member would have earned if not on leave, or if that cannot be
3 estimated with reasonable certainty, the compensation reported for
4 the member in the year prior to when the member went on military
5 leave.

6 (a) The surviving spouse or eligible child or children of a
7 member who left the employ of an employer to enter the uniformed
8 services of the United States and died while serving in the uniformed
9 services may, on behalf of the deceased member, apply for retirement
10 system service credit under this subsection up to the date of the
11 member's death in the uniformed services. The department shall
12 establish the deceased member's service credit if the surviving
13 spouse or eligible child or children:

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

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

18 (iii) Pays the employee contributions required under this
19 subsection within five years of the date of death or prior to the
20 distribution of any benefit, whichever comes first; or

21 (iv) Prior to the distribution of any benefit, provides to the
22 director proof that the member's interruptive military service was
23 during a period of war as defined in RCW 41.04.005. If the deceased
24 member made payments for service credit for interruptive military
25 service during a period of war as defined in RCW 41.04.005, the
26 surviving spouse or eligible child or children may, prior to the
27 distribution of any benefit and on a form provided by the department,
28 request a refund of the funds standing to the deceased member's
29 credit for up to five years of such service, and this amount shall be
30 paid to the surviving spouse or children. Members with one or more
31 periods of interruptive military service during a period of war may
32 receive no more than five years of free retirement system service
33 credit under this subsection.

34 (b) A member who leaves the employ of an employer to enter the
35 uniformed services of the United States and becomes totally
36 incapacitated for continued employment by an employer while serving
37 in the uniformed services is entitled to retirement system service
38 credit under this subsection up to the date of discharge from the
39 uniformed services if:

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

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

7 (iii) The member pays the employee contributions required under
8 this subsection within five years of the director's determination of
9 total disability or prior to the distribution of any benefit,
10 whichever comes first; or

11 (iv) Prior to retirement the member provides to the director
12 proof that the member's interruptive military service was during a
13 period of war as defined in RCW 41.04.005. Any member who made
14 payments for service credit for interruptive military service during
15 a period of war as defined in RCW 41.04.005 may, prior to retirement
16 and on a form provided by the department, request a refund of the
17 funds standing to his or her credit for up to five years of such
18 service, and this amount shall be paid to him or her. Members with
19 one or more periods of interruptive military service credit during a
20 period of war may receive no more than five years of free retirement
21 system service credit under this subsection.

22 (5) A member who leaves the employ of an employer voluntarily or
23 involuntarily due to the imposition of an employer mandate to receive
24 a vaccination after January 1, 2020, is entitled to retirement system
25 service credit for up to five years of service credit.

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

28 (i) (A) Within 90 days of the member's return to retirement
29 system-covered employment related to a vaccination mandate-related
30 separation, the member applies for vaccination mandate service
31 credit; and

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

35 (ii) Prior to retirement and not within 90 days of the member's
36 return to retirement system-covered employment related to a
37 vaccination mandate-related separation or five years of resumption of
38 service the member pays the amount required under RCW 41.50.165(2).

39 (b) Upon receipt of member contributions under (a) of this
40 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 vaccination
3 mandate-related separation, plus interest as determined by the
4 department.

5 (c) The contributions required under (a) of this subsection shall
6 be based on the compensation the member would have earned if no
7 vaccination mandate-related separation had occurred, or if that
8 cannot be estimated with reasonable certainty, the compensation
9 reported for the member in the year prior to when the member was
10 subject to a vaccination mandate-related separation.

11 **Sec. 8.** RCW 41.37.260 and 2009 c 205 s 3 are each amended to
12 read as follows:

13 (1) A member who is on a paid leave of absence authorized by a
14 member's employer shall continue to receive service credit as
15 provided for under RCW 41.37.190 through 41.37.290.

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

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

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

37 (b) If not within five years of resumption of service but prior
38 to 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
3 the 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 uniformed services of the United States shall be entitled to
7 retirement system service credit for up to five years of military
8 service. This subsection shall be administered in a manner consistent
9 with the requirements of the federal uniformed services employment
10 and 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
14 the uniformed services of the United States, the member applies for
15 reemployment with the employer who employed the member immediately
16 prior to the member entering the uniformed services; and

17 (ii) The member makes the employee contributions required under
18 RCW 41.37.220 within five years of resumption of service or prior to
19 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
22 the member pays the amount required under RCW 41.50.165(2); or

23 (iv) Prior to retirement the member provides to the director
24 proof that the member's interruptive military service was during a
25 period of war as defined in RCW 41.04.005. Any member who made
26 payments for service credit for interruptive military service during
27 a period of war as defined in RCW 41.04.005 may, prior to retirement
28 and on a form provided by the department, request a refund of the
29 funds standing to his or her credit for up to five years of such
30 service, and this amount shall be paid to him or her. Members with
31 one or more periods of interruptive military service credit during a
32 period of war may receive no more than five years of free retirement
33 system service credit under this subsection.

34 (b) Upon receipt of member contributions under (a)(ii), (d)(iii),
35 or (e)(iii) of this subsection, or adequate proof under (a)(iv),
36 (d)(iv), or (e)(iv) of this subsection, the department shall
37 establish the member's service credit and shall bill the employer for
38 its contribution required under RCW 41.37.220 for the period of
39 military service, plus interest as determined by the department.

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

7 (d) The surviving spouse or eligible child or children of a
8 member who left the employ of an employer to enter the uniformed
9 services of the United States and died while serving in the uniformed
10 services may, on behalf of the deceased member, apply for retirement
11 system service credit under this subsection up to the date of the
12 member's death in the uniformed services. The department shall
13 establish the deceased member's service credit if the surviving
14 spouse or eligible child or children:

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

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

19 (iii) Pays the employee contributions required under chapter
20 41.45 RCW within five years of the date of death or prior to the
21 distribution of any benefit, whichever comes first; or

22 (iv) Prior to the distribution of any benefit, provides to the
23 director proof that the member's interruptive military service was
24 during a period of war as defined in RCW 41.04.005. If the deceased
25 member made payments for service credit for interruptive military
26 service during a period of war as defined in RCW 41.04.005, the
27 surviving spouse or eligible child or children may, prior to the
28 distribution of any benefit and on a form provided by the department,
29 request a refund of the funds standing to the deceased member's
30 credit for up to five years of such service, and this amount shall be
31 paid to the surviving spouse or children. Members with one or more
32 periods of interruptive military service during a period of war may
33 receive no more than five years of free retirement system service
34 credit under this subsection.

35 (e) A member who leaves the employ of an employer to enter the
36 uniformed services of the United States and becomes totally
37 incapacitated for continued employment by an employer while serving
38 in the uniformed services is entitled to retirement system service
39 credit under this subsection up to the date of discharge from the
40 uniformed services if:

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

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

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

11 (iv) Prior to retirement the member provides to the director
12 proof that the member's interruptive military service was during a
13 period of war as defined in RCW 41.04.005. Any member who made
14 payments for service credit for interruptive military service during
15 a period of war as defined in RCW 41.04.005 may, prior to retirement
16 and on a form provided by the department, request a refund of the
17 funds standing to his or her credit for up to five years of such
18 service, and this amount shall be paid to him or her. Members with
19 one or more periods of interruptive military service credit during a
20 period of war may receive no more than five years of free retirement
21 system service credit under this subsection.

22 (5) A member who leaves the employ of an employer voluntarily or
23 involuntarily due to the imposition of an employer mandate to receive
24 a vaccination after January 1, 2020, is entitled to retirement system
25 service credit for up to five years of service credit.

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

28 (i) (A) Within 90 days of the member's return to retirement
29 system-covered employment related to a vaccination mandate-related
30 separation, the member applies for vaccination mandate service
31 credit; and

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

35 (ii) Prior to retirement and not within 90 days of the member's
36 return to retirement system-covered employment related to a
37 vaccination mandate-related separation or five years of resumption of
38 service the member pays the amount required under RCW 41.50.165(2).

39 (b) Upon receipt of member contributions under (a) of this
40 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 vaccination
3 mandate-related separation, plus interest as determined by the
4 department.

5 (c) The contributions required under (a) of this subsection shall
6 be based on the compensation the member would have earned if no
7 vaccination mandate-related separation had occurred, or if that
8 cannot be estimated with reasonable certainty, the compensation
9 reported for the member in the year prior to when the member was
10 subject to a vaccination mandate-related separation.

11 **Sec. 9.** RCW 41.40.710 and 2009 c 205 s 1 are each amended to
12 read as follows:

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

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

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

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

38 (b) If not within five years of resumption of service but prior
39 to 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
3 the 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 uniformed services of the United States shall be entitled to
7 retirement system service credit for up to five years of military
8 service. This subsection shall be administered in a manner consistent
9 with the requirements of the federal uniformed services employment
10 and 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
14 the uniformed services of the United States, the member applies for
15 reemployment with the employer who employed the member immediately
16 prior to the member entering the uniformed services; and

17 (ii) The member makes the employee contributions required under
18 RCW 41.45.061 and 41.45.067 within five years of resumption of
19 service or 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
22 the member pays the amount required under RCW 41.50.165(2); or

23 (iv) Prior to retirement the member provides to the director
24 proof that the member's interruptive military service was during a
25 period of war as defined in RCW 41.04.005. Any member who made
26 payments for service credit for interruptive military service in a
27 period of war as defined in RCW 41.04.005 may, prior to retirement
28 and on a form provided by the department, request a refund of the
29 funds standing to his or her credit for up to five years of such
30 service, and this amount shall be paid to him or her. Members with
31 one or more periods of interruptive military service during a period
32 of war may receive no more than five years of free retirement system
33 service credit under this subsection.

34 (b) Upon receipt of member contributions under (a)(ii), (d)(iii),
35 or (e)(iii) of this subsection, or adequate proof under (a)(iv),
36 (d)(iv), or (e)(iv) of this subsection, the department shall
37 establish the member's service credit and shall bill the employer for
38 its contribution required under RCW 41.45.060, 41.45.061, and
39 41.45.067 for the period of military service, plus interest as
40 determined by the department.

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

7 (d) The surviving spouse or eligible child or children of a
8 member who left the employ of an employer to enter the uniformed
9 services of the United States and died while serving in the uniformed
10 services may, on behalf of the deceased member, apply for retirement
11 system service credit under this subsection up to the date of the
12 member's death in the uniformed services. The department shall
13 establish the deceased member's service credit if the surviving
14 spouse or eligible child or children:

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

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

19 (iii) Pays the employee contributions required under chapter
20 41.45 RCW within five years of the date of death or prior to the
21 distribution of any benefit, whichever comes first; or

22 (iv) Prior to the distribution of any benefit, provides to the
23 director proof that the member's interruptive military service was
24 during a period of war as defined in RCW 41.04.005. If the deceased
25 member made payments for service credit for interruptive military
26 service during a period of war as defined in RCW 41.04.005, the
27 surviving spouse or eligible child or children may, prior to the
28 distribution of any benefit and on a form provided by the department,
29 request a refund of the funds standing to the deceased member's
30 credit for up to five years of such service, and this amount shall be
31 paid to the surviving spouse or eligible child or children. Members
32 with one or more periods of interruptive military service during a
33 period of war may receive no more than five years of free retirement
34 system service credit under this subsection.

35 (e) A member who leaves the employ of an employer to enter the
36 uniformed services of the United States and becomes totally
37 incapacitated for continued employment by an employer while serving
38 in the uniformed services is entitled to retirement system service
39 credit under this subsection up to the date of discharge from the
40 uniformed services if:

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

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

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

11 (iv) Prior to retirement the member provides to the director
12 proof that the member's interruptive military service was during a
13 period of war as defined in RCW 41.04.005. Any member who made
14 payments for service credit for interruptive military service during
15 a period of war as defined in RCW 41.04.005 may, prior to retirement
16 and on a form provided by the department, request a refund of the
17 funds standing to his or her credit for up to five years of such
18 service, and this amount shall be paid to him or her. Members with
19 one or more periods of interruptive military service credit during a
20 period of war may receive no more than five years of free retirement
21 system service credit under this subsection.

22 (5) A member who leaves the employ of an employer voluntarily or
23 involuntarily due to the imposition of an employer mandate to receive
24 a vaccination after January 1, 2020, is entitled to retirement system
25 service credit for up to five years of service credit.

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

28 (i) (A) Within 90 days of the member's return to retirement
29 system-covered employment related to a vaccination mandate-related
30 separation, the member applies for vaccination mandate service
31 credit; and

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

35 (ii) Prior to retirement and not within 90 days of the member's
36 return to retirement system-covered employment related to a
37 vaccination mandate-related separation or five years of resumption of
38 service the member pays the amount required under RCW 41.50.165(2).

39 (b) Upon receipt of member contributions under (a) of this
40 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 vaccination
3 mandate-related separation, plus interest as determined by the
4 department.

5 (c) The contributions required under (a) of this subsection shall
6 be based on the compensation the member would have earned if no
7 vaccination mandate-related separation had occurred, or if that
8 cannot be estimated with reasonable certainty, the compensation
9 reported for the member in the year prior to when the member was
10 subject to a vaccination mandate-related separation.

11 **Sec. 10.** RCW 41.40.805 and 2009 c 205 s 2 are each amended to
12 read as follows:

13 (1) A member who is on a paid leave of absence authorized by a
14 member's employer shall continue to receive service credit.

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

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

32 (a) The member makes the contribution on behalf of the employer,
33 plus interest, as determined by the department; and

34 (b) The member makes the employee contribution, plus interest, as
35 determined by the department, to the defined contribution portion.

36 The contributions required shall be based on the average of the
37 member's earnable compensation at both the time the authorized leave
38 of absence was granted and the time the member resumed employment.

1 (4) A member who leaves the employ of an employer to enter the
2 uniformed services of the United States shall be entitled to
3 retirement system service credit for up to five years of military
4 service if within ninety days of the member's honorable discharge
5 from the uniformed services of the United States, the member applies
6 for reemployment with the employer who employed the member
7 immediately prior to the member entering the uniformed services. 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 The department shall establish the member's service credit and
12 shall bill the employer for its contribution required under RCW
13 41.45.060 and 41.45.067 for the period of military service, plus
14 interest as determined by the department. Service credit under this
15 subsection may be obtained only if the member makes the employee
16 contribution to the defined contribution portion as determined by the
17 department, or prior to retirement, the member provides to the
18 director proof that the member's interruptive military service was
19 during a period of war as defined in RCW 41.04.005. Any member who
20 made payments for service credit for interruptive military service
21 during a period of war as defined in RCW 41.04.005 may, prior to
22 retirement and on a form provided by the department, request a refund
23 of the funds standing to his or her credit for up to five years of
24 such service, and this amount shall be paid to him or her. Members
25 with one or more periods of interruptive military service during a
26 period of war may receive no more than five years of free retirement
27 system service credit under this subsection.

28 The contributions required shall be based on the compensation the
29 member would have earned if not on leave, or if that cannot be
30 estimated with reasonable certainty, the compensation reported for
31 the member in the year prior to when the member went on military
32 leave.

33 (a) The surviving spouse or eligible child or children of a
34 member who left the employ of an employer to enter the uniformed
35 services of the United States and died while serving in the uniformed
36 services may, on behalf of the deceased member, apply for retirement
37 system service credit under this subsection up to the date of the
38 member's death in the uniformed services. The department shall
39 establish the deceased member's service credit if the surviving
40 spouse or eligible child or children:

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

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

5 (iii) Pays the employee contributions required under this
6 subsection within five years of the date of death or prior to the
7 distribution of any benefit, whichever comes first; or

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

21 (b) A member who leaves the employ of an employer to enter the
22 uniformed services of the United States and becomes totally
23 incapacitated for continued employment by an employer while serving
24 in the uniformed services is entitled to retirement system service
25 credit under this subsection up to the date of discharge from the
26 uniformed services if:

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

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

33 (iii) The member pays the employee contributions required under
34 this subsection within five years of the director's determination of
35 total disability or prior to the distribution of any benefit,
36 whichever comes first; or

37 (iv) Prior to retirement the member provides to the director
38 proof that the member's interruptive military service was during a
39 period of war as defined in RCW 41.04.005. Any member who made
40 payments for service credit for interruptive military service during

1 a period of war as defined in RCW 41.04.005 may, prior to retirement
2 and on a form provided by the department, request a refund of the
3 funds standing to his or her credit for up to five years of such
4 service, and this amount shall be paid to him or her. Members with
5 one or more periods of interruptive military service credit during a
6 period of war may receive no more than five years of free retirement
7 system service credit under this subsection.

8 (5) A member who leaves the employ of an employer voluntarily or
9 involuntarily due to the imposition of an employer mandate to receive
10 a vaccination after January 1, 2020, is entitled to retirement system
11 service credit for up to five years of service credit.

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

14 (i) (A) Within 90 days of the member's return to retirement
15 system-covered employment related to a vaccination mandate-related
16 separation, the member applies for vaccination mandate service
17 credit; and

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

21 (ii) Prior to retirement and not within 90 days of the member's
22 return to retirement system-covered employment related to a
23 vaccination mandate-related separation or five years of resumption of
24 service the member pays the amount required under RCW 41.50.165(2).

25 (b) Upon receipt of member contributions under (a) of this
26 subsection the department shall establish the member's service credit
27 and shall bill the employer for its contribution required under RCW
28 41.45.060, 41.45.061, and 41.45.067 for the period of vaccination
29 mandate-related separation, plus interest as determined by the
30 department.

31 (c) The contributions required under (a) of this subsection shall
32 be based on the compensation the member would have earned if no
33 vaccination mandate-related separation had occurred, or if that
34 cannot be estimated with reasonable certainty, the compensation
35 reported for the member in the year prior to when the member was
36 subject to a vaccination mandate-related separation.

37 **Sec. 11.** RCW 43.43.260 and 2021 c 98 s 1 are each amended to
38 read as follows:

1 Upon retirement from service as provided in RCW 43.43.250, a
2 member shall be granted a retirement allowance which shall consist
3 of:

4 (1) A prior service allowance which shall be equal to two percent
5 of the member's average final salary multiplied by the number of
6 years of prior service rendered by the member.

7 (2) A current service allowance which shall be equal to two
8 percent of the member's average final salary multiplied by the number
9 of years of service rendered while a member of the retirement system.

10 (3) (a) Any member commissioned prior to January 1, 2003, with
11 twenty-five years service in the Washington state patrol may have the
12 member's service in the uniformed services credited as a member
13 whether or not the individual left the employ of the Washington state
14 patrol to enter such uniformed services: PROVIDED, That in no
15 instance shall military service in excess of five years be credited:
16 AND PROVIDED FURTHER, That in each instance, a member must restore
17 all withdrawn accumulated contributions, which restoration must be
18 completed on the date of the member's retirement, or as provided
19 under RCW 43.43.130, whichever occurs first: AND PROVIDED FURTHER,
20 That this section shall not apply to any individual, not a veteran
21 within the meaning of RCW 41.06.150.

22 (b) A member who leaves the Washington state patrol 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 (i) The member qualifies for service credit under this subsection
29 if:

30 (A) 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 (B) The member makes the employee contributions required under
35 RCW 41.45.0631 and 41.45.067 within five years of resumption of
36 service or prior to retirement, whichever comes sooner; or

37 (C) 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 (D) If the member was commissioned on or after January 1, 2003,
2 and, prior to retirement, the member provides to the director proof
3 that the member's interruptive military service was during a period
4 of war as defined in RCW 41.04.005. Any member who made payments for
5 service credit for interruptive military service during a period of
6 war as defined in RCW 41.04.005 may, prior to retirement and on a
7 form provided by the department, request a refund of the funds
8 standing to his or her credit for up to five years of such service,
9 and this amount shall be paid to him or her. Members with one or more
10 periods of interruptive military service credit during a period of
11 war may receive no more than five years of free retirement system
12 service credit under this subsection.

13 (ii) Upon receipt of member contributions under (b) (i) (B),
14 (b) (iv) (C), and (b) (v) (C) of this subsection, or adequate proof under
15 (b) (i) (D), (b) (iv) (D), or (b) (v) (D) of this subsection, the
16 department shall establish the member's service credit and shall bill
17 the employer for its contribution required under RCW 41.45.060 for
18 the period of military service, plus interest as determined by the
19 department.

20 (iii) The contributions required under (b) (i) (B), (b) (iv) (C), and
21 (b) (v) (C) of this subsection shall be based on the compensation the
22 member would have earned if not on leave, or if that cannot be
23 estimated with reasonable certainty, the compensation reported for
24 the member in the year prior to when the member went on military
25 leave.

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

35 (A) Provides to the director proof of the member's death while
36 serving in the uniformed services;

37 (B) Provides to the director proof of the member's honorable
38 service in the uniformed services prior to the date of death; and

39 (C) If the member was commissioned on or after January 1, 2003,
40 pays the employee contributions required under chapter 41.45 RCW

1 within five years of the date of death or prior to the distribution
2 of any benefit, whichever comes first; or

3 (D) If the member was commissioned on or after January 1, 2003,
4 and, prior to the distribution of any benefit, provides to the
5 director proof that the member's interruptive military service was
6 during a period of war as defined in RCW 41.04.005. If the deceased
7 member made payments for service credit for interruptive military
8 service during a period of war as defined in RCW 41.04.005, the
9 surviving spouse or eligible child or children may, prior to the
10 distribution of any benefit and on a form provided by the department,
11 request a refund of the funds standing to the deceased member's
12 credit for up to five years of such service, and this amount shall be
13 paid to the surviving spouse or children. Members with one or more
14 periods of interruptive military service during a period of war may
15 receive no more than five years of free retirement system service
16 credit under this subsection.

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

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

27 (B) The member provides to the director proof of honorable
28 discharge from the uniformed services; and

29 (C) If the member was commissioned on or after January 1, 2003,
30 the member pays the employee contributions required under chapter
31 41.45 RCW within five years of the director's determination of total
32 disability or prior to the distribution of any benefit, whichever
33 comes first; or

34 (D) If the member was commissioned on or after January 1, 2003,
35 and, prior to retirement, the member provides to the director proof
36 that the member's interruptive military service was during a period
37 of war as defined in RCW 41.04.005. Any member who made payments for
38 service credit for interruptive military service during a period of
39 war as defined in RCW 41.04.005 may, prior to retirement and on a
40 form provided by the department, request a refund of the funds

1 standing to his or her credit for up to five years of such service,
2 and this amount shall be paid to him or her. Members with one or more
3 periods of interruptive military service during a period of war may
4 receive no more than five years of free retirement system service
5 credit under this subsection.

6 (4) A member who leaves the employ of an employer voluntarily or
7 involuntarily due to the imposition of an employer mandate to receive
8 a vaccination after January 1, 2020, is entitled to retirement system
9 service credit for up to five years of service credit.

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

12 (i) (A) Within 90 days of the member's return to retirement
13 system-covered employment related to a vaccination mandate-related
14 separation, the member applies for vaccination mandate service
15 credit; and

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

19 (ii) Prior to retirement and not within 90 days of the member's
20 return to retirement system-covered employment related to a
21 vaccination mandate-related separation or five years of resumption of
22 service the member pays the amount required under RCW 41.50.165(2).

23 (b) Upon receipt of member contributions under (a) 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 vaccination
27 mandate-related separation, plus interest as determined by the
28 department.

29 (c) The contributions required under (a) of this subsection shall
30 be based on the compensation the member would have earned if no
31 vaccination mandate-related separation had occurred, or if that
32 cannot be estimated with reasonable certainty, the compensation
33 reported for the member in the year prior to when the member was
34 subject to a vaccination mandate-related separation.

35 (5) In no event shall the total retirement benefits from
36 subsections (1), (2), ~~((and))~~ (3), and (4) of this section, of any
37 member exceed seventy-five percent of the member's average final
38 salary.

39 ~~((+5))~~ (6) Beginning July 1, 2001, and every year thereafter,
40 the department shall determine the following information for each

1 retired member or beneficiary whose retirement allowance has been in
2 effect for at least one year:

3 (a) The original dollar amount of the retirement allowance;

4 (b) The index for the calendar year prior to the effective date
5 of the retirement allowance, to be known as "index A";

6 (c) The index for the calendar year prior to the date of
7 determination, to be known as "index B"; and

8 (d) The ratio obtained when index B is divided by index A.

9 The value of the ratio obtained shall be the annual adjustment to
10 the original retirement allowance and shall be applied beginning with
11 the July payment. In no event, however, shall the annual adjustment:

12 (i) Produce a retirement allowance which is lower than the
13 original retirement allowance;

14 (ii) Exceed three percent in the initial annual adjustment; or

15 (iii) Differ from the previous year's annual adjustment by more
16 than three percent.

17 For the purposes of this section, "index" means, for any calendar
18 year, that year's average consumer price index for the Seattle,
19 Washington area for urban wage earners and clerical workers, all
20 items, compiled by the bureau of labor statistics, United States
21 department of labor.

22 The provisions of this section shall apply to all members
23 presently retired and to all members who shall retire in the future.

24 NEW SECTION. **Sec. 12.** This act is necessary for the immediate
25 preservation of the public peace, health, or safety, or support of
26 the state government and its existing public institutions, and takes
27 effect immediately.

--- END ---