
SENATE BILL 6009

State of Washington 60th Legislature 2007 Regular Session

By Senators Rasmussen, Hatfield, Shin, Morton, Tom, Kohl-Welles,
Roach and Hobbs

Read first time 02/13/2007. Referred to Committee on Ways & Means.

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

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

4 **Sec. 1.** RCW 41.32.810 and 2005 c 64 s 7 are each amended to read
5 as follows:

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

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

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

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

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

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

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

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

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

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

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

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

9 ~~(c) The contributions required under (a)(ii), (d)(iii), or (e)(iii)~~
10 ~~of this subsection shall be based on the compensation the member would~~
11 ~~have earned if not on leave, or if that cannot be estimated with~~
12 ~~reasonable certainty, the compensation reported for the member in the~~
13 ~~year prior to when the member went on military leave.~~

14 ~~(d))~~ A member who has served or shall serve on active federal
15 service in the uniformed services of the United States and who left or
16 shall leave an employer to enter such service shall be deemed to be on
17 military leave of absence if he or she has resumed or shall resume
18 employment as an employee within one year from termination.

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

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

36 (9) The surviving spouse or eligible child or children of a member
37 who left the employ of an employer to enter the uniformed services of
38 the United States and died while serving in the uniformed services may,

1 on behalf of the deceased member, apply for retirement system service
2 credit under this (~~subsection~~) section up to the date of the member's
3 death in the uniformed services. The department shall establish the
4 deceased member's service credit if the surviving spouse or eligible
5 child or children:

6 ((+i)) (a) Provides to the director proof of the member's death
7 while serving in the uniformed services;

8 ((+ii)) (b) Provides to the director proof of the member's
9 honorable service in the uniformed services prior to the date of death;
10 and

11 ((+iii)) (c) Pays the employee contributions required under
12 chapter 41.45 RCW within five years of the date of death or prior to
13 the distribution of any benefit, whichever comes first.

14 ((+e)) (10) A member who leaves the employ of an employer to enter
15 the uniformed services of the United States and becomes totally
16 incapacitated for continued employment by an employer while serving in
17 the uniformed services is entitled to retirement system service credit
18 under this subsection up to the date of discharge from the uniformed
19 services if:

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

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

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

30 **Sec. 2.** RCW 41.35.470 and 2005 c 64 s 4 are each amended to read
31 as follows:

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

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

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

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

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

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

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

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

31 ~~(a) The member qualifies for service credit under this subsection
32 if:~~

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

37 ~~(ii) The member makes the employee contributions required under RCW~~

1 41.35.430 within five years of resumption of service or prior to
2 retirement, whichever comes sooner; or

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

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

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

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

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

1 ~~((d))~~ (7) The surviving spouse or eligible child or children of
2 a member who left the employ of an employer to enter the uniformed
3 services of the United States and died while serving in the uniformed
4 services may, on behalf of the deceased member, apply for retirement
5 system service credit under this ~~((subsection))~~ section 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 spouse
8 or eligible child or children:

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

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

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

17 ~~((e))~~ (8) A member who leaves the employ of an employer to enter
18 the uniformed services of the United States and becomes totally
19 incapacitated for continued employment by an employer while serving in
20 the uniformed services is entitled to retirement system service credit
21 under this subsection up to the date of discharge from the uniformed
22 services if:

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

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

29 ~~((iii))~~ (c) The member pays the employee contributions required
30 under chapter 41.45 RCW within five years of the director's
31 determination of total disability or prior to the distribution of any
32 benefit, whichever comes first.

33 **Sec. 3.** RCW 41.40.710 and 2005 c 64 s 2 are each amended to read
34 as follows:

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

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

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

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

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

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

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

34 ~~(a) The member qualifies for service credit under this subsection~~
35 ~~if:~~

36 ~~(i) Within ninety days of the member's honorable discharge from the~~
37 ~~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 RCW~~
4 ~~41.45.061 and 41.45.067 within five years of resumption of service or~~
5 ~~prior to 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 the~~
8 ~~member pays the amount required under RCW 41.50.165(2).~~

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

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

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

30 (6) In any event, after completing twenty-five years of creditable
31 service, any member may have service in the uniformed services credited
32 to him or her as a member whether or not he or she left the employ of
33 an employer to enter the uniformed services: PROVIDED, That in no
34 instance, described in this section, shall military service in excess
35 of five years be credited: AND PROVIDED FURTHER, That in each instance
36 the member must restore all withdrawn accumulated contributions, which
37 restoration must be completed within five years of membership service
38 following the first resumption of employment or complete twenty-five

1 years of creditable service: AND PROVIDED FURTHER, That this section
2 will not apply to any individual, not a veteran within the meaning of
3 RCW 41.04.005.

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

12 ~~((i))~~ (a) Provides to the director proof of the member's death
13 while serving in the uniformed services;

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

17 ~~((iii))~~ (c) Pays the employee contributions required under
18 chapter 41.45 RCW within five years of the date of death or prior to
19 the distribution of any benefit, whichever comes first.

20 ~~((e))~~ (8) A member who leaves the employ of an employer to enter
21 the uniformed services of the United States and becomes totally
22 incapacitated for continued employment by an employer while serving in
23 the uniformed services is entitled to retirement system service credit
24 under this subsection up to the date of discharge from the uniformed
25 services if:

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

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

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

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