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SENATE BILL 6645

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State of Washington

60th Legislature

2008 Regular Session

By Senators Pridemore, Carrell, Murray, Schoesler, Holmquist, Stevens, Kohl-Welles, Roach, and Rasmussen; by request of Select Committee on Pension Policy and LEOFF Plan 2 Retirement Board

Read first time 01/21/08. Referred to Committee on Ways & Means.

1 AN ACT Relating to interruptive military service credit within  
2 plans 2 and 3 of the public employees' retirement system, plans 2 and  
3 3 of the teachers' retirement system, plan 2 of the law enforcement  
4 officers' and firefighters' retirement system, plan 2 of the Washington  
5 state patrol retirement system, and the public safety employees'  
6 retirement system; and amending RCW 41.40.710, 41.40.805, 41.35.470,  
7 41.35.650, 41.32.810, 41.32.865, 41.26.520, 43.43.260, and 41.37.260.

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

9 **Sec. 1.** RCW 41.40.710 and 2005 c 64 s 2 are each amended to read  
10 as follows:

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

14 (2) A member who receives compensation from an employer while on an  
15 authorized leave of absence to serve as an elected official of a labor  
16 organization, and whose employer is reimbursed by the labor  
17 organization for the compensation paid to the member during the period  
18 of absence, may also be considered to be on a paid leave of absence.  
19 This subsection shall only apply if the member's leave of absence is

1 authorized by a collective bargaining agreement that provides that the  
2 member retains seniority rights with the employer during the period of  
3 leave. The compensation earnable reported for a member who establishes  
4 service credit under this subsection may not be greater than the salary  
5 paid to the highest paid job class covered by the collective bargaining  
6 agreement.

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

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

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

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

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

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

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

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

37 (iii) Prior to retirement and not within ninety days of the

1 member's honorable discharge or five years of resumption of service the  
2 member pays the amount required under RCW 41.50.165(2); or

3 (iv) The member provides to the director proof that the member's  
4 interruptive military service was during a period of war as defined in  
5 RCW 41.04.005 in order to receive up to five years of free service  
6 credit. Qualified members with multiple periods of interruptive  
7 military service are subject to a combined total limit of five years of  
8 free retirement system service credit for interruptive military  
9 service.

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

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

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

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

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

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

37 (iv) Provides to the director proof that the member's interruptive  
38 military service was during a period of war as defined in RCW 41.04.005

1 in order to receive up to five years of free service credit. Qualified  
2 members with multiple periods of interruptive military service are  
3 subject to a combined total limit of five years of free retirement  
4 system service credit for interruptive military service.

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

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

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

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

20 (iv) The member provides to the director proof that the member's  
21 interruptive military service was during a period of war as defined in  
22 RCW 41.04.005 in order to receive up to five years of free service  
23 credit. Qualified members with multiple periods of interruptive  
24 military service are subject to a combined total limit of five years of  
25 free retirement system service credit for interruptive military  
26 service.

27 **Sec. 2.** RCW 41.40.805 and 2005 c 64 s 3 are each amended to read  
28 as follows:

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

31 (2) A member who receives compensation from an employer while on an  
32 authorized leave of absence to serve as an elected official of a labor  
33 organization, and whose employer is reimbursed by the labor  
34 organization for the compensation paid to the member during the period  
35 of absence, may also be considered to be on a paid leave of absence.  
36 This subsection shall only apply if the member's leave of absence is  
37 authorized by a collective bargaining agreement that provides that the

1 member retains seniority rights with the employer during the period of  
2 leave. The earnable compensation reported for a member who establishes  
3 service credit under this subsection may not be greater than the salary  
4 paid to the highest paid job class covered by the collective bargaining  
5 agreement.

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

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

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

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

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

27 The department shall establish the member's service credit and  
28 shall bill the employer for its contribution required under RCW  
29 41.45.060 and 41.45.067 for the period of military service, plus  
30 interest as determined by the department. Service credit under this  
31 subsection may be obtained only if the member makes the employee  
32 contribution to the defined contribution portion as determined by the  
33 department, or the member provides to the director proof that the  
34 member's interruptive military service was during a period of war as  
35 defined in RCW 41.04.005 in order to receive up to five years of free  
36 service credit. Qualified members with multiple periods of  
37 interruptive military service are subject to a combined total limit of

1 five years of free retirement system service credit for interruptive  
2 military service.

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

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

22 (iv) Provides to the director proof that the member's interruptive  
23 military service was during a period of war as defined in RCW 41.04.005  
24 in order to receive up to five years of free service credit. Qualified  
25 members with multiple periods of interruptive military service are  
26 subject to a combined total limit of five years of free retirement  
27 system service credit for interruptive military service.

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

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

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

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

5 (iv) The member provides to the director proof that the member's  
6 interruptive military service was during a period of war as defined in  
7 RCW 41.04.005 in order to receive up to five years of free service  
8 credit. Qualified members with multiple periods of interruptive  
9 military service are subject to a combined total limit of five years of  
10 free retirement system service credit for interruptive military  
11 service.

12 **Sec. 3.** RCW 41.35.470 and 2005 c 64 s 4 are each amended to read  
13 as follows:

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

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

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

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

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

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

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

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

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

19 (ii) The member makes the employee contributions required under RCW  
20 41.35.430 within five years of resumption of service or prior to  
21 retirement, whichever comes sooner; or

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

25 (iv) The member provides to the director proof that the member's  
26 interruptive military service was during a period of war as defined in  
27 RCW 41.04.005 in order to receive up to five years of free service  
28 credit. Qualified members with multiple periods of interruptive  
29 military service are subject to a combined total limit of five years of  
30 free retirement system service credit for interruptive military  
31 service.

32 (b) Upon receipt of member contributions under (a)(ii), (d)(iii),  
33 or (e)(iii) of this subsection, or adequate proof under (a)(iv),  
34 (d)(iv), or (e)(iv) of this subsection, the department shall establish  
35 the member's service credit and shall bill the employer for its  
36 contribution required under RCW 41.35.430 for the period of military  
37 service, plus interest as determined by the department.



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

6 (d) The surviving spouse or eligible child or children of a member  
7 who left the employ of an employer to enter the uniformed services of  
8 the United States and died while serving in the uniformed services may,  
9 on behalf of the deceased member, apply for retirement system service  
10 credit under this subsection up to the date of the member's death in  
11 the uniformed services. The department shall establish the deceased  
12 member's service credit if the surviving spouse or eligible child or  
13 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 chapter 41.45  
19 RCW within five years of the date of death or prior to the distribution  
20 of any benefit, whichever comes first; or

21 (iv) Provides to the director proof that the member's interruptive  
22 military service was during a period of war as defined in RCW 41.04.005  
23 in order to receive up to five years of free service credit. Qualified  
24 members with multiple periods of interruptive military service are  
25 subject to a combined total limit of five years of free retirement  
26 system service credit for interruptive military service.

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

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

36 (ii) The member provides to the director proof of honorable  
37 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 of  
3 total disability or prior to the distribution of any benefit, whichever  
4 comes first; or

5 (iv) The member provides to the director proof that the member's  
6 interruptive military service was during a period of war as defined in  
7 RCW 41.04.005 in order to receive up to five years of free service  
8 credit. Qualified members with multiple periods of interruptive  
9 military service are subject to a combined total limit of five years of  
10 free retirement system service credit for interruptive military  
11 service.

12 **Sec. 4.** RCW 41.35.650 and 2005 c 64 s 5 are each amended to read  
13 as follows:

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

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

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

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

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

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

4           (4) A member who leaves the employ of an employer to enter the  
5 uniformed services of the United States shall be entitled to retirement  
6 system service credit for up to five years of military service if  
7 within ninety days of the member's honorable discharge from the  
8 uniformed services of the United States, the member applies for  
9 reemployment with the employer who employed the member immediately  
10 prior to the member entering the uniformed services. This subsection  
11 shall be administered in a manner consistent with the requirements of  
12 the federal uniformed services employment and reemployment rights act.

13           The department shall establish the member's service credit and  
14 shall bill the employer for its contribution required under RCW  
15 41.35.720 for the period of military service, plus interest as  
16 determined by the department. Service credit under this subsection may  
17 be obtained only if the member makes the employee contribution to the  
18 defined contribution portion as determined by the department, or the  
19 member provides to the director proof that the member's interruptive  
20 military service was during a period of war as defined in RCW 41.04.005  
21 in order to receive up to five years of free service credit. Qualified  
22 members with multiple periods of interruptive military service are  
23 subject to a combined total limit of five years of free retirement  
24 system service credit for interruptive military service.

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

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

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

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

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

6 (iv) Provides to the director proof that the member's interruptive  
7 military service was during a period of war as defined in RCW 41.04.005  
8 in order to receive up to five years of free service credit. Qualified  
9 members with multiple periods of interruptive military service are  
10 subject to a combined total limit of five years of free retirement  
11 system service credit for interruptive military service.

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

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

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

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

27 (iv) The member provides to the director proof that the member's  
28 interruptive military service was during a period of war as defined in  
29 RCW 41.04.005 in order to receive up to five years of free service  
30 credit. Qualified members with multiple periods of interruptive  
31 military service are subject to a combined total limit of five years of  
32 free retirement system service credit for interruptive military  
33 service.

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

36 (1) A member who is on a paid leave of absence authorized by a

1 member's employer shall continue to receive service credit as provided  
2 for under the provisions of RCW 41.32.755 through 41.32.825.

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

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

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

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

35 (6) A member who leaves the employ of an employer to enter the  
36 uniformed services of the United States shall be entitled to retirement  
37 system service credit for up to five years of military service. This

1 subsection shall be administered in a manner consistent with the  
2 requirements of the federal uniformed services employment and  
3 reemployment rights act.

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

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

10 (ii) The member makes the employee contributions required under RCW  
11 41.32.775 within five years of resumption of service or prior to  
12 retirement, whichever comes sooner; 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 the  
15 member pays the amount required under RCW 41.50.165(2); or

16 (iv) The member provides to the director proof that the member's  
17 interruptive military service was during a period of war as defined in  
18 RCW 41.04.005 in order to receive up to five years of free service  
19 credit. Qualified members with multiple periods of interruptive  
20 military service are subject to a combined total limit of five years of  
21 free retirement system service credit for interruptive military  
22 service.

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

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

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

1 the uniformed services. The department shall establish the deceased  
2 member's service credit if the surviving spouse or eligible child or  
3 children:

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

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

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

11 (iv) Provides to the director proof that the member's interruptive  
12 military service was during a period of war as defined in RCW 41.04.005  
13 in order to receive up to five years of free service credit. Qualified  
14 members with multiple periods of interruptive military service are  
15 subject to a combined total limit of five years of free retirement  
16 system service credit for interruptive military service.

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

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

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

32 (iv) The member provides to the director proof that the member's  
33 interruptive military service was during a period of war as defined in  
34 RCW 41.04.005 in order to receive up to five years of free service  
35 credit. Qualified members with multiple periods of interruptive  
36 military service are subject to a combined total limit of five years of  
37 free retirement system service credit for interruptive military  
38 service.

1       **Sec. 6.** RCW 41.32.865 and 2005 c 64 s 8 are each amended to read  
2 as follows:

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

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

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

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

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

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

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



1       The department shall establish the member's service credit and  
2 shall bill the employer for its contribution required under chapter  
3 239, Laws of 1995 for the period of military service, plus interest as  
4 determined by the department. Service credit under this subsection may  
5 be obtained only if the member makes the employee contribution to the  
6 defined contribution portion as determined by the department, or the  
7 member provides to the director proof that the member's interruptive  
8 military service was during a period of war as defined in RCW 41.04.005  
9 in order to receive up to five years of free service credit. Qualified  
10 members with multiple periods of interruptive military service are  
11 subject to a combined total limit of five years of free retirement  
12 system service credit for interruptive military service.

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

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

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

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

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

32       (iv) The member provides to the director proof that the member's  
33 interruptive military service was during a period of war as defined in  
34 RCW 41.04.005 in order to receive up to five years of free service  
35 credit. Qualified members with multiple periods of interruptive  
36 military service are subject to a combined total limit of five years of  
37 free retirement system service credit for interruptive military  
38 service.

1 (b) A member who leaves the employ of an employer to enter the  
2 uniformed services of the United States and becomes totally  
3 incapacitated for continued employment by an employer while serving in  
4 the uniformed services is entitled to retirement system service credit  
5 under this subsection up to the date of discharge from the uniformed  
6 services if:

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

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

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

16 (iv) The member provides to the director proof that the member's  
17 interruptive military service was during a period of war as defined in  
18 RCW 41.04.005 in order to receive up to five years of free service  
19 credit. Qualified members with multiple periods of interruptive  
20 military service are subject to a combined total limit of five years of  
21 free retirement system service credit for interruptive military  
22 service.

23 **Sec. 7.** RCW 41.26.520 and 2005 c 64 s 9 are each amended to read  
24 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 provided  
27 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 an  
29 authorized leave of absence to serve as an elected official of a labor  
30 organization, and whose employer is reimbursed by the labor  
31 organization for the compensation paid to the member during the period  
32 of absence, may also be considered to be on a paid leave of absence.  
33 This subsection shall only apply if the member's leave of absence is  
34 authorized by a collective bargaining agreement that provides that the  
35 member retains seniority rights with the employer during the period of  
36 leave. The basic salary reported for a member who establishes service

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

4 (3) Except as specified in subsection (7) of this section, a member  
5 shall be eligible to receive a maximum of two years service credit  
6 during a member's entire working career for those periods when a member  
7 is on an unpaid leave of absence authorized by an employer. Such  
8 credit may be obtained only if the member makes the employer, member,  
9 and state contributions plus interest as determined by the department  
10 for the period of the authorized leave of absence within five years of  
11 resumption of service or prior to retirement whichever 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 credit  
16 for any portion of service credit not earned during a month of part-  
17 time leave of absence if the member makes the employer, member, and  
18 state contributions, plus interest, as determined by the department for  
19 the period of the authorized leave within five years of resumption of  
20 full-time service or prior to retirement whichever comes sooner. Any  
21 service credit purchased for a part-time leave of absence is included  
22 in the two-year maximum provided in subsection (3) of this section.

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

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

35 (7) A member who leaves the employ of an employer to enter the  
36 uniformed services of the United States shall be entitled to retirement  
37 system service credit for up to five years of military service. This

1 subsection shall be administered in a manner consistent with the  
2 requirements of the federal uniformed services employment and  
3 reemployment rights act.

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

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

10 (ii) The member makes the employee contributions required under RCW  
11 41.45.060, 41.45.061, and 41.45.067 within five years of resumption of  
12 service or prior to retirement, whichever comes sooner; 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 the  
15 member pays the amount required under RCW 41.50.165(2); or

16 (iv) The member provides to the director proof that the member's  
17 interruptive military service was during a period of war as defined in  
18 RCW 41.04.005 in order to receive up to five years of free service  
19 credit. Qualified members with multiple periods of interruptive  
20 military service are subject to a combined total limit of five years of  
21 free retirement system service credit for interruptive military  
22 service.

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

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

35 (d) The surviving spouse or eligible child or children of a member  
36 who left the employ of an employer to enter the uniformed services of  
37 the United States and died while serving in the uniformed services may,  
38 on behalf of the deceased member, apply for retirement system service

1 credit under this subsection up to the date of the member's death in  
2 the uniformed services. The department shall establish the deceased  
3 member's service credit if the surviving spouse or eligible child or  
4 children:

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

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

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

12 (iv) Provides to the director proof that the member's interruptive  
13 military service was during a period of war as defined in RCW 41.04.005  
14 in order to receive up to five years of free service credit. Qualified  
15 members with multiple periods of interruptive military service are  
16 subject to a combined total limit of five years of free retirement  
17 system service credit for interruptive military service.

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

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

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

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

33 (iv) The member provides to the director proof that the member's  
34 interruptive military service was during a period of war as defined in  
35 RCW 41.04.005 in order to receive up to five years of free service  
36 credit. Qualified members with multiple periods of interruptive  
37 military service are subject to a combined total limit of five years of

1 free retirement system service credit for interruptive military  
2 service.

3 (8) A member receiving benefits under Title 51 RCW who is not  
4 receiving benefits under this chapter shall be deemed to be on unpaid,  
5 authorized leave of absence.

6 **Sec. 8.** RCW 43.43.260 and 2005 c 64 s 10 are each amended to read  
7 as follows:

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

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

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

16 (3)(a) Any member commissioned prior to January 1, 2003, with  
17 twenty-five years service in the Washington state patrol may have the  
18 member's service in the uniformed services credited as a member whether  
19 or not the individual left the employ of the Washington state patrol to  
20 enter such uniformed services: PROVIDED, That in no instance shall  
21 military service in excess of five years be credited: AND PROVIDED  
22 FURTHER, That in each instance, a member must restore all withdrawn  
23 accumulated contributions, which restoration must be completed on the  
24 date of the member's retirement, or as provided under RCW 43.43.130,  
25 whichever occurs first: AND PROVIDED FURTHER, That this section shall  
26 not apply to any individual, not a veteran within the meaning of RCW  
27 41.06.150.

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

36 (A) Within ninety days of the member's honorable discharge from the

1 uniformed services of the United States, the member applies for  
2 reemployment with the employer who employed the member immediately  
3 prior to the member entering the uniformed services; and

4 (B) The member makes the employee contributions required under RCW  
5 41.45.0631 and 41.45.067 within five years of resumption of service or  
6 prior to retirement, whichever comes sooner; or

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

10 (D) The member was commissioned on or after January 1, 2003, and  
11 provides to the director proof that the member's interruptive military  
12 service was during a period of war as defined in RCW 41.04.005 in order  
13 to receive up to five years of free service credit. Qualified members  
14 with multiple periods of interruptive military service are subject to  
15 a combined total limit of five years of free retirement system service  
16 credit for interruptive military service.

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

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

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

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

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

3 (C) If the member was commissioned on or after January 1, 2003,  
4 pays the employee contributions required under chapter 41.45 RCW within  
5 five years of the date of death or prior to the distribution of any  
6 benefit, whichever comes first; or

7 (D) If the member was commissioned on or after January 1, 2003,  
8 provides to the director proof that the member's' interruptive military  
9 service was during a period of war as defined in RCW 41.04.005 in order  
10 to receive up to five years of free service credit. Qualified members  
11 with multiple periods of interruptive military service are subject to  
12 a combined total limit of five years of free retirement system service  
13 credit for interruptive military service.

14 (v) A member who leaves the employ of an employer to enter the  
15 uniformed services of the United States and becomes totally  
16 incapacitated for continued employment by an employer while serving 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 (A) The member obtains a determination from the director that he or  
21 she is totally incapacitated for continued employment due to conditions  
22 or events that occurred while serving in the uniformed services;

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

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

29 (D) If the member was commissioned on or after January 1, 2003, the  
30 member provides to the director proof that the member's interruptive  
31 military service was during a period of war as defined in RCW 41.04.005  
32 in order to receive up to five years of free service credit. Qualified  
33 members with multiple periods of interruptive military service are  
34 subject to a combined total limit of five years of free retirement  
35 system service credit for interruptive military service.

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



1 (5) Beginning July 1, 2001, and every year thereafter, the  
2 department shall determine the following information for each retired  
3 member or beneficiary whose retirement allowance has been in effect for  
4 at least one year:

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

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

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

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

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

14 (i) Produce a retirement allowance which is lower than the original  
15 retirement allowance;

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

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

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

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

26 **Sec. 9.** RCW 41.37.260 and 2005 c 64 s 11 are each amended to read  
27 as follows:

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

31 (2) A member who receives compensation from an employer while on an  
32 authorized leave of absence to serve as an elected official of a labor  
33 organization, and whose employer is reimbursed by the labor  
34 organization for the compensation paid to the member during the period  
35 of absence, may also be considered to be on a paid leave of absence.  
36 This subsection shall only apply if the member's leave of absence is  
37 authorized by a collective bargaining agreement that provides that the

1 member retains seniority rights with the employer during the period of  
2 leave. The compensation earnable reported for a member who establishes  
3 service credit under this subsection may not be greater than the salary  
4 paid to the highest paid job class covered by the collective bargaining  
5 agreement.

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

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

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

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

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

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

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

33 (ii) The member makes the employee contributions required under RCW  
34 41.37.220 within five years of resumption of service or prior to  
35 retirement, whichever comes sooner; or

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

1       (iv) The member provides to the director proof that the member's  
2 interruptive military service was during a period of war as defined in  
3 RCW 41.04.005 in order to receive up to five years of free service  
4 credit. Qualified members with multiple periods of interruptive  
5 military service are subject to a combined total limit of five years of  
6 free retirement system service credit for interruptive military  
7 service.

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 establish  
11 the member's service credit and shall bill the employer for its  
12 contribution required under RCW 41.37.220 for the period of military  
13 service, plus interest as determined by the department.

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

19       (d) The surviving spouse or eligible child or children of a member  
20 who left the employ of an employer to enter the uniformed services of  
21 the United States and died while serving in the uniformed services may,  
22 on behalf of the deceased member, apply for retirement system service  
23 credit under this subsection up to the date of the member's death in  
24 the uniformed services. The department shall establish the deceased  
25 member's service credit if the surviving spouse or eligible child or  
26 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 chapter 41.45  
32 RCW within five years of the date of death or prior to the distribution  
33 of any benefit, whichever comes first; or

34       (iv) Provides to the director proof that the member's interruptive  
35 military service was during a period of war as defined in RCW 41.04.005  
36 in order to receive up to five years of free service credit. Qualified  
37 members with multiple periods of interruptive military service are

1 subject to a combined total limit of five years of free retirement  
2 system service credit for interruptive military service.

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

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

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

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

18 (iv) The member provides to the director proof that the member's  
19 interruptive military service was during a period of war as defined in  
20 RCW 41.04.005 in order to receive up to five years of free service  
21 credit. Qualified members with multiple periods of interruptive  
22 military service are subject to a combined total limit of five years of  
23 free retirement system service credit for interruptive military  
24 service.

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