

**SB 6418 - S AMD 1064**

By Senator Muzzall

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 41.50  
4 RCW to read as follows:

5 For purposes of calculating interruptive military service credit  
6 under chapters 41.26, 41.32, 41.35, 41.37, 41.40, and 43.43 RCW,  
7 "period of war" means:

8 (1) World War I;

9 (2) World War II;

10 (3) The Korean conflict;

11 (4) The Vietnam era, which means:

12 (a) The period beginning February 28, 1961, and ending May 7,  
13 1975, in the case of a veteran who served in the Republic of Vietnam  
14 during that period; and

15 (b) The period beginning August 5, 1964, and ending May 7, 1975;

16 (5) The Persian Gulf War, which was the period beginning August  
17 2, 1990, and ending February 28, 1991, or ending November 30, 1995,  
18 if the participant was awarded a campaign badge or medal for such  
19 period;

20 (6) The period beginning on the date of any future declaration of  
21 war by the congress and ending on the date prescribed by presidential  
22 proclamation or concurrent resolution of the congress; and

23 (7) Any armed conflict, if the participant was awarded the  
24 respective campaign badge or medal, or if the service was such that a  
25 campaign badge or medal would have been awarded, except that the  
26 member already received a campaign badge or medal for a prior  
27 deployment during that same conflict.

28 **Sec. 2.** RCW 41.26.030 and 2018 c 230 s 1 are each amended to  
29 read as follows:

30 As used in this chapter, unless a different meaning is plainly  
31 required by the context:

1 (1) "Accumulated contributions" means the employee's  
2 contributions made by a member, including any amount paid under RCW  
3 41.50.165(2), plus accrued interest credited thereon.

4 (2) "Actuarial reserve" means a method of financing a pension or  
5 retirement plan wherein reserves are accumulated as the liabilities  
6 for benefit payments are incurred in order that sufficient funds will  
7 be available on the date of retirement of each member to pay the  
8 member's future benefits during the period of retirement.

9 (3) "Actuarial valuation" means a mathematical determination of  
10 the financial condition of a retirement plan. It includes the  
11 computation of the present monetary value of benefits payable to  
12 present members, and the present monetary value of future employer  
13 and employee contributions, giving effect to mortality among active  
14 and retired members and also to the rates of disability, retirement,  
15 withdrawal from service, salary and interest earned on investments.

16 (4) (a) "Basic salary" for plan 1 members, means the basic monthly  
17 rate of salary or wages, including longevity pay but not including  
18 overtime earnings or special salary or wages, upon which pension or  
19 retirement benefits will be computed and upon which employer  
20 contributions and salary deductions will be based.

21 (b) "Basic salary" for plan 2 members, means salaries or wages  
22 earned by a member during a payroll period for personal services,  
23 including overtime payments, and shall include wages and salaries  
24 deferred under provisions established pursuant to sections 403(b),  
25 414(h), and 457 of the United States Internal Revenue Code, but shall  
26 exclude lump sum payments for deferred annual sick leave, unused  
27 accumulated vacation, unused accumulated annual leave, or any form of  
28 severance pay. In any year in which a member serves in the  
29 legislature the member shall have the option of having such member's  
30 basic salary be the greater of:

31 (i) The basic salary the member would have received had such  
32 member not served in the legislature; or

33 (ii) Such member's actual basic salary received for  
34 nonlegislative public employment and legislative service combined.  
35 Any additional contributions to the retirement system required  
36 because basic salary under (b) (i) of this subsection is greater than  
37 basic salary under (b) (ii) of this subsection shall be paid by the  
38 member for both member and employer contributions.

1 (5) (a) "Beneficiary" for plan 1 members, means any person in  
2 receipt of a retirement allowance, disability allowance, death  
3 benefit, or any other benefit described herein.

4 (b) "Beneficiary" for plan 2 members, means any person in receipt  
5 of a retirement allowance or other benefit provided by this chapter  
6 resulting from service rendered to an employer by another person.

7 (6) (a) "Child" or "children" means an unmarried person who is  
8 under the age of eighteen or mentally or physically disabled as  
9 determined by the department, except a person who is disabled and in  
10 the full time care of a state institution, who is:

11 (i) A natural born child;

12 (ii) A stepchild where that relationship was in existence prior  
13 to the date benefits are payable under this chapter;

14 (iii) A posthumous child;

15 (iv) A child legally adopted or made a legal ward of a member  
16 prior to the date benefits are payable under this chapter; or

17 (v) An illegitimate child legitimized prior to the date any  
18 benefits are payable under this chapter.

19 (b) A person shall also be deemed to be a child up to and  
20 including the age of twenty years and eleven months while attending  
21 any high school, college, or vocational or other educational  
22 institution accredited, licensed, or approved by the state, in which  
23 it is located, including the summer vacation months and all other  
24 normal and regular vacation periods at the particular educational  
25 institution after which the child returns to school.

26 (7) "Department" means the department of retirement systems  
27 created in chapter 41.50 RCW.

28 (8) "Director" means the director of the department.

29 (9) "Disability board" for plan 1 members means either the county  
30 disability board or the city disability board established in RCW  
31 41.26.110.

32 (10) "Disability leave" means the period of six months or any  
33 portion thereof during which a member is on leave at an allowance  
34 equal to the member's full salary prior to the commencement of  
35 disability retirement. The definition contained in this subsection  
36 shall apply only to plan 1 members.

37 (11) "Disability retirement" for plan 1 members, means the period  
38 following termination of a member's disability leave, during which  
39 the member is in receipt of a disability retirement allowance.

1 (12) "Domestic partners" means two adults who have registered as  
2 domestic partners under RCW 26.60.020.

3 (13) "Employee" means any law enforcement officer or firefighter  
4 as defined in subsections (17) and (19) of this section.

5 (14)(a) "Employer" for plan 1 members, means the legislative  
6 authority of any city, town, county, or district or the elected  
7 officials of any municipal corporation that employs any law  
8 enforcement officer and/or firefighter, any authorized association of  
9 such municipalities, and, except for the purposes of RCW 41.26.150,  
10 any labor guild, association, or organization, which represents the  
11 firefighters or law enforcement officers of at least seven cities of  
12 over 20,000 population and the membership of each local lodge or  
13 division of which is composed of at least sixty percent law  
14 enforcement officers or firefighters as defined in this chapter.

15 (b) "Employer" for plan 2 members, means the following entities  
16 to the extent that the entity employs any law enforcement officer  
17 and/or firefighter:

18 (i) The legislative authority of any city, town, county,  
19 district, or public corporation established under RCW 35.21.730 to  
20 provide emergency medical services as defined in RCW 18.73.030;

21 (ii) The elected officials of any municipal corporation;

22 (iii) The governing body of any other general authority law  
23 enforcement agency;

24 (iv) A four-year institution of higher education having a fully  
25 operational fire department as of January 1, 1996; or

26 (v) The department of social and health services or the  
27 department of corrections when employing firefighters serving at a  
28 prison or civil commitment center on an island.

29 (c) Except as otherwise specifically provided in this chapter,  
30 "employer" does not include a government contractor. For purposes of  
31 this subsection, a "government contractor" is any entity, including a  
32 partnership, limited liability company, for-profit or nonprofit  
33 corporation, or person, that provides services pursuant to a contract  
34 with an "employer." The determination whether an employer-employee  
35 relationship has been established is not based on the relationship  
36 between a government contractor and an "employer," but is based  
37 solely on the relationship between a government contractor's employee  
38 and an "employer" under this chapter.

39 (15)(a) "Final average salary" for plan 1 members, means (i) for  
40 a member holding the same position or rank for a minimum of twelve

1 months preceding the date of retirement, the basic salary attached to  
2 such same position or rank at time of retirement; (ii) for any other  
3 member, including a civil service member who has not served a minimum  
4 of twelve months in the same position or rank preceding the date of  
5 retirement, the average of the greatest basic salaries payable to  
6 such member during any consecutive twenty-four month period within  
7 such member's last ten years of service for which service credit is  
8 allowed, computed by dividing the total basic salaries payable to  
9 such member during the selected twenty-four month period by twenty-  
10 four; (iii) in the case of disability of any member, the basic salary  
11 payable to such member at the time of disability retirement; (iv) in  
12 the case of a member who hereafter vests pursuant to RCW 41.26.090,  
13 the basic salary payable to such member at the time of vesting.

14 (b) "Final average salary" for plan 2 members, means the monthly  
15 average of the member's basic salary for the highest consecutive  
16 sixty service credit months of service prior to such member's  
17 retirement, termination, or death. Periods constituting authorized  
18 unpaid leaves of absence may not be used in the calculation of final  
19 average salary.

20 (c) In calculating final average salary under (a) or (b) of this  
21 subsection, the department of retirement systems shall include:

22 (i) Any compensation forgone by a member employed by a state  
23 agency or institution during the 2009-2011 fiscal biennium as a  
24 result of reduced work hours, mandatory or voluntary leave without  
25 pay, temporary reduction in pay implemented prior to December 11,  
26 2010, or temporary layoffs if the reduced compensation is an integral  
27 part of the employer's expenditure reduction efforts, as certified by  
28 the employer; and

29 (ii) Any compensation forgone by a member employed by the state  
30 or a local government employer during the 2011-2013 fiscal biennium  
31 as a result of reduced work hours, mandatory leave without pay,  
32 temporary layoffs, or reductions to current pay if the reduced  
33 compensation is an integral part of the employer's expenditure  
34 reduction efforts, as certified by the employer. Reductions to  
35 current pay shall not include elimination of previously agreed upon  
36 future salary increases.

37 (16) "Fire department" includes a fire station operated by the  
38 department of social and health services or the department of  
39 corrections when employing firefighters serving a prison or civil  
40 commitment center on an island.

1 (17) "Firefighter" means:

2 (a) Any person who is serving on a full time, fully compensated  
3 basis as a member of a fire department of an employer and who is  
4 serving in a position which requires passing a civil service  
5 examination for firefighter, and who is actively employed as such;

6 (b) Anyone who is actively employed as a full time firefighter  
7 where the fire department does not have a civil service examination;

8 (c) Supervisory firefighter personnel;

9 (d) Any full time executive secretary of an association of fire  
10 protection districts authorized under RCW 52.12.031. The provisions  
11 of this subsection (17)(d) shall not apply to plan 2 members;

12 (e) The executive secretary of a labor guild, association or  
13 organization (which is an employer under subsection (14) of this  
14 section), if such individual has five years previous membership in a  
15 retirement system established in chapter 41.16 or 41.18 RCW. The  
16 provisions of this subsection (17)(e) shall not apply to plan 2  
17 members;

18 (f) Any person who is serving on a full time, fully compensated  
19 basis for an employer, as a fire dispatcher, in a department in  
20 which, on March 1, 1970, a dispatcher was required to have passed a  
21 civil service examination for firefighter;

22 (g) Any person who on March 1, 1970, was employed on a full time,  
23 fully compensated basis by an employer, and who on May 21, 1971, was  
24 making retirement contributions under the provisions of chapter 41.16  
25 or 41.18 RCW; and

26 (h) Any person who is employed on a full-time, fully compensated  
27 basis by an employer as an emergency medical technician that meets  
28 the requirements of RCW 18.71.200 or 18.73.030(12), and whose duties  
29 include providing emergency medical services as defined in RCW  
30 18.73.030.

31 (18) "General authority law enforcement agency" means any agency,  
32 department, or division of a municipal corporation, political  
33 subdivision, or other unit of local government of this state, and any  
34 agency, department, or division of state government, having as its  
35 primary function the detection and apprehension of persons committing  
36 infractions or violating the traffic or criminal laws in general, but  
37 not including the Washington state patrol. Such an agency,  
38 department, or division is distinguished from a limited authority law  
39 enforcement agency having as one of its functions the apprehension or  
40 detection of persons committing infractions or violating the traffic

1 or criminal laws relating to limited subject areas, including but not  
2 limited to, the state departments of natural resources and social and  
3 health services, the state gambling commission, the state lottery  
4 commission, the state parks and recreation commission, the state  
5 utilities and transportation commission, the state liquor and  
6 cannabis board, and the state department of corrections. A general  
7 authority law enforcement agency under this chapter does not include  
8 a government contractor.

9 (19) "Law enforcement officer" beginning January 1, 1994, means  
10 any person who is commissioned and employed by an employer on a full  
11 time, fully compensated basis to enforce the criminal laws of the  
12 state of Washington generally, with the following qualifications:

13 (a) No person who is serving in a position that is basically  
14 clerical or secretarial in nature, and who is not commissioned shall  
15 be considered a law enforcement officer;

16 (b) Only those deputy sheriffs, including those serving under a  
17 different title pursuant to county charter, who have successfully  
18 completed a civil service examination for deputy sheriff or the  
19 equivalent position, where a different title is used, and those  
20 persons serving in unclassified positions authorized by RCW 41.14.070  
21 except a private secretary will be considered law enforcement  
22 officers;

23 (c) Only such full time commissioned law enforcement personnel as  
24 have been appointed to offices, positions, or ranks in the police  
25 department which have been specifically created or otherwise  
26 expressly provided for and designated by city charter provision or by  
27 ordinance enacted by the legislative body of the city shall be  
28 considered city police officers;

29 (d) The term "law enforcement officer" also includes the  
30 executive secretary of a labor guild, association or organization  
31 (which is an employer under subsection (14) of this section) if that  
32 individual has five years previous membership in the retirement  
33 system established in chapter 41.20 RCW. The provisions of this  
34 subsection (19)(d) shall not apply to plan 2 members; and

35 (e) The term "law enforcement officer" also includes a person  
36 employed on or after January 1, 1993, as a public safety officer or  
37 director of public safety, so long as the job duties substantially  
38 involve only either police or fire duties, or both, and no other  
39 duties in a city or town with a population of less than ten thousand.  
40 The provisions of this subsection (19)(e) shall not apply to any

1 public safety officer or director of public safety who is receiving a  
2 retirement allowance under this chapter as of May 12, 1993.

3 (20) "Medical services" for plan 1 members, shall include the  
4 following as minimum services to be provided. Reasonable charges for  
5 these services shall be paid in accordance with RCW 41.26.150.

6 (a) Hospital expenses: These are the charges made by a hospital,  
7 in its own behalf, for

8 (i) Board and room not to exceed semiprivate room rate unless  
9 private room is required by the attending physician due to the  
10 condition of the patient.

11 (ii) Necessary hospital services, other than board and room,  
12 furnished by the hospital.

13 (b) Other medical expenses: The following charges are considered  
14 "other medical expenses," provided that they have not been considered  
15 as "hospital expenses".

16 (i) The fees of the following:

17 (A) A physician or surgeon licensed under the provisions of  
18 chapter 18.71 RCW;

19 (B) An osteopathic physician and surgeon licensed under the  
20 provisions of chapter 18.57 RCW;

21 (C) A chiropractor licensed under the provisions of chapter 18.25  
22 RCW.

23 (ii) The charges of a registered graduate nurse other than a  
24 nurse who ordinarily resides in the member's home, or is a member of  
25 the family of either the member or the member's spouse.

26 (iii) The charges for the following medical services and  
27 supplies:

28 (A) Drugs and medicines upon a physician's prescription;

29 (B) Diagnostic X-ray and laboratory examinations;

30 (C) X-ray, radium, and radioactive isotopes therapy;

31 (D) Anesthesia and oxygen;

32 (E) Rental of iron lung and other durable medical and surgical  
33 equipment;

34 (F) Artificial limbs and eyes, and casts, splints, and trusses;

35 (G) Professional ambulance service when used to transport the  
36 member to or from a hospital when injured by an accident or stricken  
37 by a disease;

38 (H) Dental charges incurred by a member who sustains an  
39 accidental injury to his or her teeth and who commences treatment by  
40 a legally licensed dentist within ninety days after the accident;



- 1 (I) Nursing home confinement or hospital extended care facility;  
2 (J) Physical therapy by a registered physical therapist;  
3 (K) Blood transfusions, including the cost of blood and blood  
4 plasma not replaced by voluntary donors;  
5 (L) An optometrist licensed under the provisions of chapter 18.53  
6 RCW.

7 (21) "Member" means any firefighter, law enforcement officer, or  
8 other person as would apply under subsection((§)) (17) or (19) of  
9 this section whose membership is transferred to the Washington law  
10 enforcement officers' and firefighters' retirement system on or after  
11 March 1, 1970, and every law enforcement officer and firefighter who  
12 is employed in that capacity on or after such date.

13 (22) "Period of war" has the meaning defined in section 1 of this  
14 act.

15 (23) "Plan 1" means the law enforcement officers' and  
16 firefighters' retirement system, plan 1 providing the benefits and  
17 funding provisions covering persons who first became members of the  
18 system prior to October 1, 1977.

19 ~~((23))~~ (24) "Plan 2" means the law enforcement officers' and  
20 firefighters' retirement system, plan 2 providing the benefits and  
21 funding provisions covering persons who first became members of the  
22 system on and after October 1, 1977.

23 ~~((24))~~ (25) "Position" means the employment held at any  
24 particular time, which may or may not be the same as civil service  
25 rank.

26 ~~((25))~~ (26) "Regular interest" means such rate as the director  
27 may determine.

28 ~~((26))~~ (27) "Retiree" for persons who establish membership in  
29 the retirement system on or after October 1, 1977, means any member  
30 in receipt of a retirement allowance or other benefit provided by  
31 this chapter resulting from service rendered to an employer by such  
32 member.

33 ~~((27))~~ (28) "Retirement fund" means the "Washington law  
34 enforcement officers' and firefighters' retirement system fund" as  
35 provided for herein.

36 ~~((28))~~ (29) "Retirement system" means the "Washington law  
37 enforcement officers' and firefighters' retirement system" provided  
38 herein.

39 ~~((29))~~ (30) (a) "Service" for plan 1 members, means all periods  
40 of employment for an employer as a firefighter or law enforcement

1 officer, for which compensation is paid, together with periods of  
2 suspension not exceeding thirty days in duration. For the purposes of  
3 this chapter service shall also include service in the armed forces  
4 of the United States as provided in RCW 41.26.190. Credit shall be  
5 allowed for all service credit months of service rendered by a member  
6 from and after the member's initial commencement of employment as a  
7 firefighter or law enforcement officer, during which the member  
8 worked for seventy or more hours, or was on disability leave or  
9 disability retirement. Only service credit months of service shall be  
10 counted in the computation of any retirement allowance or other  
11 benefit provided for in this chapter.

12 (i) For members retiring after May 21, 1971 who were employed  
13 under the coverage of a prior pension act before March 1, 1970,  
14 "service" shall also include (A) such military service not exceeding  
15 five years as was creditable to the member as of March 1, 1970, under  
16 the member's particular prior pension act, and (B) such other periods  
17 of service as were then creditable to a particular member under the  
18 provisions of RCW 41.18.165, 41.20.160, or 41.20.170. However, in no  
19 event shall credit be allowed for any service rendered prior to March  
20 1, 1970, where the member at the time of rendition of such service  
21 was employed in a position covered by a prior pension act, unless  
22 such service, at the time credit is claimed therefor, is also  
23 creditable under the provisions of such prior act.

24 (ii) A member who is employed by two employers at the same time  
25 shall only be credited with service to one such employer for any  
26 month during which the member rendered such dual service.

27 (b) "Service" for plan 2 members, means periods of employment by  
28 a member for one or more employers for which basic salary is earned  
29 for ninety or more hours per calendar month which shall constitute a  
30 service credit month. Periods of employment by a member for one or  
31 more employers for which basic salary is earned for at least seventy  
32 hours but less than ninety hours per calendar month shall constitute  
33 one-half service credit month. Periods of employment by a member for  
34 one or more employers for which basic salary is earned for less than  
35 seventy hours shall constitute a one-quarter service credit month.

36 Members of the retirement system who are elected or appointed to  
37 a state elective position may elect to continue to be members of this  
38 retirement system.

39 Service credit years of service shall be determined by dividing  
40 the total number of service credit months of service by twelve. Any

1 fraction of a service credit year of service as so determined shall  
2 be taken into account in the computation of such retirement allowance  
3 or benefits.

4 If a member receives basic salary from two or more employers  
5 during any calendar month, the individual shall receive one service  
6 credit month's service credit during any calendar month in which  
7 multiple service for ninety or more hours is rendered; or one-half  
8 service credit month's service credit during any calendar month in  
9 which multiple service for at least seventy hours but less than  
10 ninety hours is rendered; or one-quarter service credit month during  
11 any calendar month in which multiple service for less than seventy  
12 hours is rendered.

13 ~~((30))~~ (31) "Service credit month" means a full service credit  
14 month or an accumulation of partial service credit months that are  
15 equal to one.

16 ~~((31))~~ (32) "Service credit year" means an accumulation of  
17 months of service credit which is equal to one when divided by  
18 twelve.

19 ~~((32))~~ (33) "State actuary" or "actuary" means the person  
20 appointed pursuant to RCW 44.44.010(2).

21 ~~((33))~~ (34) "State elective position" means any position held  
22 by any person elected or appointed to statewide office or elected or  
23 appointed as a member of the legislature.

24 ~~((34))~~ (35) "Surviving spouse" means the surviving widow or  
25 widower of a member. "Surviving spouse" shall not include the  
26 divorced spouse of a member except as provided in RCW 41.26.162.

27 **Sec. 3.** RCW 41.32.010 and 2018 c 257 s 2 are each amended to  
28 read as follows:

29 As used in this chapter, unless a different meaning is plainly  
30 required by the context:

31 (1)(a) "Accumulated contributions" for plan 1 members, means the  
32 sum of all regular annuity contributions and, except for the purpose  
33 of withdrawal at the time of retirement, any amount paid under RCW  
34 41.50.165(2) with regular interest thereon.

35 (b) "Accumulated contributions" for plan 2 members, means the sum  
36 of all contributions standing to the credit of a member in the  
37 member's individual account, including any amount paid under RCW  
38 41.50.165(2), together with the regular interest thereon.

1 (2) "Actuarial equivalent" means a benefit of equal value when  
2 computed upon the basis of such mortality tables and regulations as  
3 shall be adopted by the director and regular interest.

4 (3) "Adjustment ratio" means the value of index A divided by  
5 index B.

6 (4) "Annual increase" means, initially, fifty-nine cents per  
7 month per year of service which amount shall be increased each July  
8 1st by three percent, rounded to the nearest cent.

9 (5) "Annuity" means the moneys payable per year during life by  
10 reason of accumulated contributions of a member.

11 (6) "Average final compensation" for plan 2 and plan 3 members,  
12 means the member's average earnable compensation of the highest  
13 consecutive sixty service credit months prior to such member's  
14 retirement, termination, or death. Periods constituting authorized  
15 leaves of absence may not be used in the calculation of average final  
16 compensation except under RCW 41.32.810(2).

17 (7)(a) "Beneficiary" for plan 1 members, means any person in  
18 receipt of a retirement allowance or other benefit provided by this  
19 chapter.

20 (b) "Beneficiary" for plan 2 and plan 3 members, means any person  
21 in receipt of a retirement allowance or other benefit provided by  
22 this chapter resulting from service rendered to an employer by  
23 another person.

24 (8) "Contract" means any agreement for service and compensation  
25 between a member and an employer.

26 (9) "Creditable service" means membership service plus prior  
27 service for which credit is allowable. This subsection shall apply  
28 only to plan 1 members.

29 (10) "Department" means the department of retirement systems  
30 created in chapter 41.50 RCW.

31 (11) "Dependent" means receiving one-half or more of support from  
32 a member.

33 (12) "Director" means the director of the department.

34 (13) "Disability allowance" means monthly payments during  
35 disability. This subsection shall apply only to plan 1 members.

36 (14)(a) "Earnable compensation" for plan 1 members, means:

37 (i) All salaries and wages paid by an employer to an employee  
38 member of the retirement system for personal services rendered during  
39 a fiscal year. In all cases where compensation includes maintenance

1 the employer shall fix the value of that part of the compensation not  
2 paid in money.

3 (ii) For an employee member of the retirement system teaching in  
4 an extended school year program, two consecutive extended school  
5 years, as defined by the employer school district, may be used as the  
6 annual period for determining earnable compensation in lieu of the  
7 two fiscal years.

8 (iii) "Earnable compensation" for plan 1 members also includes  
9 the following actual or imputed payments, which are not paid for  
10 personal services:

11 (A) Retroactive payments to an individual by an employer on  
12 reinstatement of the employee in a position, or payments by an  
13 employer to an individual in lieu of reinstatement in a position  
14 which are awarded or granted as the equivalent of the salary or wages  
15 which the individual would have earned during a payroll period shall  
16 be considered earnable compensation and the individual shall receive  
17 the equivalent service credit.

18 (B) If a leave of absence, without pay, is taken by a member for  
19 the purpose of serving as a member of the state legislature, and such  
20 member has served in the legislature five or more years, the salary  
21 which would have been received for the position from which the leave  
22 of absence was taken shall be considered as compensation earnable if  
23 the employee's contribution thereon is paid by the employee. In  
24 addition, where a member has been a member of the state legislature  
25 for five or more years, earnable compensation for the member's two  
26 highest compensated consecutive years of service shall include a sum  
27 not to exceed thirty-six hundred dollars for each of such two  
28 consecutive years, regardless of whether or not legislative service  
29 was rendered during those two years.

30 (iv) For members employed less than full time under written  
31 contract with a school district, or community college district, in an  
32 instructional position, for which the member receives service credit  
33 of less than one year in all of the years used to determine the  
34 earnable compensation used for computing benefits due under RCW  
35 41.32.497, 41.32.498, and 41.32.520, the member may elect to have  
36 earnable compensation defined as provided in RCW 41.32.345. For the  
37 purposes of this subsection, the term "instructional position" means  
38 a position in which more than seventy-five percent of the member's  
39 time is spent as a classroom instructor (including office hours), a  
40 librarian, a psychologist, a social worker, a nurse, a physical

1 therapist, an occupational therapist, a speech language pathologist  
2 or audiologist, or a counselor. Earnable compensation shall be so  
3 defined only for the purpose of the calculation of retirement  
4 benefits and only as necessary to insure that members who receive  
5 fractional service credit under RCW 41.32.270 receive benefits  
6 proportional to those received by members who have received full-time  
7 service credit.

8 (v) "Earnable compensation" does not include:

9 (A) Remuneration for unused sick leave authorized under RCW  
10 41.04.340, 28A.400.210, or 28A.310.490;

11 (B) Remuneration for unused annual leave in excess of two hundred  
12 forty hours as authorized by RCW 43.01.044 and 43.01.041.

13 (b) "Earnable compensation" for plan 2 and plan 3 members, means  
14 salaries or wages earned by a member during a payroll period for  
15 personal services, including overtime payments, and shall include  
16 wages and salaries deferred under provisions established pursuant to  
17 sections 403(b), 414(h), and 457 of the United States Internal  
18 Revenue Code, but shall exclude lump sum payments for deferred annual  
19 sick leave, unused accumulated vacation, unused accumulated annual  
20 leave, or any form of severance pay.

21 "Earnable compensation" for plan 2 and plan 3 members also  
22 includes the following actual or imputed payments which, except in  
23 the case of (b)(ii)(B) of this subsection, are not paid for personal  
24 services:

25 (i) Retroactive payments to an individual by an employer on  
26 reinstatement of the employee in a position or payments by an  
27 employer to an individual in lieu of reinstatement in a position  
28 which are awarded or granted as the equivalent of the salary or wages  
29 which the individual would have earned during a payroll period shall  
30 be considered earnable compensation, to the extent provided above,  
31 and the individual shall receive the equivalent service credit.

32 (ii) In any year in which a member serves in the legislature the  
33 member shall have the option of having such member's earnable  
34 compensation be the greater of:

35 (A) The earnable compensation the member would have received had  
36 such member not served in the legislature; or

37 (B) Such member's actual earnable compensation received for  
38 teaching and legislative service combined. Any additional  
39 contributions to the retirement system required because compensation  
40 earnable under (b)(ii)(A) of this subsection is greater than

1 compensation earnable under (b)(ii)(B) of this subsection shall be  
2 paid by the member for both member and employer contributions.

3 (c) In calculating earnable compensation under (a) or (b) of this  
4 subsection, the department of retirement systems shall include:

5 (i) Any compensation forgone by a member employed by a state  
6 agency or institution during the 2009-2011 fiscal biennium as a  
7 result of reduced work hours, mandatory or voluntary leave without  
8 pay, temporary reduction in pay implemented prior to December 11,  
9 2010, or temporary layoffs if the reduced compensation is an integral  
10 part of the employer's expenditure reduction efforts, as certified by  
11 the employer; and

12 (ii) Any compensation forgone by a member during the 2011-2013  
13 fiscal biennium as a result of reduced work hours, mandatory leave  
14 without pay, temporary layoffs, or reductions to current pay if the  
15 reduced compensation is an integral part of the employer's  
16 expenditure reduction efforts, as certified by the employer.  
17 Reductions to current pay shall not include elimination of previously  
18 agreed upon future salary reductions.

19 (15)(a) "Eligible position" for plan 2 members from June 7, 1990,  
20 through September 1, 1991, means a position which normally requires  
21 two or more uninterrupted months of creditable service during  
22 September through August of the following year.

23 (b) "Eligible position" for plan 2 and plan 3 on and after  
24 September 1, 1991, means a position that, as defined by the employer,  
25 normally requires five or more months of at least seventy hours of  
26 earnable compensation during September through August of the  
27 following year.

28 (c) For purposes of this chapter an employer shall not define  
29 "position" in such a manner that an employee's monthly work for that  
30 employer is divided into more than one position.

31 (d) The elected position of the superintendent of public  
32 instruction is an eligible position.

33 (16) "Employed" or "employee" means a person who is providing  
34 services for compensation to an employer, unless the person is free  
35 from the employer's direction and control over the performance of  
36 work. The department shall adopt rules and interpret this subsection  
37 consistent with common law.

38 (17) "Employer" means the state of Washington, the school  
39 district, or any agency of the state of Washington by which the  
40 member is paid. Except as otherwise specifically provided in this

1 chapter, "employer" does not include a government contractor. For  
2 purposes of this subsection, a "government contractor" is any entity,  
3 including a partnership, limited liability company, for-profit or  
4 nonprofit corporation, or person, that provides services pursuant to  
5 a contract with an employer. The determination whether an employer-  
6 employee relationship has been established is not based on the  
7 relationship between a government contractor and an employer, but is  
8 based solely on the relationship between a government contractor's  
9 employee and an employer under this chapter. For the purposes of  
10 retirement plan membership, this subsection includes tribal schools  
11 who have chosen to participate in the retirement system and satisfied  
12 the requirements of RCW 28A.715.010(7).

13 (18) "Fiscal year" means a year which begins July 1st and ends  
14 June 30th of the following year.

15 (19) "Former state fund" means the state retirement fund in  
16 operation for teachers under chapter 187, Laws of 1923, as amended.

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

21 (21) "Index A" means the index for the year prior to the  
22 determination of a postretirement adjustment.

23 (22) "Index B" means the index for the year prior to index A.

24 (23) "Index year" means the earliest calendar year in which the  
25 index is more than sixty percent of index A.

26 (24) "Local fund" means any of the local retirement funds for  
27 teachers operated in any school district in accordance with the  
28 provisions of chapter 163, Laws of 1917 as amended.

29 (25) "Member" means any teacher included in the membership of the  
30 retirement system who has not been removed from membership under RCW  
31 41.32.878 or 41.32.768. Also, any other employee of the public  
32 schools who, on July 1, 1947, had not elected to be exempt from  
33 membership and who, prior to that date, had by an authorized payroll  
34 deduction, contributed to the member reserve.

35 (26) "Member account" or "member's account" for purposes of plan  
36 3 means the sum of the contributions and earnings on behalf of the  
37 member in the defined contribution portion of plan 3.

38 (27) "Member reserve" means the fund in which all of the  
39 accumulated contributions of members are held.



1 (28) "Membership service" means service rendered subsequent to  
2 the first day of eligibility of a person to membership in the  
3 retirement system: PROVIDED, That where a member is employed by two  
4 or more employers the individual shall receive no more than one  
5 service credit month during any calendar month in which multiple  
6 service is rendered. The provisions of this subsection shall apply  
7 only to plan 1 members.

8 (29) "Pension" means the moneys payable per year during life from  
9 the pension reserve.

10 (30) "Pension reserve" is a fund in which shall be accumulated an  
11 actuarial reserve adequate to meet present and future pension  
12 liabilities of the system and from which all pension obligations are  
13 to be paid.

14 (31) "Period of war" has the meaning defined in section 1 of this  
15 act.

16 (32) "Plan 1" means the teachers' retirement system, plan 1  
17 providing the benefits and funding provisions covering persons who  
18 first became members of the system prior to October 1, 1977.

19 ~~((32))~~ (33) "Plan 2" means the teachers' retirement system,  
20 plan 2 providing the benefits and funding provisions covering persons  
21 who first became members of the system on and after October 1, 1977,  
22 and prior to July 1, 1996.

23 ~~((33))~~ (34) "Plan 3" means the teachers' retirement system,  
24 plan 3 providing the benefits and funding provisions covering persons  
25 who first become members of the system on and after July 1, 1996, or  
26 who transfer under RCW 41.32.817.

27 ~~((34))~~ (35) "Prior service" means service rendered prior to the  
28 first date of eligibility to membership in the retirement system for  
29 which credit is allowable. The provisions of this subsection shall  
30 apply only to plan 1 members.

31 ~~((35))~~ (36) "Prior service contributions" means contributions  
32 made by a member to secure credit for prior service. The provisions  
33 of this subsection shall apply only to plan 1 members.

34 ~~((36))~~ (37) "Public school" means any institution or activity  
35 operated by the state of Washington or any instrumentality or  
36 political subdivision thereof employing teachers, except the  
37 University of Washington and Washington State University. For the  
38 purposes of retirement plan membership, this subsection includes  
39 tribal schools who have chosen to participate in the retirement  
40 system and satisfied the requirements of RCW 28A.715.010(7).

1       ~~((37))~~ (38) "Regular contributions" means the amounts required  
2 to be deducted from the compensation of a member and credited to the  
3 member's individual account in the member reserve. This subsection  
4 shall apply only to plan 1 members.

5       ~~((38))~~ (39) "Regular interest" means such rate as the director  
6 may determine.

7       ~~((39))~~ (40) "Retiree" means any person who has begun accruing a  
8 retirement allowance or other benefit provided by this chapter  
9 resulting from service rendered to an employer while a member.

10       ~~((40))~~ (41)(a) "Retirement allowance" for plan 1 members, means  
11 monthly payments based on the sum of annuity and pension, or any  
12 optional benefits payable in lieu thereof.

13       (b) "Retirement allowance" for plan 2 and plan 3 members, means  
14 monthly payments to a retiree or beneficiary as provided in this  
15 chapter.

16       ~~((41))~~ (42) "Retirement system" means the Washington state  
17 teachers' retirement system.

18       ~~((42))~~ (43) "Separation from service or employment" occurs when  
19 a person has terminated all employment with an employer. Separation  
20 from service or employment does not occur, and if claimed by an  
21 employer or employee may be a violation of RCW 41.32.055, when an  
22 employee and employer have a written or oral agreement to resume  
23 employment with the same employer following termination. Mere  
24 expressions or inquiries about postretirement employment by an  
25 employer or employee that do not constitute a commitment to reemploy  
26 the employee after retirement are not an agreement under this  
27 section.

28       ~~((43))~~ (44)(a) "Service" for plan 1 members means the time  
29 during which a member has been employed by an employer for  
30 compensation.

31       (i) If a member is employed by two or more employers the  
32 individual shall receive no more than one service credit month during  
33 any calendar month in which multiple service is rendered.

34       (ii) As authorized by RCW 28A.400.300, up to forty-five days of  
35 sick leave may be creditable as service solely for the purpose of  
36 determining eligibility to retire under RCW 41.32.470.

37       (iii) As authorized in RCW 41.32.065, service earned in an out-  
38 of-state retirement system that covers teachers in public schools may  
39 be applied solely for the purpose of determining eligibility to  
40 retire under RCW 41.32.470.

1 (b) "Service" for plan 2 and plan 3 members, means periods of  
2 employment by a member for one or more employers for which earnable  
3 compensation is earned subject to the following conditions:

4 (i) A member employed in an eligible position or as a substitute  
5 shall receive one service credit month for each month of September  
6 through August of the following year if he or she earns earnable  
7 compensation for eight hundred ten or more hours during that period  
8 and is employed during nine of those months, except that a member may  
9 not receive credit for any period prior to the member's employment in  
10 an eligible position except as provided in RCW 41.32.812 and  
11 41.50.132.

12 (ii) Any other member employed in an eligible position or as a  
13 substitute who earns earnable compensation during the period from  
14 September through August shall receive service credit according to  
15 one of the following methods, whichever provides the most service  
16 credit to the member:

17 (A) If a member is employed either in an eligible position or as  
18 a substitute teacher for nine months of the twelve-month period  
19 between September through August of the following year but earns  
20 earnable compensation for less than eight hundred ten hours but for  
21 at least six hundred thirty hours, he or she will receive one-half of  
22 a service credit month for each month of the twelve-month period;

23 (B) If a member is employed in an eligible position or as a  
24 substitute teacher for at least five months of a six-month period  
25 between September through August of the following year and earns  
26 earnable compensation for six hundred thirty or more hours within the  
27 six-month period, he or she will receive a maximum of six service  
28 credit months for the school year, which shall be recorded as one  
29 service credit month for each month of the six-month period;

30 (C) All other members employed in an eligible position or as a  
31 substitute teacher shall receive service credit as follows:

32 (I) A service credit month is earned in those calendar months  
33 where earnable compensation is earned for ninety or more hours;

34 (II) A half-service credit month is earned in those calendar  
35 months where earnable compensation is earned for at least seventy  
36 hours but less than ninety hours; and

37 (III) A quarter-service credit month is earned in those calendar  
38 months where earnable compensation is earned for less than seventy  
39 hours.

1 (iii) Any person who is a member of the teachers' retirement  
2 system and who is elected or appointed to a state elective position  
3 may continue to be a member of the retirement system and continue to  
4 receive a service credit month for each of the months in a state  
5 elective position by making the required member contributions.

6 (iv) When an individual is employed by two or more employers the  
7 individual shall only receive one month's service credit during any  
8 calendar month in which multiple service for ninety or more hours is  
9 rendered.

10 (v) As authorized by RCW 28A.400.300, up to forty-five days of  
11 sick leave may be creditable as service solely for the purpose of  
12 determining eligibility to retire under RCW 41.32.470. For purposes  
13 of plan 2 and plan 3 "forty-five days" as used in RCW 28A.400.300 is  
14 equal to two service credit months. Use of less than forty-five days  
15 of sick leave is creditable as allowed under this subsection as  
16 follows:

17 (A) Less than eleven days equals one-quarter service credit  
18 month;

19 (B) Eleven or more days but less than twenty-two days equals one-  
20 half service credit month;

21 (C) Twenty-two days equals one service credit month;

22 (D) More than twenty-two days but less than thirty-three days  
23 equals one and one-quarter service credit month;

24 (E) Thirty-three or more days but less than forty-five days  
25 equals one and one-half service credit month.

26 (vi) As authorized in RCW 41.32.065, service earned in an out-of-  
27 state retirement system that covers teachers in public schools may be  
28 applied solely for the purpose of determining eligibility to retire  
29 under RCW 41.32.470.

30 (vii) The department shall adopt rules implementing this  
31 subsection.

32 (~~((44))~~) (45) "Service credit month" means a full service credit  
33 month or an accumulation of partial service credit months that are  
34 equal to one.

35 (~~((45))~~) (46) "Service credit year" means an accumulation of  
36 months of service credit which is equal to one when divided by  
37 twelve.

38 (~~((46))~~) (47) "State actuary" or "actuary" means the person  
39 appointed pursuant to RCW 44.44.010(2).

1       (~~(47)~~) (48) "State elective position" means any position held  
2 by any person elected or appointed to statewide office or elected or  
3 appointed as a member of the legislature.

4       (~~(48)~~) (49) "Substitute teacher" means:

5       (a) A teacher who is hired by an employer to work as a temporary  
6 teacher, except for teachers who are annual contract employees of an  
7 employer and are guaranteed a minimum number of hours; or

8       (b) Teachers who either (i) work in ineligible positions for more  
9 than one employer or (ii) work in an ineligible position or positions  
10 together with an eligible position.

11       (~~(49)~~) (50) "Teacher" means any person qualified to teach who  
12 is engaged by a public school in an instructional, administrative, or  
13 supervisory capacity. The term includes state, educational service  
14 district, and school district superintendents and their assistants  
15 and all employees certificated by the superintendent of public  
16 instruction; and in addition thereto any full time school doctor who  
17 is employed by a public school and renders service of an  
18 instructional or educational nature.

19       **Sec. 4.** RCW 41.35.010 and 2018 c 257 s 3 are each amended to  
20 read as follows:

21       The definitions in this section apply throughout this chapter,  
22 unless the context clearly requires otherwise.

23       (1) "Accumulated contributions" means the sum of all  
24 contributions standing to the credit of a member in the member's  
25 individual account, including any amount paid under RCW 41.50.165(2),  
26 together with the regular interest thereon.

27       (2) "Actuarial equivalent" means a benefit of equal value when  
28 computed upon the basis of such mortality and other tables as may be  
29 adopted by the director.

30       (3) "Adjustment ratio" means the value of index A divided by  
31 index B.

32       (4) "Annuity" means payments for life derived from accumulated  
33 contributions of a member. All annuities shall be paid in monthly  
34 installments.

35       (5) (a) "Average final compensation" for plan 2 and plan 3 members  
36 means the member's average compensation earnable of the highest  
37 consecutive sixty months of service credit months prior to such  
38 member's retirement, termination, or death. Periods constituting

1 authorized leaves of absence may not be used in the calculation of  
2 average final compensation except under RCW 41.40.710(2).

3 (b) In calculating average final compensation under (a) of this  
4 subsection, the department of retirement systems shall include any  
5 compensation forgone by a member during the 2011-2013 fiscal biennium  
6 as a result of reduced work hours, mandatory leave without pay,  
7 temporary layoffs, or reductions to current pay if the reduced  
8 compensation is an integral part of the employer's expenditure  
9 reduction efforts, as certified by the employer. Reductions to  
10 current pay shall not include elimination of previously agreed upon  
11 future salary reductions.

12 (6) "Beneficiary" for plan 2 and plan 3 members means any person  
13 in receipt of a retirement allowance or other benefit provided by  
14 this chapter resulting from service rendered to an employer by  
15 another person.

16 (7) "Classified employee" means an employee of a school district  
17 or an educational service district who is not eligible for membership  
18 in the teachers' retirement system established under chapter 41.32  
19 RCW.

20 (8)(a) "Compensation earnable" for plan 2 and plan 3 members,  
21 means salaries or wages earned by a member during a payroll period  
22 for personal services, including overtime payments, and shall include  
23 wages and salaries deferred under provisions established pursuant to  
24 sections 403(b), 414(h), and 457 of the United States internal  
25 revenue code, but shall exclude nonmoney maintenance compensation and  
26 lump sum or other payments for deferred annual sick leave, unused  
27 accumulated vacation, unused accumulated annual leave, or any form of  
28 severance pay.

29 (b) "Compensation earnable" for plan 2 and plan 3 members also  
30 includes the following actual or imputed payments, which are not paid  
31 for personal services:

32 (i) Retroactive payments to an individual by an employer on  
33 reinstatement of the employee in a position, or payments by an  
34 employer to an individual in lieu of reinstatement, which are awarded  
35 or granted as the equivalent of the salary or wage which the  
36 individual would have earned during a payroll period shall be  
37 considered compensation earnable to the extent provided in this  
38 subsection, and the individual shall receive the equivalent service  
39 credit;

1 (ii) In any year in which a member serves in the legislature, the  
2 member shall have the option of having such member's compensation  
3 earnable be the greater of:

4 (A) The compensation earnable the member would have received had  
5 such member not served in the legislature; or

6 (B) Such member's actual compensation earnable received for  
7 nonlegislative public employment and legislative service combined.  
8 Any additional contributions to the retirement system required  
9 because compensation earnable under (b)(ii)(A) of this subsection is  
10 greater than compensation earnable under this (b)(ii)(B) of this  
11 subsection shall be paid by the member for both member and employer  
12 contributions;

13 (iii) Assault pay only as authorized by RCW 27.04.100, 72.01.045,  
14 and 72.09.240;

15 (iv) Compensation that a member would have received but for a  
16 disability occurring in the line of duty only as authorized by RCW  
17 41.40.038;

18 (v) Compensation that a member receives due to participation in  
19 the leave sharing program only as authorized by RCW 41.04.650 through  
20 41.04.670; and

21 (vi) Compensation that a member receives for being in standby  
22 status. For the purposes of this section, a member is in standby  
23 status when not being paid for time actually worked and the employer  
24 requires the member to be prepared to report immediately for work, if  
25 the need arises, although the need may not arise.

26 (9) "Department" means the department of retirement systems  
27 created in chapter 41.50 RCW.

28 (10) "Director" means the director of the department.

29 (11) "Eligible position" means any position that, as defined by  
30 the employer, normally requires five or more months of service a year  
31 for which regular compensation for at least seventy hours is earned  
32 by the occupant thereof. For purposes of this chapter an employer  
33 shall not define "position" in such a manner that an employee's  
34 monthly work for that employer is divided into more than one  
35 position.

36 (12) "Employee" or "employed" means a person who is providing  
37 services for compensation to an employer, unless the person is free  
38 from the employer's direction and control over the performance of  
39 work. The department shall adopt rules and interpret this subsection  
40 consistent with common law.

1 (13) "Employer," for plan 2 and plan 3 members, means a school  
2 district, an educational service district, or tribal school that has  
3 chosen to participate in the retirement system and has satisfied the  
4 requirements of RCW 28A.715.010(7). Except as otherwise specifically  
5 provided in this chapter, "employer" does not include a government  
6 contractor. For purposes of this subsection, a "government  
7 contractor" is any entity, including a partnership, limited liability  
8 company, for-profit or nonprofit corporation, or person, that  
9 provides services pursuant to a contract with an employer. The  
10 determination whether an employer-employee relationship has been  
11 established is not based on the relationship between a government  
12 contractor and an employer, but is based solely on the relationship  
13 between a government contractor's employee and an employer under this  
14 chapter.

15 (14) "Final compensation" means the annual rate of compensation  
16 earnable by a member at the time of termination of employment.

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

21 (16) "Index A" means the index for the year prior to the  
22 determination of a postretirement adjustment.

23 (17) "Index B" means the index for the year prior to index A.

24 (18) "Ineligible position" means any position which does not  
25 conform with the requirements set forth in subsection (22) of this  
26 section.

27 (19) "Leave of absence" means the period of time a member is  
28 authorized by the employer to be absent from service without being  
29 separated from membership.

30 (20) "Member" means any employee included in the membership of  
31 the retirement system, as provided for in RCW 41.35.030.

32 (21) "Member account" or "member's account" for purposes of plan  
33 3 means the sum of the contributions and earnings on behalf of the  
34 member in the defined contribution portion of plan 3.

35 (22) "Membership service" means all service rendered as a member.

36 (23) "Pension" means payments for life derived from contributions  
37 made by the employer. All pensions shall be paid in monthly  
38 installments.

39 (24) "Period of war" has the meaning defined in section 1 of this  
40 act.



1        ~~(25)~~ (25) "Plan 2" means the Washington school employees' retirement  
2 system plan 2 providing the benefits and funding provisions covering  
3 persons who first became members of the public employees' retirement  
4 system on and after October 1, 1977, and transferred to the  
5 Washington school employees' retirement system under RCW 41.40.750.

6        ~~((25))~~ (26) "Plan 3" means the Washington school employees'  
7 retirement system plan 3 providing the benefits and funding  
8 provisions covering persons who first became members of the system on  
9 and after September 1, 2000, or who transfer from plan 2 under RCW  
10 41.35.510.

11        ~~((26))~~ (27) "Regular interest" means such rate as the director  
12 may determine.

13        ~~((27))~~ (28) "Retiree" means any person who has begun accruing a  
14 retirement allowance or other benefit provided by this chapter  
15 resulting from service rendered to an employer while a member.

16        ~~((28))~~ (29) "Retirement" means withdrawal from active service  
17 with a retirement allowance as provided by this chapter.

18        ~~((29))~~ (30) "Retirement allowance" for plan 2 and plan 3  
19 members means monthly payments to a retiree or beneficiary as  
20 provided in this chapter.

21        ~~((30))~~ (31) "Retirement system" means the Washington school  
22 employees' retirement system provided for in this chapter.

23        ~~((31))~~ (32) "Separation from service" occurs when a person has  
24 terminated all employment with an employer.

25        ~~((32))~~ (33) "Service" for plan 2 and plan 3 members means  
26 periods of employment by a member in an eligible position or  
27 positions for one or more employers for which compensation earnable  
28 is paid. Compensation earnable earned for ninety or more hours in any  
29 calendar month shall constitute one service credit month except as  
30 provided in RCW 41.35.180. Compensation earnable earned for at least  
31 seventy hours but less than ninety hours in any calendar month shall  
32 constitute one-half service credit month of service. Compensation  
33 earnable earned for less than seventy hours in any calendar month  
34 shall constitute one-quarter service credit month of service. Time  
35 spent in standby status, whether compensated or not, is not service.

36        Any fraction of a year of service shall be taken into account in  
37 the computation of such retirement allowance or benefits.

38        (a) Service in any state elective position shall be deemed to be  
39 full-time service.

1 (b) A member shall receive a total of not more than twelve  
2 service credit months of service for such calendar year. If an  
3 individual is employed in an eligible position by one or more  
4 employers the individual shall receive no more than one service  
5 credit month during any calendar month in which multiple service for  
6 ninety or more hours is rendered.

7 (c) For purposes of plan 2 and 3 "forty-five days" as used in RCW  
8 28A.400.300 is equal to two service credit months. Use of less than  
9 forty-five days of sick leave is creditable as allowed under this  
10 subsection as follows:

11 (i) Less than eleven days equals one-quarter service credit  
12 month;

13 (ii) Eleven or more days but less than twenty-two days equals  
14 one-half service credit month;

15 (iii) Twenty-two days equals one service credit month;

16 (iv) More than twenty-two days but less than thirty-three days  
17 equals one and one-quarter service credit month; and

18 (v) Thirty-three or more days but less than forty-five days  
19 equals one and one-half service credit month.

20 (~~(33)~~) (34) "Service credit month" means a month or an  
21 accumulation of months of service credit which is equal to one.

22 (~~(34)~~) (35) "Service credit year" means an accumulation of  
23 months of service credit which is equal to one when divided by  
24 twelve.

25 (~~(35)~~) (36) "State actuary" or "actuary" means the person  
26 appointed pursuant to RCW 44.44.010(2).

27 (~~(36)~~) (37) "State elective position" means any position held  
28 by any person elected or appointed to statewide office or elected or  
29 appointed as a member of the legislature.

30 (~~(37)~~) (38) "State treasurer" means the treasurer of the state  
31 of Washington.

32 (~~(38)~~) (39) "Substitute employee" means a classified employee  
33 who is employed by an employer exclusively as a substitute for an  
34 absent employee.

35 **Sec. 5.** RCW 41.37.010 and 2019 c 470 s 7 are each amended to  
36 read as follows:

37 The definitions in this section apply throughout this chapter,  
38 unless the context clearly requires otherwise.

1 (1) "Accumulated contributions" means the sum of all  
2 contributions standing to the credit of a member in the member's  
3 individual account, including any amount paid under RCW 41.50.165(2),  
4 together with the regular interest thereon.

5 (2) "Actuarial equivalent" means a benefit of equal value when  
6 computed upon the basis of such mortality and other tables as may be  
7 adopted by the director.

8 (3) "Adjustment ratio" means the value of index A divided by  
9 index B.

10 (4) "Annuity" means payments for life derived from accumulated  
11 contributions of a member. All annuities shall be paid in monthly  
12 installments.

13 (5)(a) "Average final compensation" means the member's average  
14 compensation earnable of the highest consecutive sixty months of  
15 service credit months prior to such member's retirement, termination,  
16 or death. Periods constituting authorized leaves of absence may not  
17 be used in the calculation of average final compensation except under  
18 RCW 41.37.290.

19 (b) In calculating average final compensation under (a) of this  
20 subsection, the department of retirement systems shall include:

21 (i) Any compensation forgone by a member employed by a state  
22 agency or institution during the 2009-2011 fiscal biennium as a  
23 result of reduced work hours, mandatory or voluntary leave without  
24 pay, temporary reduction in pay implemented prior to December 11,  
25 2010, or temporary layoffs if the reduced compensation is an integral  
26 part of the employer's expenditure reduction efforts, as certified by  
27 the employer; and

28 (ii) Any compensation forgone by a member employed by the state  
29 or a local government employer during the 2011-2013 fiscal biennium  
30 as a result of reduced work hours, mandatory leave without pay,  
31 temporary layoffs, or reductions to current pay if the reduced  
32 compensation is an integral part of the employer's expenditure  
33 reduction efforts, as certified by the employer. Reductions to  
34 current pay shall not include elimination of previously agreed upon  
35 future salary increases.

36 (6) "Beneficiary" means any person in receipt of a retirement  
37 allowance or other benefit provided by this chapter resulting from  
38 service rendered to an employer by another person.

39 (7)(a) "Compensation earnable" for members, means salaries or  
40 wages earned by a member during a payroll period for personal

1 services, including overtime payments, and shall include wages and  
2 salaries deferred under provisions established pursuant to sections  
3 403(b), 414(h), and 457 of the United States internal revenue code,  
4 but shall exclude nonmoney maintenance compensation and lump sum or  
5 other payments for deferred annual sick leave, unused accumulated  
6 vacation, unused accumulated annual leave, or any form of severance  
7 pay.

8 (b) "Compensation earnable" for members also includes the  
9 following actual or imputed payments, which are not paid for personal  
10 services:

11 (i) Retroactive payments to an individual by an employer on  
12 reinstatement of the employee in a position, or payments by an  
13 employer to an individual in lieu of reinstatement, which are awarded  
14 or granted as the equivalent of the salary or wage which the  
15 individual would have earned during a payroll period shall be  
16 considered compensation earnable to the extent provided in this  
17 subsection, and the individual shall receive the equivalent service  
18 credit;

19 (ii) In any year in which a member serves in the legislature, the  
20 member shall have the option of having such member's compensation  
21 earnable be the greater of:

22 (A) The compensation earnable the member would have received had  
23 such member not served in the legislature; or

24 (B) Such member's actual compensation earnable received for  
25 nonlegislative public employment and legislative service combined.  
26 Any additional contributions to the retirement system required  
27 because compensation earnable under (b)(ii)(A) of this subsection is  
28 greater than compensation earnable under (b)(ii)(B) of this  
29 subsection shall be paid by the member for both member and employer  
30 contributions;

31 (iii) Assault pay only as authorized by RCW 27.04.100, 72.01.045,  
32 and 72.09.240;

33 (iv) Compensation that a member would have received but for a  
34 disability occurring in the line of duty only as authorized by RCW  
35 41.37.060;

36 (v) Compensation that a member receives due to participation in  
37 the leave sharing program only as authorized by RCW 41.04.650 through  
38 41.04.670; and

39 (vi) Compensation that a member receives for being in standby  
40 status. For the purposes of this section, a member is in standby

1 status when not being paid for time actually worked and the employer  
2 requires the member to be prepared to report immediately for work, if  
3 the need arises, although the need may not arise.

4 (8) "Department" means the department of retirement systems  
5 created in chapter 41.50 RCW.

6 (9) "Director" means the director of the department.

7 (10) "Eligible position" means any permanent, full-time position  
8 included in subsection (19) of this section.

9 (11) "Employee" or "employed" means a person who is providing  
10 services for compensation to an employer, unless the person is free  
11 from the employer's direction and control over the performance of  
12 work. The department shall adopt rules and interpret this subsection  
13 consistent with common law.

14 (12) "Employer" means the Washington state department of  
15 corrections, the Washington state parks and recreation commission,  
16 the Washington state gambling commission, the Washington state  
17 patrol, the Washington state department of natural resources, the  
18 Washington state liquor and cannabis board, the Washington state  
19 department of veterans affairs, the Washington state department of  
20 children, youth, and families, and the Washington state department of  
21 social and health services; any county corrections department; any  
22 city corrections department not covered under chapter 41.28 RCW; and  
23 any public corrections entity created under RCW 39.34.030 by  
24 counties, cities not covered under chapter 41.28 RCW, or both. Except  
25 as otherwise specifically provided in this chapter, "employer" does  
26 not include a government contractor. For purposes of this subsection,  
27 a "government contractor" is any entity, including a partnership,  
28 limited liability company, for-profit or nonprofit corporation, or  
29 person, that provides services pursuant to a contract with an  
30 employer. The determination whether an employer-employee relationship  
31 has been established is not based on the relationship between a  
32 government contractor and an employer, but is based solely on the  
33 relationship between a government contractor's employee and an  
34 employer under this chapter.

35 (13) "Final compensation" means the annual rate of compensation  
36 earnable by a member at the time of termination of employment.

37 (14) "Index" means, for any calendar year, that year's annual  
38 average consumer price index, Seattle, Washington area, for urban  
39 wage earners and clerical workers, all items, compiled by the bureau  
40 of labor statistics, United States department of labor.

1 (15) "Index A" means the index for the year prior to the  
2 determination of a postretirement adjustment.

3 (16) "Index B" means the index for the year prior to index A.

4 (17) "Ineligible position" means any position which does not  
5 conform with the requirements set forth in subsection (10) of this  
6 section.

7 (18) "Leave of absence" means the period of time a member is  
8 authorized by the employer to be absent from service without being  
9 separated from membership.

10 (19) "Member" means any employee employed by an employer on a  
11 full-time basis:

12 (a) Who is in a position that requires completion of a certified  
13 criminal justice training course and is authorized by their employer  
14 to arrest, conduct criminal investigations, enforce the criminal laws  
15 of the state of Washington, and carry a firearm as part of the job;

16 (b) Whose primary responsibility is to ensure the custody and  
17 security of incarcerated or probationary individuals as a corrections  
18 officer, probation officer, or jailer;

19 (c) Who is a limited authority Washington peace officer, as  
20 defined in RCW 10.93.020, for an employer;

21 (d) Whose primary responsibility is to provide nursing care to,  
22 or to ensure the custody and safety of, offender, adult probationary,  
23 or patient populations; and who is in a position that requires  
24 completion of defensive tactics training or de-escalation training;  
25 and who is employed by one of the following state institutions or  
26 centers operated by the department of social and health services or  
27 the department of children, youth, and families:

28 (i) Juvenile rehabilitation administration institutions, not  
29 including community facilities;

30 (ii) Mental health hospitals;

31 (iii) Child study and treatment centers; or

32 (iv) Institutions or residential sites that serve developmentally  
33 disabled patients or offenders, except for state-operated living  
34 alternatives facilities;

35 (e) Whose primary responsibility is to provide nursing care to  
36 offender and patient populations in institutions and centers operated  
37 by the following employers: A city or county corrections department  
38 as set forth in subsection (12) of this section, a public corrections  
39 entity as set forth in subsection (12) of this section, the

1 Washington state department of corrections, or the Washington state  
2 department of veterans affairs; or

3 (f) Whose primary responsibility is to supervise members eligible  
4 under this subsection.

5 (20) "Membership service" means all service rendered as a member.

6 (21) "Pension" means payments for life derived from contributions  
7 made by the employer. All pensions shall be paid in monthly  
8 installments.

9 (22) "Period of war" has the meaning defined in section 1 of this  
10 act.

11 (23) "Plan" means the Washington public safety employees'  
12 retirement system plan 2.

13 ~~((23))~~ (24) "Regular interest" means such rate as the director  
14 may determine.

15 ~~((24))~~ (25) "Retiree" means any person who has begun accruing a  
16 retirement allowance or other benefit provided by this chapter  
17 resulting from service rendered to an employer while a member.

18 ~~((25))~~ (26) "Retirement" means withdrawal from active service  
19 with a retirement allowance as provided by this chapter.

20 ~~((26))~~ (27) "Retirement allowance" means monthly payments to a  
21 retiree or beneficiary as provided in this chapter.

22 ~~((27))~~ (28) "Retirement system" means the Washington public  
23 safety employees' retirement system provided for in this chapter.

24 ~~((28))~~ (29) "Separation from service" occurs when a person has  
25 terminated all employment with an employer.

26 ~~((29))~~ (30) "Service" means periods of employment by a member  
27 on or after July 1, 2006, for one or more employers for which  
28 compensation earnable is paid. Compensation earnable earned for  
29 ninety or more hours in any calendar month shall constitute one  
30 service credit month. Compensation earnable earned for at least  
31 seventy hours but less than ninety hours in any calendar month shall  
32 constitute one-half service credit month of service. Compensation  
33 earnable earned for less than seventy hours in any calendar month  
34 shall constitute one-quarter service credit month of service. Time  
35 spent in standby status, whether compensated or not, is not service.

36 Any fraction of a year of service shall be taken into account in  
37 the computation of such retirement allowance or benefits.

38 (a) Service in any state elective position shall be deemed to be  
39 full-time service.

1 (b) A member shall receive a total of not more than twelve  
2 service credit months of service for such calendar year. If an  
3 individual is employed in an eligible position by one or more  
4 employers the individual shall receive no more than one service  
5 credit month during any calendar month in which multiple service for  
6 ninety or more hours is rendered.

7 (~~(30)~~) (31) "Service credit month" means a month or an  
8 accumulation of months of service credit which is equal to one.

9 (~~(31)~~) (32) "Service credit year" means an accumulation of  
10 months of service credit which is equal to one when divided by  
11 twelve.

12 (~~(32)~~) (33) "State actuary" or "actuary" means the person  
13 appointed pursuant to RCW 44.44.010(2).

14 (~~(33)~~) (34) "State elective position" means any position held  
15 by any person elected or appointed to statewide office or elected or  
16 appointed as a member of the legislature.

17 (~~(34)~~) (35) "State treasurer" means the treasurer of the state  
18 of Washington.

19 **Sec. 6.** RCW 41.40.010 and 2012 c 236 s 6 are each amended to  
20 read as follows:

21 As used in this chapter, unless a different meaning is plainly  
22 required by the context:

23 (1) "Accumulated contributions" means the sum of all  
24 contributions standing to the credit of a member in the member's  
25 individual account, including any amount paid under RCW 41.50.165(2),  
26 together with the regular interest thereon.

27 (2) "Actuarial equivalent" means a benefit of equal value when  
28 computed upon the basis of such mortality and other tables as may be  
29 adopted by the director.

30 (3) "Adjustment ratio" means the value of index A divided by  
31 index B.

32 (4) "Annual increase" means, initially, fifty-nine cents per  
33 month per year of service which amount shall be increased each July  
34 1st by three percent, rounded to the nearest cent.

35 (5) "Annuity" means payments for life derived from accumulated  
36 contributions of a member. All annuities shall be paid in monthly  
37 installments.

38 (6)(a) "Average final compensation" for plan 1 members, means the  
39 annual average of the greatest compensation earnable by a member



1 during any consecutive two year period of service credit months for  
2 which service credit is allowed; or if the member has less than two  
3 years of service credit months then the annual average compensation  
4 earnable during the total years of service for which service credit  
5 is allowed.

6 (b) "Average final compensation" for plan 2 and plan 3 members,  
7 means the member's average compensation earnable of the highest  
8 consecutive sixty months of service credit months prior to such  
9 member's retirement, termination, or death. Periods constituting  
10 authorized leaves of absence may not be used in the calculation of  
11 average final compensation except under RCW 41.40.710(2) or (c) of  
12 this subsection.

13 (c) In calculating average final compensation under this  
14 subsection for a member of plan 1, 2, or 3, the department of  
15 retirement systems shall include:

16 (i) Any compensation forgone by the member during the 2009-2011  
17 fiscal biennium as a result of reduced work hours, voluntary leave  
18 without pay, temporary reduction in pay implemented prior to December  
19 11, 2010, or temporary furloughs if the reduced compensation is an  
20 integral part of the employer's expenditure reduction efforts, as  
21 certified by the employer; and

22 (ii) Any compensation forgone by a member employed by the state  
23 or a local government during the 2011-2013 fiscal biennium as a  
24 result of reduced work hours, mandatory leave without pay, temporary  
25 layoffs, or reductions to current pay if the reduced compensation is  
26 an integral part of the employer's expenditure reduction efforts, as  
27 certified by the employer. Reductions to current pay shall not  
28 include elimination of previously agreed upon future salary  
29 increases.

30 (7)(a) "Beneficiary" for plan 1 members, means any person in  
31 receipt of a retirement allowance, pension or other benefit provided  
32 by this chapter.

33 (b) "Beneficiary" for plan 2 and plan 3 members, means any person  
34 in receipt of a retirement allowance or other benefit provided by  
35 this chapter resulting from service rendered to an employer by  
36 another person.

37 (8)(a) "Compensation earnable" for plan 1 members, means salaries  
38 or wages earned during a payroll period for personal services and  
39 where the compensation is not all paid in money, maintenance

1 compensation shall be included upon the basis of the schedules  
2 established by the member's employer.

3 (i) "Compensation earnable" for plan 1 members also includes the  
4 following actual or imputed payments, which are not paid for personal  
5 services:

6 (A) Retroactive payments to an individual by an employer on  
7 reinstatement of the employee in a position, or payments by an  
8 employer to an individual in lieu of reinstatement in a position  
9 which are awarded or granted as the equivalent of the salary or wage  
10 which the individual would have earned during a payroll period shall  
11 be considered compensation earnable and the individual shall receive  
12 the equivalent service credit;

13 (B) If a leave of absence is taken by an individual for the  
14 purpose of serving in the state legislature, the salary which would  
15 have been received for the position from which the leave of absence  
16 was taken, shall be considered as compensation earnable if the  
17 employee's contribution is paid by the employee and the employer's  
18 contribution is paid by the employer or employee;

19 (C) Assault pay only as authorized by RCW 27.04.100, 72.01.045,  
20 and 72.09.240;

21 (D) Compensation that a member would have received but for a  
22 disability occurring in the line of duty only as authorized by RCW  
23 41.40.038;

24 (E) Compensation that a member receives due to participation in  
25 the leave sharing program only as authorized by RCW 41.04.650 through  
26 41.04.670; and

27 (F) Compensation that a member receives for being in standby  
28 status. For the purposes of this section, a member is in standby  
29 status when not being paid for time actually worked and the employer  
30 requires the member to be prepared to report immediately for work, if  
31 the need arises, although the need may not arise.

32 (ii) "Compensation earnable" does not include:

33 (A) Remuneration for unused sick leave authorized under RCW  
34 41.04.340, 28A.400.210, or 28A.310.490;

35 (B) Remuneration for unused annual leave in excess of thirty days  
36 as authorized by RCW 43.01.044 and 43.01.041.

37 (b) "Compensation earnable" for plan 2 and plan 3 members, means  
38 salaries or wages earned by a member during a payroll period for  
39 personal services, including overtime payments, and shall include  
40 wages and salaries deferred under provisions established pursuant to

1 sections 403(b), 414(h), and 457 of the United States Internal  
2 Revenue Code, but shall exclude nonmoney maintenance compensation and  
3 lump sum or other payments for deferred annual sick leave, unused  
4 accumulated vacation, unused accumulated annual leave, or any form of  
5 severance pay.

6 "Compensation earnable" for plan 2 and plan 3 members also  
7 includes the following actual or imputed payments, which are not paid  
8 for personal services:

9 (i) Retroactive payments to an individual by an employer on  
10 reinstatement of the employee in a position, or payments by an  
11 employer to an individual in lieu of reinstatement in a position  
12 which are awarded or granted as the equivalent of the salary or wage  
13 which the individual would have earned during a payroll period shall  
14 be considered compensation earnable to the extent provided above, and  
15 the individual shall receive the equivalent service credit;

16 (ii) In any year in which a member serves in the legislature, the  
17 member shall have the option of having such member's compensation  
18 earnable be the greater of:

19 (A) The compensation earnable the member would have received had  
20 such member not served in the legislature; or

21 (B) Such member's actual compensation earnable received for  
22 nonlegislative public employment and legislative service combined.  
23 Any additional contributions to the retirement system required  
24 because compensation earnable under (b)(ii)(A) of this subsection is  
25 greater than compensation earnable under (b)(ii)(B) of this  
26 subsection shall be paid by the member for both member and employer  
27 contributions;

28 (iii) Assault pay only as authorized by RCW 27.04.100, 72.01.045,  
29 and 72.09.240;

30 (iv) Compensation that a member would have received but for a  
31 disability occurring in the line of duty only as authorized by RCW  
32 41.40.038;

33 (v) Compensation that a member receives due to participation in  
34 the leave sharing program only as authorized by RCW 41.04.650 through  
35 41.04.670; and

36 (vi) Compensation that a member receives for being in standby  
37 status. For the purposes of this section, a member is in standby  
38 status when not being paid for time actually worked and the employer  
39 requires the member to be prepared to report immediately for work, if  
40 the need arises, although the need may not arise.

1 (9) "Department" means the department of retirement systems  
2 created in chapter 41.50 RCW.

3 (10) "Director" means the director of the department.

4 (11) "Eligible position" means:

5 (a) Any position that, as defined by the employer, normally  
6 requires five or more months of service a year for which regular  
7 compensation for at least seventy hours is earned by the occupant  
8 thereof. For purposes of this chapter an employer shall not define  
9 "position" in such a manner that an employee's monthly work for that  
10 employer is divided into more than one position;

11 (b) Any position occupied by an elected official or person  
12 appointed directly by the governor, or appointed by the chief justice  
13 of the supreme court under RCW 2.04.240(2) or 2.06.150(2), for which  
14 compensation is paid.

15 (12) "Employee" or "employed" means a person who is providing  
16 services for compensation to an employer, unless the person is free  
17 from the employer's direction and control over the performance of  
18 work. The department shall adopt rules and interpret this subsection  
19 consistent with common law.

20 (13)(a) "Employer" for plan 1 members, means every branch,  
21 department, agency, commission, board, and office of the state, any  
22 political subdivision or association of political subdivisions of the  
23 state admitted into the retirement system, and legal entities  
24 authorized by RCW 35.63.070 and 36.70.060 or chapter 39.34 RCW; and  
25 the term shall also include any labor guild, association, or  
26 organization the membership of a local lodge or division of which is  
27 comprised of at least forty percent employees of an employer (other  
28 than such labor guild, association, or organization) within this  
29 chapter. The term may also include any city of the first class that  
30 has its own retirement system.

31 (b) "Employer" for plan 2 and plan 3 members, means every branch,  
32 department, agency, commission, board, and office of the state, and  
33 any political subdivision and municipal corporation of the state  
34 admitted into the retirement system, including public agencies  
35 created pursuant to RCW 35.63.070, 36.70.060, and 39.34.030; except  
36 that after August 31, 2000, school districts and educational service  
37 districts will no longer be employers for the public employees'  
38 retirement system plan 2.

39 (c) Except as otherwise specifically provided in this chapter,  
40 "employer" does not include a government contractor. For purposes of

1 this subsection, a "government contractor" is any entity, including a  
2 partnership, limited liability company, for-profit or nonprofit  
3 corporation, or person, that provides services pursuant to a contract  
4 with an "employer." The determination whether an employer-employee  
5 relationship has been established is not based on the relationship  
6 between a government contractor and an "employer," but is based  
7 solely on the relationship between a government contractor's employee  
8 and an "employer" under this chapter.

9 (14) "Final compensation" means the annual rate of compensation  
10 earnable by a member at the time of termination of employment.

11 (15) "Index" means, for any calendar year, that year's annual  
12 average consumer price index, Seattle, Washington area, for urban  
13 wage earners and clerical workers, all items, compiled by the bureau  
14 of labor statistics, United States department of labor.

15 (16) "Index A" means the index for the year prior to the  
16 determination of a postretirement adjustment.

17 (17) "Index B" means the index for the year prior to index A.

18 (18) "Index year" means the earliest calendar year in which the  
19 index is more than sixty percent of index A.

20 (19) "Ineligible position" means any position which does not  
21 conform with the requirements set forth in subsection (11) of this  
22 section.

23 (20) "Leave of absence" means the period of time a member is  
24 authorized by the employer to be absent from service without being  
25 separated from membership.

26 (21) "Member" means any employee included in the membership of  
27 the retirement system, as provided for in RCW 41.40.023. RCW  
28 41.26.045 does not prohibit a person otherwise eligible for  
29 membership in the retirement system from establishing such membership  
30 effective when he or she first entered an eligible position.

31 (22) "Member account" or "member's account" for purposes of plan  
32 3 means the sum of the contributions and earnings on behalf of the  
33 member in the defined contribution portion of plan 3.

34 (23) "Membership service" means:

35 (a) All service rendered, as a member, after October 1, 1947;

36 (b) All service after October 1, 1947, to any employer prior to  
37 the time of its admission into the retirement system for which member  
38 and employer contributions, plus interest as required by RCW  
39 41.50.125, have been paid under RCW 41.40.056 or 41.40.057;

1 (c) Service not to exceed six consecutive months of probationary  
2 service rendered after April 1, 1949, and prior to becoming a member,  
3 in the case of any member, upon payment in full by such member of the  
4 total amount of the employer's contribution to the retirement fund  
5 which would have been required under the law in effect when such  
6 probationary service was rendered if the member had been a member  
7 during such period, except that the amount of the employer's  
8 contribution shall be calculated by the director based on the first  
9 month's compensation earnable as a member;

10 (d) Service not to exceed six consecutive months of probationary  
11 service, rendered after October 1, 1947, and before April 1, 1949,  
12 and prior to becoming a member, in the case of any member, upon  
13 payment in full by such member of five percent of such member's  
14 salary during said period of probationary service, except that the  
15 amount of the employer's contribution shall be calculated by the  
16 director based on the first month's compensation earnable as a  
17 member.

18 (24) "New member" means a person who becomes a member on or after  
19 April 1, 1949, except as otherwise provided in this section.

20 (25) "Original member" of this retirement system means:

21 (a) Any person who became a member of the system prior to April  
22 1, 1949;

23 (b) Any person who becomes a member through the admission of an  
24 employer into the retirement system on and after April 1, 1949, and  
25 prior to April 1, 1951;

26 (c) Any person who first becomes a member by securing employment  
27 with an employer prior to April 1, 1951, provided the member has  
28 rendered at least one or more years of service to any employer prior  
29 to October 1, 1947;

30 (d) Any person who first becomes a member through the admission  
31 of an employer into the retirement system on or after April 1, 1951,  
32 provided, such person has been in the regular employ of the employer  
33 for at least six months of the twelve-month period preceding the said  
34 admission date;

35 (e) Any member who has restored all contributions that may have  
36 been withdrawn as provided by RCW 41.40.150 and who on the effective  
37 date of the individual's retirement becomes entitled to be credited  
38 with ten years or more of membership service except that the  
39 provisions relating to the minimum amount of retirement allowance for

1 the member upon retirement at age seventy as found in RCW  
2 41.40.190(4) shall not apply to the member;

3 (f) Any member who has been a contributor under the system for  
4 two or more years and who has restored all contributions that may  
5 have been withdrawn as provided by RCW 41.40.150 and who on the  
6 effective date of the individual's retirement has rendered five or  
7 more years of service for the state or any political subdivision  
8 prior to the time of the admission of the employer into the system;  
9 except that the provisions relating to the minimum amount of  
10 retirement allowance for the member upon retirement at age seventy as  
11 found in RCW 41.40.190(4) shall not apply to the member.

12 (26) "Pension" means payments for life derived from contributions  
13 made by the employer. All pensions shall be paid in monthly  
14 installments.

15 (27) "Period of war" has the meaning defined in section 1 of this  
16 act.

17 (28) "Plan 1" means the public employees' retirement system, plan  
18 1 providing the benefits and funding provisions covering persons who  
19 first became members of the system prior to October 1, 1977.

20 ~~((28))~~ (29) "Plan 2" means the public employees' retirement  
21 system, plan 2 providing the benefits and funding provisions covering  
22 persons who first became members of the system on and after October  
23 1, 1977, and are not included in plan 3.

24 ~~((29))~~ (30) "Plan 3" means the public employees' retirement  
25 system, plan 3 providing the benefits and funding provisions covering  
26 persons who:

27 (a) First become a member on or after:

28 (i) March 1, 2002, and are employed by a state agency or  
29 institute of higher education and who did not choose to enter plan 2;  
30 or

31 (ii) September 1, 2002, and are employed by other than a state  
32 agency or institute of higher education and who did not choose to  
33 enter plan 2; or

34 (b) Transferred to plan 3 under RCW 41.40.795.

35 ~~((30))~~ (31) "Prior service" means all service of an original  
36 member rendered to any employer prior to October 1, 1947.

37 ~~((31))~~ (32) "Regular interest" means such rate as the director  
38 may determine.

1       (~~(32)~~) (33) "Retiree" means any person who has begun accruing a  
2 retirement allowance or other benefit provided by this chapter  
3 resulting from service rendered to an employer while a member.

4       (~~(33)~~) (34) "Retirement" means withdrawal from active service  
5 with a retirement allowance as provided by this chapter.

6       (~~(34)~~) (35) "Retirement allowance" means the sum of the annuity  
7 and the pension.

8       (~~(35)~~) (36) "Retirement system" means the public employees'  
9 retirement system provided for in this chapter.

10       (~~(36)~~) (37) "Separation from service" occurs when a person has  
11 terminated all employment with an employer. Separation from service  
12 or employment does not occur, and if claimed by an employer or  
13 employee may be a violation of RCW 41.40.055, when an employee and  
14 employer have a written or oral agreement to resume employment with  
15 the same employer following termination. Mere expressions or  
16 inquiries about postretirement employment by an employer or employee  
17 that do not constitute a commitment to reemploy the employee after  
18 retirement are not an agreement under this subsection.

19       (~~(37)~~) (38)(a) "Service" for plan 1 members, except as provided  
20 in RCW 41.40.088, means periods of employment in an eligible position  
21 or positions for one or more employers rendered to any employer for  
22 which compensation is paid, and includes time spent in office as an  
23 elected or appointed official of an employer. Compensation earnable  
24 earned in full time work for seventy hours or more in any given  
25 calendar month shall constitute one service credit month except as  
26 provided in RCW 41.40.088. Compensation earnable earned for less than  
27 seventy hours in any calendar month shall constitute one-quarter  
28 service credit month of service except as provided in RCW 41.40.088.  
29 Only service credit months and one-quarter service credit months  
30 shall be counted in the computation of any retirement allowance or  
31 other benefit provided for in this chapter. Any fraction of a year of  
32 service shall be taken into account in the computation of such  
33 retirement allowance or benefits. Time spent in standby status,  
34 whether compensated or not, is not service.

35       (i) Service by a state employee officially assigned by the state  
36 on a temporary basis to assist another public agency, shall be  
37 considered as service as a state employee: PROVIDED, That service to  
38 any other public agency shall not be considered service as a state  
39 employee if such service has been used to establish benefits in any  
40 other public retirement system.



1 (ii) An individual shall receive no more than a total of twelve  
2 service credit months of service during any calendar year. If an  
3 individual is employed in an eligible position by one or more  
4 employers the individual shall receive no more than one service  
5 credit month during any calendar month in which multiple service for  
6 seventy or more hours is rendered.

7 (iii) A school district employee may count up to forty-five days  
8 of sick leave as creditable service solely for the purpose of  
9 determining eligibility to retire under RCW 41.40.180 as authorized  
10 by RCW 28A.400.300. For purposes of plan 1 "forty-five days" as used  
11 in RCW 28A.400.300 is equal to two service credit months. Use of less  
12 than forty-five days of sick leave is creditable as allowed under  
13 this subsection as follows:

14 (A) Less than twenty-two days equals one-quarter service credit  
15 month;

16 (B) Twenty-two days equals one service credit month;

17 (C) More than twenty-two days but less than forty-five days  
18 equals one and one-quarter service credit month.

19 (b) "Service" for plan 2 and plan 3 members, means periods of  
20 employment by a member in an eligible position or positions for one  
21 or more employers for which compensation earnable is paid.  
22 Compensation earnable earned for ninety or more hours in any calendar  
23 month shall constitute one service credit month except as provided in  
24 RCW 41.40.088. Compensation earnable earned for at least seventy  
25 hours but less than ninety hours in any calendar month shall  
26 constitute one-half service credit month of service. Compensation  
27 earnable earned for less than seventy hours in any calendar month  
28 shall constitute one-quarter service credit month of service. Time  
29 spent in standby status, whether compensated or not, is not service.

30 Any fraction of a year of service shall be taken into account in  
31 the computation of such retirement allowance or benefits.

32 (i) Service in any state elective position shall be deemed to be  
33 full time service, except that persons serving in state elective  
34 positions who are members of the Washington school employees'  
35 retirement system, teachers' retirement system, public safety  
36 employees' retirement system, or law enforcement officers' and  
37 firefighters' retirement system at the time of election or  
38 appointment to such position may elect to continue membership in the  
39 Washington school employees' retirement system, teachers' retirement

1 system, public safety employees' retirement system, or law  
2 enforcement officers' and firefighters' retirement system.

3 (ii) A member shall receive a total of not more than twelve  
4 service credit months of service for such calendar year. If an  
5 individual is employed in an eligible position by one or more  
6 employers the individual shall receive no more than one service  
7 credit month during any calendar month in which multiple service for  
8 ninety or more hours is rendered.

9 (iii) Up to forty-five days of sick leave may be creditable as  
10 service solely for the purpose of determining eligibility to retire  
11 under RCW 41.40.180 as authorized by RCW 28A.400.300. For purposes of  
12 plan 2 and plan 3 "forty-five days" as used in RCW 28A.400.300 is  
13 equal to two service credit months. Use of less than forty-five days  
14 of sick leave is creditable as allowed under this subsection as  
15 follows:

16 (A) Less than eleven days equals one-quarter service credit  
17 month;

18 (B) Eleven or more days but less than twenty-two days equals one-  
19 half service credit month;

20 (C) Twenty-two days equals one service credit month;

21 (D) More than twenty-two days but less than thirty-three days  
22 equals one and one-quarter service credit month;

23 (E) Thirty-three or more days but less than forty-five days  
24 equals one and one-half service credit month.

25 ~~((38))~~ (39) "Service credit month" means a month or an  
26 accumulation of months of service credit which is equal to one.

27 ~~((39))~~ (40) "Service credit year" means an accumulation of  
28 months of service credit which is equal to one when divided by  
29 twelve.

30 ~~((40))~~ (41) "State actuary" or "actuary" means the person  
31 appointed pursuant to RCW 44.44.010(2).

32 ~~((41))~~ (42) "State elective position" means any position held  
33 by any person elected or appointed to statewide office or elected or  
34 appointed as a member of the legislature.

35 ~~((42))~~ (43) "State treasurer" means the treasurer of the state  
36 of Washington.

37 ~~((43))~~ (44) "Totally incapacitated for duty" means total  
38 inability to perform the duties of a member's employment or office or  
39 any other work for which the member is qualified by training or  
40 experience.

1       **Sec. 7.** RCW 43.43.120 and 2017 c 181 s 1 are each amended to  
2 read as follows:

3       As used in this section and RCW 43.43.130 through 43.43.320,  
4 unless a different meaning is plainly required by the context:

5       (1) "Actuarial equivalent" shall mean a benefit of equal value  
6 when computed upon the basis of such mortality table as may be  
7 adopted and such interest rate as may be determined by the director.

8       (2) "Annual increase" means as of July 1, 1999, seventy-seven  
9 cents per month per year of service which amount shall be increased  
10 each subsequent July 1st by three percent, rounded to the nearest  
11 cent.

12       (3)(a) "Average final salary," for members commissioned prior to  
13 January 1, 2003, shall mean the average monthly salary received by a  
14 member during the member's last two years of service or any  
15 consecutive two-year period of service, whichever is the greater, as  
16 an employee of the Washington state patrol; or if the member has less  
17 than two years of service, then the average monthly salary received  
18 by the member during the member's total years of service.

19       (b) "Average final salary," for members commissioned on or after  
20 January 1, 2003, shall mean the average monthly salary received by a  
21 member for the highest consecutive sixty service credit months; or if  
22 the member has less than sixty months of service, then the average  
23 monthly salary received by the member during the member's total  
24 months of service.

25       (c) In calculating average final salary under (a) or (b) of this  
26 subsection, the department of retirement systems shall include:

27       (i) Any compensation forgone by the member during the 2009-2011  
28 fiscal biennium as a result of reduced work hours, mandatory or  
29 voluntary leave without pay, temporary reduction in pay implemented  
30 prior to December 11, 2010, or temporary layoffs if the reduced  
31 compensation is an integral part of the employer's expenditure  
32 reduction efforts, as certified by the chief; and

33       (ii) Any compensation forgone by a member during the 2011-2013  
34 fiscal biennium as a result of reduced work hours, mandatory leave  
35 without pay, temporary layoffs, or reductions to current pay if the  
36 reduced compensation is an integral part of the employer's  
37 expenditure reduction efforts, as certified by the chief. Reductions  
38 to current pay shall not include elimination of previously agreed  
39 upon future salary reductions.

1 (4) "Beneficiary" means any person in receipt of retirement  
2 allowance or any other benefit allowed by this chapter.

3 (5) (a) "Cadet," for a person who became a member of the  
4 retirement system after June 12, 1980, is a person who has passed the  
5 Washington state patrol's entry-level oral, written, physical  
6 performance, and background examinations and is, thereby, appointed  
7 by the chief as a candidate to be a commissioned officer of the  
8 Washington state patrol.

9 (b) "Cadet," for a person who became a member of the retirement  
10 system before June 12, 1980, is a trooper cadet, patrol cadet, or  
11 employee of like classification, employed for the express purpose of  
12 receiving the on-the-job training required for attendance at the  
13 state patrol academy and for becoming a commissioned trooper. "Like  
14 classification" includes: Radio operators or dispatchers; persons  
15 providing security for the governor or legislature; patrol officers;  
16 drivers' license examiners; weighmasters; vehicle safety inspectors;  
17 central wireless operators; and warehouse workers.

18 (6) "Contributions" means the deduction from the compensation of  
19 each member in accordance with the contribution rates established  
20 under chapter 41.45 RCW.

21 (7) "Current service" shall mean all service as a member rendered  
22 on or after August 1, 1947.

23 (8) "Department" means the department of retirement systems  
24 created in chapter 41.50 RCW.

25 (9) "Director" means the director of the department of retirement  
26 systems.

27 (10) "Domestic partners" means two adults who have registered as  
28 domestic partners under RCW 26.60.040.

29 (11) "Employee" means any commissioned employee of the Washington  
30 state patrol.

31 (12) "Insurance commissioner" means the insurance commissioner of  
32 the state of Washington.

33 (13) "Lieutenant governor" means the lieutenant governor of the  
34 state of Washington.

35 (14) "Member" means any person included in the membership of the  
36 retirement fund.

37 (15) "Period of war" has the meaning defined in section 1 of this  
38 act.

39 (16) "Plan 2" means the Washington state patrol retirement system  
40 plan 2, providing the benefits and funding provisions covering

1 commissioned employees who first become members of the system on or  
2 after January 1, 2003.

3 ~~((16))~~ (17) "Prior service" shall mean all services rendered by  
4 a member to the state of Washington, or any of its political  
5 subdivisions prior to August 1, 1947, unless such service has been  
6 credited in another public retirement or pension system operating in  
7 the state of Washington.

8 ~~((17))~~ (18) "Regular interest" means interest compounded  
9 annually at such rates as may be determined by the director.

10 ~~((18))~~ (19) "Retirement board" means the board provided for in  
11 this chapter.

12 ~~((19))~~ (20) "Retirement fund" means the Washington state patrol  
13 retirement fund.

14 ~~((20))~~ (21) "Retirement system" means the Washington state  
15 patrol retirement system.

16 ~~((21))~~ (22) (a) "Salary," for members commissioned prior to July  
17 1, 2001, shall exclude any overtime earnings related to RCW  
18 47.46.040, or any voluntary overtime, earned on or after July 1,  
19 2001, and prior to July 1, 2017. On or after July 1, 2017, salary  
20 shall exclude overtime earnings in excess of seventy hours per year  
21 in total related to either RCW 47.46.040 or any voluntary overtime.

22 (b) "Salary," for members commissioned on or after July 1, 2001,  
23 shall exclude any overtime earnings related to RCW 47.46.040 or any  
24 voluntary overtime, earned prior to July 1, 2017, lump sum payments  
25 for deferred annual sick leave, unused accumulated vacation, unused  
26 accumulated annual leave, holiday pay, or any form of severance pay.  
27 On or after July 1, 2017, salary shall exclude overtime earnings in  
28 excess of seventy hours per year in total related to either RCW  
29 47.46.040 or any voluntary overtime.

30 (c) The addition of overtime earnings related to RCW 47.46.040 or  
31 any voluntary overtime earned on or after July 1, 2017, in chapter  
32 181, Laws of 2017 is a benefit improvement that increases the member  
33 maximum contribution rate under RCW 41.45.0631(1) by 1.10 percent.

34 ~~((22))~~ (23) "Service" shall mean services rendered to the state  
35 of Washington or any political subdivisions thereof for which  
36 compensation has been paid. Full time employment for seventy or more  
37 hours in any given calendar month shall constitute one month of  
38 service. An employee who is reinstated in accordance with RCW  
39 43.43.110 shall suffer no loss of service for the period reinstated  
40 subject to the contribution requirements of this chapter. Only months

1 of service shall be counted in the computation of any retirement  
2 allowance or other benefit provided for herein. Years of service  
3 shall be determined by dividing the total number of months of service  
4 by twelve. Any fraction of a year of service as so determined shall  
5 be taken into account in the computation of such retirement allowance  
6 or benefit.

7 ~~((23))~~ (24) "State actuary" or "actuary" means the person  
8 appointed pursuant to RCW 44.44.010(2).

9 ~~((24))~~ (25) "State treasurer" means the treasurer of the state  
10 of Washington.

11 Unless the context expressly indicates otherwise, words importing  
12 the masculine gender shall be extended to include the feminine gender  
13 and words importing the feminine gender shall be extended to include  
14 the masculine gender.

15 **Sec. 8.** RCW 41.26.160 and 2009 c 226 s 1 are each amended to  
16 read as follows:

17 (1) In the event of the duty connected death of any member who is  
18 in active service, or who has vested under the provisions of RCW  
19 41.26.090 with twenty or more service credit years of service, or who  
20 is on duty connected disability leave or retired for duty connected  
21 disability, or upon the death of a member who has left the employ of  
22 an employer due to service in the national guard or military reserves  
23 and dies while honorably serving in the national guard or military  
24 reserves during a period of war (~~as defined in RCW 41.04.005~~), the  
25 surviving spouse shall become entitled, subject to RCW 41.26.162, to  
26 receive a monthly allowance equal to fifty percent of the final  
27 average salary at the date of death if active, or the amount of  
28 retirement allowance the vested member would have received at age  
29 fifty, or the amount of the retirement allowance such retired member  
30 was receiving at the time of death if retired for duty connected  
31 disability. The amount of this allowance will be increased five  
32 percent of final average salary for each child as defined in RCW  
33 41.26.030(~~(7)~~), subject to a maximum combined allowance of sixty  
34 percent of final average salary: PROVIDED, That if the child or  
35 children is or are in the care of a legal guardian, payment of the  
36 increase attributable to each child will be made to the child's legal  
37 guardian or, in the absence of a legal guardian and if the member has  
38 created a trust for the benefit of the child or children, payment of  
39 the increase attributable to each child will be made to the trust.

1 (2) If at the time of the duty connected death of a vested member  
2 with twenty or more service credit years of service as provided in  
3 subsection (1) of this section or a member retired for duty connected  
4 disability, or at the time of the death of a member who has left the  
5 employ of an employer due to service in the national guard or  
6 military reserves and dies while honorably serving in the national  
7 guard or military reserves during a period of war (~~as defined in RCW~~  
8 ~~41.04.005~~), the surviving spouse has not been lawfully married to  
9 such member for one year prior to retirement or separation from  
10 service if a vested member, the surviving spouse shall not be  
11 eligible to receive the benefits under this section: PROVIDED, That  
12 if a member dies as a result of a disability incurred in the line of  
13 duty or while honorably serving in the national guard or military  
14 reserves during a period of war (~~as defined in RCW 41.04.005~~), then  
15 if he or she was married at the time he or she was disabled or left  
16 the employ of an employer due to service in the national guard or  
17 military reserves during a period of war (~~as defined in RCW~~  
18 ~~41.04.005~~), the surviving spouse shall be eligible to receive the  
19 benefits under this section.

20 (3) If there be no surviving spouse eligible to receive benefits  
21 at the time of such member's duty connected death, then the child or  
22 children of such member shall receive a monthly allowance equal to  
23 thirty percent of final average salary for one child and an  
24 additional ten percent for each additional child subject to a maximum  
25 combined payment, under this subsection, of sixty percent of final  
26 average salary. When there cease to be any eligible children as  
27 defined in RCW 41.26.030(~~(+7)~~), there shall be paid to the legal  
28 heirs of the member the excess, if any, of accumulated contributions  
29 of the member at the time of death over all payments made to  
30 survivors on his or her behalf under this chapter: PROVIDED, That  
31 payments under this subsection to children shall be prorated equally  
32 among the children, if more than one. If the member has created a  
33 trust for the benefit of the child or children, the payment shall be  
34 made to the trust.

35 (4) In the event that there is no surviving spouse eligible to  
36 receive benefits under this section, and that there be no child or  
37 children eligible to receive benefits under this section, then the  
38 accumulated contributions shall be paid to the estate of the member.

1 (5) If a surviving spouse receiving benefits under this section  
2 remarries after June 13, 2002, the surviving spouse shall continue to  
3 receive the benefits under this section.

4 (6) If a surviving spouse receiving benefits under the provisions  
5 of this section thereafter dies and there are children as defined in  
6 RCW 41.26.030(~~((7))~~), payment to the spouse shall cease and the child  
7 or children shall receive the benefits as provided in subsection (3)  
8 of this section.

9 (7) The payment provided by this section shall become due the day  
10 following the date of death and payments shall be retroactive to that  
11 date.

12 **Sec. 9.** RCW 41.26.510 and 2016 c 115 s 1 are each amended to  
13 read as follows:

14 (1) Except as provided in RCW 11.07.010, if a member or a vested  
15 member who has not completed at least ten years of service dies, the  
16 amount of the accumulated contributions standing to such member's  
17 credit in the retirement system at the time of such member's death,  
18 less any amount identified as owing to an obligee upon withdrawal of  
19 accumulated contributions pursuant to a court order filed under RCW  
20 41.50.670, shall be paid to the member's estate, or such person or  
21 persons, trust, or organization as the member shall have nominated by  
22 written designation duly executed and filed with the department. If  
23 there be no such designated person or persons still living at the  
24 time of the member's death, such member's accumulated contributions  
25 standing to such member's credit in the retirement system, less any  
26 amount identified as owing to an obligee upon withdrawal of  
27 accumulated contributions pursuant to a court order filed under RCW  
28 41.50.670, shall be paid to the member's surviving spouse or domestic  
29 partner as if in fact such spouse or domestic partner had been  
30 nominated by written designation, or if there be no such surviving  
31 spouse or domestic partner, then to such member's legal  
32 representatives.

33 (2) Except as provided in subsection (4) of this section, if a  
34 member who is killed in the course of employment or a member who is  
35 eligible for retirement or a member who has completed at least ten  
36 years of service dies, the surviving spouse, domestic partner, or  
37 eligible child or children shall elect to receive either:

38 (a) A retirement allowance computed as provided for in RCW  
39 41.26.430, actuarially reduced by the amount of any lump sum benefit



1 identified as owing to an obligee upon withdrawal of accumulated  
2 contributions pursuant to a court order filed under RCW 41.50.670 and  
3 actuarially adjusted to reflect a joint and one hundred percent  
4 survivor option under RCW 41.26.460 and if the member was not  
5 eligible for normal retirement at the date of death a further  
6 reduction as described in RCW 41.26.430; if a surviving spouse or  
7 domestic partner who is receiving a retirement allowance dies leaving  
8 a child or children of the member under the age of majority, then  
9 such child or children shall continue to receive an allowance in an  
10 amount equal to that which was being received by the surviving spouse  
11 or domestic partner, share and share alike, until such child or  
12 children reach the age of majority; if there is no surviving spouse  
13 or domestic partner eligible to receive an allowance at the time of  
14 the member's death, such member's child or children under the age of  
15 majority shall receive an allowance share and share alike calculated  
16 as herein provided making the assumption that the ages of the spouse  
17 or domestic partner and member were equal at the time of the member's  
18 death; or

19 (b) (i) The member's accumulated contributions, less any amount  
20 identified as owing to an obligee upon withdrawal of accumulated  
21 contributions pursuant to a court order filed under RCW 41.50.670; or

22 (ii) If the member dies on or after July 25, 1993, one hundred  
23 fifty percent of the member's accumulated contributions, less any  
24 amount identified as owing to an obligee upon withdrawal of  
25 accumulated contributions pursuant to a court order filed under RCW  
26 41.50.670. Any accumulated contributions attributable to restorations  
27 made under RCW 41.50.165(2) shall be refunded at one hundred percent.

28 (3) If a member who is eligible for retirement or a member who  
29 has completed at least ten years of service dies after October 1,  
30 1977, and is not survived by a spouse, domestic partner, or an  
31 eligible child, then the accumulated contributions standing to the  
32 member's credit, less any amount identified as owing to an obligee  
33 upon withdrawal of accumulated contributions pursuant to a court  
34 order filed under RCW 41.50.670, shall be paid:

35 (a) To an estate, a person or persons, trust, or organization as  
36 the member shall have nominated by written designation duly executed  
37 and filed with the department; or

38 (b) If there is no such designated person or persons still living  
39 at the time of the member's death, then to the member's legal  
40 representatives.

1 (4) The retirement allowance of a member:

2 (a) Who is killed in the course of employment, as determined by  
3 the director of the department of labor and industries,

4 (b) Who has left the employ of an employer due to service in the  
5 national guard or military reserves and dies while honorably serving  
6 in the national guard or military reserves during a period of war  
7 (~~as defined in RCW 41.04.005~~), or

8 (c) Who has left the employ of an employer due to service in the  
9 national guard, military reserves, federal emergency management  
10 agency, or national disaster medical system of the United States  
11 department of health and human services and dies while performing  
12 service in response to a disaster, major emergency, special event,  
13 federal exercise, or official training on or after March 22, 2014,  
14 is not subject to an actuarial reduction for early retirement as  
15 provided in RCW 41.26.430 or an actuarial reduction to reflect a  
16 joint and one hundred percent survivor option under RCW 41.26.460.  
17 The member's retirement allowance is computed under RCW 41.26.420,  
18 except that the member shall be entitled to a minimum retirement  
19 allowance equal to ten percent of such member's final average salary.  
20 The member shall additionally receive a retirement allowance equal to  
21 two percent of such member's average final salary for each year of  
22 service beyond five.

23 (5) The retirement allowance paid to the spouse or domestic  
24 partner and dependent children of a member who is killed in the  
25 course of employment, as set forth in RCW 41.05.011(5), shall include  
26 reimbursement for any payments of premium rates to the Washington  
27 state health care authority pursuant to RCW 41.05.080.

28 (6) In addition to the benefits provided in subsection (4) of  
29 this section, if the surviving spouse or domestic partner of a member  
30 who is killed in the course of employment is not eligible to receive  
31 industrial insurance payments pursuant to RCW 51.32.050 due to  
32 remarriage, the surviving spouse or domestic partner shall receive an  
33 amount equal to the benefit they would receive pursuant to RCW  
34 51.32.050 but for the remarriage. This subsection applies to  
35 surviving spouses and domestic partners whose benefits pursuant to  
36 RCW 51.32.050 were suspended or terminated due to remarriage prior to  
37 July 24, 2015. The monthly payments to any surviving spouse or  
38 domestic partner who received a lump sum payment pursuant to RCW  
39 51.32.050 shall be actuarially reduced to reflect the amount of the  
40 lump sum payment.

1       **Sec. 10.** RCW 41.26.520 and 2016 c 115 s 2 are each amended to  
2 read as follows:

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

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

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

27       (4) A law enforcement member may be authorized by an employer to  
28 work part time and to go on a part-time leave of absence. During a  
29 part-time leave of absence a member is prohibited from any other  
30 employment with their employer. A member is eligible to receive  
31 credit for any portion of service credit not earned during a month of  
32 part-time leave of absence if the member makes the employer, member,  
33 and state contributions, plus interest, as determined by the  
34 department for the period of the authorized leave within five years  
35 of resumption of full-time service or prior to retirement whichever  
36 comes sooner. Any service credit purchased for a part-time leave of  
37 absence is included in the two-year maximum provided in subsection  
38 (3) of this section.

39       (5) If a member fails to meet the time limitations of subsection  
40 (3) or (4) of this section, the member may receive a maximum of two

1 years of service credit during a member's working career for those  
2 periods when a member is on unpaid leave of absence authorized by an  
3 employer. This may be done by paying the amount required under RCW  
4 41.50.165(2) prior to retirement.

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

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

18 (a) The member qualifies for service credit under this subsection  
19 if:

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

24 (ii) The member makes the employee contributions required under  
25 RCW 41.45.060, 41.45.061, and 41.45.067 within five years of  
26 resumption of service or prior to retirement, whichever comes sooner;  
27 or

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

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

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

3 (b) Upon receipt of member contributions under (a)(ii), (d)(iii),  
4 or (e)(iii) of this subsection, or adequate proof under (a)(iv),  
5 (d)(iv), or (e)(iv) of this subsection, the department shall  
6 establish the member's service credit and shall bill the employer and  
7 the state for their respective contributions required under RCW  
8 41.26.450 for the period of military service, plus interest as  
9 determined by the department.

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

16 (d) 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 and died while serving in the  
19 uniformed services may, on behalf of the deceased member, apply for  
20 retirement system service credit under this subsection up to the date  
21 of the member's death in the uniformed services. The department shall  
22 establish the deceased member's service credit if the surviving  
23 spouse or eligible child or children:

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

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

28 (iii) Pays the employee contributions required under chapter  
29 41.45 RCW within five years of the date of death or prior to the  
30 distribution of any benefit, whichever comes first; or

31 (iv) Prior to the distribution of any benefit, provides to the  
32 director proof that the member's interruptive military service was  
33 during a period of war (~~as defined in RCW 41.04.005~~). If the  
34 deceased member made payments for service credit for interruptive  
35 military service during a period of war (~~as defined in RCW  
36 41.04.005~~), the surviving spouse or eligible child or children may,  
37 prior to the distribution of any benefit and on a form provided by  
38 the department, request a refund of the funds standing to the  
39 deceased member's credit for up to five years of such service, and  
40 this amount shall be paid to the surviving spouse or children.

1 Members with one or more periods of interruptive military service  
2 during a period of war may receive no more than five years of free  
3 retirement system service credit under this subsection.

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

10 (i) The member obtains a determination from the director that he  
11 or she is totally incapacitated for continued employment due to  
12 conditions or events that occurred while serving in the uniformed  
13 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  
18 of total disability or prior to the distribution of any benefit,  
19 whichever comes first; or

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

31 (f) The surviving spouse, domestic partner, or eligible child or  
32 children of a member who left the employ of an employer to enter the  
33 uniformed services of the United States, federal emergency management  
34 agency, or national disaster medical system of the United States  
35 department of health and human services and died while performing  
36 service in response to a disaster, major emergency, special event,  
37 federal exercise, or official training on or after March 22, 2014,  
38 may, on behalf of the deceased member, apply for retirement system  
39 service credit under this subsection up to the date of the member's  
40 death in such service. The department shall establish the deceased

1 member's service credit if the surviving spouse or eligible child or  
2 children provides to the director proof of the member's death while  
3 in such service.

4 (g) A member who leaves the employ of an employer to enter the  
5 uniformed services of the United States, federal emergency management  
6 agency, or national disaster medical system of the United States  
7 department of health and human services and becomes totally  
8 incapacitated for continued employment by an employer while providing  
9 such service is entitled to retirement system service credit under  
10 this subsection up to the date of separation from such service if the  
11 member obtains a determination from the director that he or she is  
12 totally incapacitated for continued employment due to conditions or  
13 events that occurred while performing such service.

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

17 **Sec. 11.** RCW 41.32.520 and 2009 c 226 s 5 are each amended to  
18 read as follows:

19 (1) Except as specified in subsection (3) of this section, upon  
20 receipt of proper proofs of death of any member before retirement or  
21 before the first installment of his or her retirement allowance shall  
22 become due his or her accumulated contributions, less any amount  
23 identified as owing to an obligee upon withdrawal of accumulated  
24 contributions pursuant to a court order filed under RCW 41.50.670,  
25 and/or other benefits payable upon his or her death shall be paid to  
26 his or her estate or to such persons, trust, or organization as he or  
27 she shall have nominated by written designation duly executed and  
28 filed with the department. If a member fails to file a new  
29 beneficiary designation subsequent to marriage, divorce, or  
30 reestablishment of membership following termination by withdrawal,  
31 lapsation, or retirement, payment of his or her accumulated  
32 contributions, less any amount identified as owing to an obligee upon  
33 withdrawal of accumulated contributions pursuant to a court order  
34 filed under RCW 41.50.670, and/or other benefits upon death before  
35 retirement shall be made to the surviving spouse, if any; otherwise,  
36 to his or her estate. If a member had established ten or more years  
37 of Washington membership service credit or was eligible for  
38 retirement, the beneficiary or the surviving spouse if otherwise  
39 eligible may elect, in lieu of a cash refund of the member's

1 accumulated contributions, the following survivor benefit plan  
2 actuarially reduced, except under subsection (4) of this section, by  
3 the amount of any lump sum benefit identified as owing to an obligee  
4 upon withdrawal of accumulated contributions pursuant to a court  
5 order filed under RCW 41.50.670:

6 (a) A widow or widower, without a child or children under  
7 eighteen years of age, may elect a monthly payment of fifty dollars  
8 to become effective at age fifty, provided the member had fifteen or  
9 more years of Washington membership service credit. A benefit paid  
10 under this subsection (1)(a) shall terminate at the marriage of the  
11 beneficiary.

12 (b) The beneficiary, if a surviving spouse or a dependent (as  
13 that term is used in computing the dependent exemption for federal  
14 internal revenue purposes) may elect to receive a joint and one  
15 hundred percent retirement allowance under RCW 41.32.530.

16 (i) In the case of a dependent child the allowance shall continue  
17 until attainment of majority or so long as the department judges that  
18 the circumstances which created his or her dependent status continue  
19 to exist. In any case, if at the time dependent status ceases, an  
20 amount equal to the amount of accumulated contributions of the  
21 deceased member has not been paid to the beneficiary, the remainder  
22 shall then be paid in a lump sum to the beneficiary.

23 (ii) If at the time of death, the member was not then qualified  
24 for a service retirement allowance, the benefit shall be based upon  
25 the actuarial equivalent of the sum necessary to pay the accrued  
26 regular retirement allowance commencing when the deceased member  
27 would have first qualified for a service retirement allowance.

28 (2) If no qualified beneficiary survives a member, at his or her  
29 death his or her accumulated contributions, less any amount  
30 identified as owing to an obligee upon withdrawal of accumulated  
31 contributions pursuant to a court order filed under RCW 41.50.670,  
32 shall be paid to his or her estate, or his or her dependents may  
33 qualify for survivor benefits under benefit plan (1)(b) in lieu of a  
34 cash refund of the members accumulated contributions in the following  
35 order: Widow or widower, guardian of a dependent child or children  
36 under age eighteen, or dependent parent or parents.

37 (3) If a member dies within sixty days following application for  
38 disability retirement under RCW 41.32.550, the beneficiary named in  
39 the application may elect to receive the benefit provided by:

40 (a) This section; or



1 (b) RCW 41.32.550, according to the option chosen under RCW  
2 41.32.530 in the disability application.

3 (4) The retirement allowance of a member who is killed in the  
4 course of employment, as determined by the director of the department  
5 of labor and industries, or the retirement allowance of a member who  
6 has left the employ of an employer due to service in the national  
7 guard or military reserves and dies while honorably serving in the  
8 national guard or military reserves during a period of war (~~as~~  
9 ~~defined in RCW 41.04.005~~), is not subject to an actuarial reduction.  
10 The member's retirement allowance is computed under RCW 41.32.480.

11 **Sec. 12.** RCW 41.32.805 and 2009 c 226 s 6 are each amended to  
12 read as follows:

13 (1) Except as provided in RCW 11.07.010, if a member or a vested  
14 member who has not completed at least ten years of service dies, the  
15 amount of the accumulated contributions standing to such member's  
16 credit in the retirement system, less any amount identified as owing  
17 to an obligee upon withdrawal of accumulated contributions pursuant  
18 to a court order filed under RCW 41.50.670, at the time of such  
19 member's death shall be paid to the member's estate, or such person  
20 or persons, trust, or organization as the member shall have nominated  
21 by written designation duly executed and filed with the department.  
22 If there be no such designated person or persons still living at the  
23 time of the member's death, such member's accumulated contributions  
24 standing to such member's credit in the retirement system, less any  
25 amount identified as owing to an obligee upon withdrawal of  
26 accumulated contributions pursuant to a court order filed under RCW  
27 41.50.670, shall be paid to the member's surviving spouse as if in  
28 fact such spouse had been nominated by written designation, or if  
29 there be no such surviving spouse, then to such member's legal  
30 representatives.

31 (2) If a member who is eligible for retirement or a member who  
32 has completed at least ten years of service dies, the surviving  
33 spouse or eligible children shall elect to receive either:

34 (a) A retirement allowance computed as provided for in RCW  
35 41.32.765, actuarially reduced by the amount of any lump sum benefit  
36 identified as owing to an obligee upon withdrawal of accumulated  
37 contributions pursuant to a court order filed under RCW 41.50.670 and  
38 actuarially adjusted to reflect a joint and one hundred percent  
39 survivor option under RCW 41.32.785 and, except under subsection (4)

1 of this section, if the member was not eligible for normal retirement  
2 at the date of death a further reduction as described in RCW  
3 41.32.765; if a surviving spouse who is receiving a retirement  
4 allowance dies leaving a child or children of the member under the  
5 age of majority, then such child or children shall continue to  
6 receive an allowance in an amount equal to that which was being  
7 received by the surviving spouse, share and share alike, until such  
8 child or children reach the age of majority; if there is no surviving  
9 spouse eligible to receive an allowance at the time of the member's  
10 death, such member's child or children under the age of majority  
11 shall receive an allowance share and share alike calculated as herein  
12 provided making the assumption that the ages of the spouse and member  
13 were equal at the time of the member's death; or

14 (b) The member's accumulated contributions, less any amount  
15 identified as owing to an obligee upon withdrawal of accumulated  
16 contributions pursuant to a court order filed under RCW 41.50.670.

17 (3) If a member who is eligible for retirement or a member who  
18 has completed at least ten years of service dies after October 1,  
19 1977, and is not survived by a spouse or an eligible child, then the  
20 accumulated contributions standing to the member's credit, less any  
21 amount identified as owing to an obligee upon withdrawal of  
22 accumulated contributions pursuant to a court order filed under RCW  
23 41.50.670, shall be paid:

24 (a) To an estate, a person or persons, trust, or organization as  
25 the member shall have nominated by written designation duly executed  
26 and filed with the department; or

27 (b) If there is no such designated person or persons still living  
28 at the time of the member's death, then to the member's legal  
29 representatives.

30 (4) A member who is killed in the course of employment, as  
31 determined by the director of the department of labor and industries,  
32 or a member who has left the employ of an employer due to service in  
33 the national guard or military reserves and dies while honorably  
34 serving in the national guard or military reserves during a period of  
35 war (~~as defined in RCW 41.04.005~~), is not subject to an actuarial  
36 reduction under RCW 41.32.765. The member's retirement allowance is  
37 computed under RCW 41.32.760.

38 **Sec. 13.** RCW 41.32.810 and 2009 c 205 s 6 are each amended to  
39 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 as  
3 provided for under the provisions of RCW 41.32.755 through 41.32.825.

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

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

25 (4) If a member fails to meet the time limitations of subsection  
26 (3) of this section, the member may receive a maximum of two years of  
27 service credit during a member's working career for those periods  
28 when a member is on unpaid leave of absence authorized by an  
29 employer. This may be done by paying the amount required under RCW  
30 41.50.165(2) prior to retirement.

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

37 (6) 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 41.32.775 within five years of resumption of service or prior to  
11 retirement, whichever comes sooner; or

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

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

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

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

38 (d) The surviving spouse or eligible child or children of a  
39 member who left the employ of an employer to enter the uniformed  
40 services of the United States and died while serving in the uniformed

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

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

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

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

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

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

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

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

38 (iii) The member pays the employee contributions required under  
39 chapter 41.45 RCW within five years of the director's determination

1 of total disability or prior to the distribution of any benefit,  
2 whichever comes first; or

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

14 **Sec. 14.** RCW 41.32.865 and 2009 c 205 s 7 are each amended to  
15 read as follows:

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

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

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

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

37 (b) The member makes the employee contribution, plus interest, as  
38 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  
3 of 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  
6 retirement system service credit for up to five years of military  
7 service if within ninety days of the member's honorable discharge  
8 from the uniformed services of the United States, the member applies  
9 for reemployment with the employer who employed the member  
10 immediately prior to the member entering the uniformed services. This  
11 subsection shall be administered in a manner consistent with the  
12 requirements of the federal uniformed services employment and  
13 reemployment rights act.

14 The department shall establish the member's service credit and  
15 shall bill the employer for its contribution required under chapter  
16 239, Laws of 1995 for the period of military service, plus interest  
17 as determined by the department. Service credit under this subsection  
18 may be obtained only if the member makes the employee contribution to  
19 the defined contribution portion as determined by the department, or  
20 prior to retirement, the member provides to the director proof that  
21 the member's interruptive military service was during a period of war  
22 (~~as defined in RCW 41.04.005~~). Any member who made payments for  
23 service credit for interruptive military service during a period of  
24 war (~~as defined in RCW 41.04.005~~) may, prior to retirement and on a  
25 form provided by the department, request a refund of the funds  
26 standing to his or her credit for up to five years of such service,  
27 and this amount shall be paid to him or her. Members with one or more  
28 periods of interruptive military service during a period of war may  
29 receive no more than five years of free retirement system service  
30 credit under this subsection.

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

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

1 member's death in the uniformed services. The department shall  
2 establish the deceased member's service credit if the surviving  
3 spouse or eligible child or 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 this  
9 subsection within five years of the date of death or prior to the  
10 distribution of any benefit, whichever comes first; or

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

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

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

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

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



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

12 **Sec. 15.** RCW 41.32.895 and 2009 c 226 s 7 are each amended to  
13 read as follows:

14 (1) If a member dies prior to retirement, the surviving spouse or  
15 eligible child or children shall receive a retirement allowance  
16 computed as provided in RCW 41.32.851 actuarially reduced to reflect  
17 a joint and one hundred percent survivor option and, except under  
18 subsection (2) of this section, if the member was not eligible for  
19 normal retirement at the date of death a further reduction as  
20 described in RCW 41.32.875.

21 If the surviving spouse who is receiving the retirement allowance  
22 dies leaving a child or children under the age of majority, then such  
23 child or children shall continue to receive an allowance in an amount  
24 equal to that which was being received by the surviving spouse, share  
25 and share alike, until such child or children reach the age of  
26 majority.

27 If there is no surviving spouse eligible to receive an allowance  
28 at the time of the member's death, such member's child or children  
29 under the age of majority shall receive an allowance, share and share  
30 alike. The allowance shall be calculated with the assumption that the  
31 age of the spouse and member were equal at the time of the member's  
32 death.

33 (2) A member who is killed in the course of employment, as  
34 determined by the director of the department of labor and industries,  
35 or a member who has left the employ of an employer due to service in  
36 the national guard or military reserves and dies while honorably  
37 serving in the national guard or military reserves during a period of  
38 war (~~(as defined in RCW 41.04.005)~~), is not subject to an actuarial

1 reduction under RCW 41.32.875. The member's retirement allowance is  
2 computed under RCW 41.32.840.

3 **Sec. 16.** RCW 41.35.460 and 2009 c 226 s 8 are each amended to  
4 read as follows:

5 (1) Except as provided in RCW 11.07.010, if a member or a vested  
6 member who has not completed at least ten years of service dies, the  
7 amount of the accumulated contributions standing to such member's  
8 credit in the retirement system at the time of such member's death,  
9 less any amount identified as owing to an obligee upon withdrawal of  
10 accumulated contributions pursuant to a court order filed under RCW  
11 41.50.670, shall be paid to the member's estate, or such person or  
12 persons, trust, or organization as the member shall have nominated by  
13 written designation duly executed and filed with the department. If  
14 there be no such designated person or persons still living at the  
15 time of the member's death, such member's accumulated contributions  
16 standing to such member's credit in the retirement system, less any  
17 amount identified as owing to an obligee upon withdrawal of  
18 accumulated contributions pursuant to a court order filed under RCW  
19 41.50.670, shall be paid to the member's surviving spouse as if in  
20 fact such spouse had been nominated by written designation, or if  
21 there be no such surviving spouse, then to such member's legal  
22 representatives.

23 (2) If a member who is eligible for retirement or a member who  
24 has completed at least ten years of service dies, the surviving  
25 spouse or eligible child or children shall elect to receive either:

26 (a) A retirement allowance computed as provided for in RCW  
27 41.35.420, actuarially reduced by the amount of any lump sum benefit  
28 identified as owing to an obligee upon withdrawal of accumulated  
29 contributions pursuant to a court order filed under RCW 41.50.670 and  
30 actuarially adjusted to reflect a joint and one hundred percent  
31 survivor option under RCW 41.35.220 and, except under subsection (4)  
32 of this section, if the member was not eligible for normal retirement  
33 at the date of death a further reduction as described in RCW  
34 41.35.420; if a surviving spouse who is receiving a retirement  
35 allowance dies leaving a child or children of the member under the  
36 age of majority, then such child or children shall continue to  
37 receive an allowance in an amount equal to that which was being  
38 received by the surviving spouse, share and share alike, until such  
39 child or children reach the age of majority; if there is no surviving

1 spouse eligible to receive an allowance at the time of the member's  
2 death, such member's child or children under the age of majority  
3 shall receive an allowance, share and share alike, calculated as  
4 herein provided making the assumption that the ages of the spouse and  
5 member were equal at the time of the member's death; or

6 (b) The member's accumulated contributions, less any amount  
7 identified as owing to an obligee upon withdrawal of accumulated  
8 contributions pursuant to a court order filed under RCW 41.50.670.

9 (3) If a member who is eligible for retirement or a member who  
10 has completed at least ten years of service dies and is not survived  
11 by a spouse or an eligible child, then the accumulated contributions  
12 standing to the member's credit, less any amount identified as owing  
13 to an obligee upon withdrawal of accumulated contributions pursuant  
14 to a court order filed under RCW 41.50.670, shall be paid:

15 (a) To a person or persons, estate, trust, or organization as the  
16 member shall have nominated by written designation duly executed and  
17 filed with the department; or

18 (b) If there is no such designated person or persons still living  
19 at the time of the member's death, then to the member's legal  
20 representatives.

21 (4) A member who is killed in the course of employment, as  
22 determined by the director of the department of labor and industries,  
23 or a member who has left the employ of an employer due to service in  
24 the national guard or military reserves and dies while honorably  
25 serving in the national guard or military reserves during a period of  
26 war (~~as defined in RCW 41.04.005~~), is not subject to an actuarial  
27 reduction under RCW 41.35.420. The member's retirement allowance is  
28 computed under RCW 41.35.400.

29 **Sec. 17.** RCW 41.35.470 and 2009 c 205 s 4 are each amended to  
30 read as follows:

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

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

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

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

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

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

23 (4) A member who leaves the employ of an employer to enter the  
24 uniformed services of the United States shall be entitled to  
25 retirement system service credit for up to five years of military  
26 service. This subsection shall be administered in a manner consistent  
27 with the requirements of the federal uniformed services employment  
28 and 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  
32 the 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  
36 RCW 41.35.430 within five years of resumption of service or prior to  
37 retirement, whichever comes sooner; or

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

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

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

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

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

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

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

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

39 (iv) Prior to the distribution of any benefit, provides to the  
40 director proof that the member's interruptive military service was

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

12 (e) 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  
15 in the uniformed services is entitled to retirement system service  
16 credit under this subsection up to the date of discharge from the  
17 uniformed services if:

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

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

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

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

1       **Sec. 18.** RCW 41.35.650 and 2009 c 205 s 5 are each amended to  
2 read as follows:

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

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

17       (3) Except as specified in subsection (4) of this section, a  
18 member shall be eligible to receive a maximum of two years service  
19 credit during a member's entire working career for those periods when  
20 a member is on an unpaid leave of absence authorized by an employer.  
21 Such 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  
28 of 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  
31 retirement system service credit for up to five years of military  
32 service if within ninety days of the member's honorable discharge  
33 from the uniformed services of the United States, the member applies  
34 for reemployment with the employer who employed the member  
35 immediately prior to the member entering the uniformed services. This  
36 subsection shall be administered in a manner consistent with the  
37 requirements of the federal uniformed services employment and  
38 reemployment rights act.

39       The department shall establish the member's service credit and  
40 shall bill the employer for its contribution required under RCW

1 41.35.720 for the period of military service, plus interest as  
2 determined by the department. Service credit under this subsection  
3 may be obtained only if the member makes the employee contribution to  
4 the defined contribution portion as determined by the department, or  
5 prior to retirement, the member provides to the director proof that  
6 the member's interruptive military service was during a period of war  
7 (~~as defined in RCW 41.04.005~~). Any member who made payments for  
8 service credit for interruptive military service during a period of  
9 war (~~as defined in RCW 41.04.005~~) may, prior to retirement and on a  
10 form provided by the department, request a refund of the funds  
11 standing to his or her credit for up to five years of such service,  
12 and this amount shall be paid to him or her. Members with one or more  
13 periods of interruptive military service during a period of war may  
14 receive no more than five years of free retirement system service  
15 credit under this subsection.

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

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

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

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

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

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



1 ~~41.04.005~~)), the surviving spouse or eligible child or children may,  
2 prior to the distribution of any benefit and on a form provided by  
3 the department, request a refund of the funds standing to the  
4 deceased member's credit for up to five years of such service, and  
5 this amount shall be paid to the surviving spouse or children.  
6 Members with one or more periods of interruptive military service  
7 during a period of war may receive no more than five years of free  
8 retirement system service credit under this subsection.

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

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

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

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

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

36 **Sec. 19.** RCW 41.35.710 and 2009 c 226 s 9 are each amended to  
37 read as follows:

38 (1) If a member dies prior to retirement, the surviving spouse or  
39 eligible child or children shall receive a retirement allowance

1 computed as provided in RCW 41.35.620 actuarially reduced to reflect  
2 a joint and one hundred percent survivor option and, except under  
3 subsection (2) of this section, if the member was not eligible for  
4 normal retirement at the date of death a further reduction as  
5 described in RCW 41.35.680.

6 If the surviving spouse who is receiving the retirement allowance  
7 dies leaving a child or children under the age of majority, then such  
8 child or children shall continue to receive an allowance in an amount  
9 equal to that which was being received by the surviving spouse, share  
10 and share alike, until such child or children reach the age of  
11 majority.

12 If there is no surviving spouse eligible to receive an allowance  
13 at the time of the member's death, such member's child or children  
14 under the age of majority shall receive an allowance, share and share  
15 alike. The allowance shall be calculated with the assumption that the  
16 age of the spouse and member were equal at the time of the member's  
17 death.

18 (2) A member who is killed in the course of employment, as  
19 determined by the director of the department of labor and industries,  
20 or a member who has left the employ of an employer due to service in  
21 the national guard or military reserves and dies while honorably  
22 serving in the national guard or military reserves during a period of  
23 war (~~as defined in RCW 41.04.005~~), is not subject to an actuarial  
24 reduction under RCW 41.35.680. The member's retirement allowance is  
25 computed under RCW 41.35.620.

26 **Sec. 20.** RCW 41.37.250 and 2009 c 226 s 10 are each amended to  
27 read as follows:

28 (1) Except as provided in RCW 11.07.010, if a member or a vested  
29 member who has not completed at least ten years of service dies, the  
30 amount of the accumulated contributions standing to that member's  
31 credit in the retirement system at the time of the member's death,  
32 less any amount identified as owing to an obligee upon withdrawal of  
33 accumulated contributions pursuant to a court order filed under RCW  
34 41.50.670, shall be paid to the member's estate, or the person or  
35 persons, trust, or organization as the member shall have nominated by  
36 written designation duly executed and filed with the department. If  
37 there is no designated person or persons still living at the time of  
38 the member's death, the member's accumulated contributions standing  
39 to the member's credit in the retirement system, less any amount

1 identified as owing to an obligee upon withdrawal of accumulated  
2 contributions pursuant to a court order filed under RCW 41.50.670,  
3 shall be paid to the member's surviving spouse as if in fact that  
4 spouse had been nominated by written designation, or if there is no  
5 surviving spouse, then to the member's legal representatives.

6 (2) If a member who is eligible for retirement or a member who  
7 has completed at least ten years of service dies, the surviving  
8 spouse or eligible child or children shall elect to receive either:

9 (a) A retirement allowance computed as provided for in RCW  
10 41.37.210, actuarially reduced by the amount of any lump sum benefit  
11 identified as owing to an obligee upon withdrawal of accumulated  
12 contributions pursuant to a court order filed under RCW 41.50.670 and  
13 actuarially adjusted to reflect a joint and one hundred percent  
14 survivor option under RCW 41.37.170 and, except under subsection (4)  
15 of this section, if the member was not eligible for normal retirement  
16 at the date of death a further reduction as described in RCW  
17 41.37.210; if a surviving spouse who is receiving a retirement  
18 allowance dies leaving a child or children of the member under the  
19 age of majority, then the child or children shall continue to receive  
20 an allowance in an amount equal to that which was being received by  
21 the surviving spouse, share and share alike, until the child or  
22 children reach the age of majority; if there is no surviving spouse  
23 eligible to receive an allowance at the time of the member's death,  
24 the member's child or children under the age of majority shall  
25 receive an allowance, share and share alike, calculated under this  
26 section making the assumption that the ages of the spouse and member  
27 were equal at the time of the member's death; or

28 (b) The member's accumulated contributions, less any amount  
29 identified as owing to an obligee upon withdrawal of accumulated  
30 contributions pursuant to a court order filed under RCW 41.50.670.

31 (3) If a member who is eligible for retirement or a member who  
32 has completed at least ten years of service dies and is not survived  
33 by a spouse or an eligible child, then the accumulated contributions  
34 standing to the member's credit, less any amount identified as owing  
35 to an obligee upon withdrawal of accumulated contributions pursuant  
36 to a court order filed under RCW 41.50.670, shall be paid:

37 (a) To a person or persons, estate, trust, or organization as the  
38 member shall have nominated by written designation duly executed and  
39 filed with the department; or

1 (b) If there is no designated person or persons still living at  
2 the time of the member's death, then to the member's legal  
3 representatives.

4 (4) A member who is killed in the course of employment, as  
5 determined by the director of the department of labor and industries,  
6 or a member who has left the employ of an employer due to service in  
7 the national guard or military reserves and dies while honorably  
8 serving in the national guard or military reserves during a period of  
9 war (~~as defined in RCW 41.04.005~~), is not subject to reduction  
10 under RCW 41.37.210. The member's retirement allowance is computed  
11 under RCW 41.37.190.

12 **Sec. 21.** RCW 41.37.260 and 2009 c 205 s 3 are each amended to  
13 read 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  
16 provided for under RCW 41.37.190 through 41.37.290.

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

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

34 (a) The member makes both the employer and member contributions  
35 plus interest as determined by the department for the period of the  
36 authorized leave of absence within five years of resumption of  
37 service or prior to retirement whichever comes sooner; 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 41.37.220 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  
28 retirement and on a form provided by the department, request a refund  
29 of the funds standing to his or her credit for up to five years of  
30 such service, and this amount shall be paid to him or her. Members  
31 with one or more periods of interruptive military service credit  
32 during a period of war may receive no more than five years of free  
33 retirement 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  
25 deceased member made payments for service credit for interruptive  
26 military service during a period of war (~~as defined in RCW~~  
27 ~~41.04.005~~), the surviving spouse or eligible child or children may,  
28 prior to the distribution of any benefit and on a form provided by  
29 the department, request a refund of the funds standing to the  
30 deceased member's credit for up to five years of such service, and  
31 this amount shall be paid to the surviving spouse or children.  
32 Members with one or more periods of interruptive military service  
33 during a period of war may receive no more than five years of free  
34 retirement 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  
16 retirement and on a form provided by the department, request a refund  
17 of the funds standing to his or her credit for up to five years of  
18 such service, and this amount shall be paid to him or her. Members  
19 with one or more periods of interruptive military service credit  
20 during a period of war may receive no more than five years of free  
21 retirement system service credit under this subsection.

22 **Sec. 22.** RCW 41.40.270 and 2009 c 226 s 11 and 2009 c 111 s 1  
23 are each reenacted and amended to read as follows:

24 (1) Except as specified in subsection (4) of this section, should  
25 a member die before the date of retirement the amount of the  
26 accumulated contributions standing to the member's credit in the  
27 employees' savings fund, less any amount identified as owing to an  
28 obligee upon withdrawal of accumulated contributions pursuant to a  
29 court order filed under RCW 41.50.670, at the time of death:

30 (a) Shall be paid to the member's estate, or such person or  
31 persons, trust, or organization as the member shall have nominated by  
32 written designation duly executed and filed with the department; or

33 (b) If there be no such designated person or persons still living  
34 at the time of the member's death, or if a member fails to file a new  
35 beneficiary designation subsequent to marriage, remarriage,  
36 dissolution of marriage, divorce, or reestablishment of membership  
37 following termination by withdrawal or retirement, such accumulated  
38 contributions, less any amount identified as owing to an obligee upon  
39 withdrawal of accumulated contributions pursuant to a court order

1 filed under RCW 41.50.670, shall be paid to the surviving spouse as  
2 if in fact such spouse had been nominated by written designation as  
3 aforesaid, or if there be no such surviving spouse, then to the  
4 member's legal representatives.

5 (2) Upon the death of any member who is qualified but has not  
6 applied for a service retirement allowance or has completed ten years  
7 of service at the time of death, the designated beneficiary, or the  
8 surviving spouse as provided in subsection (1) of this section, may  
9 elect to waive the payment provided by subsection (1) of this  
10 section. Upon such an election, a joint and one hundred percent  
11 survivor option under RCW 41.40.188, calculated under the retirement  
12 allowance described in RCW 41.40.185 or 41.40.190, whichever is  
13 greater, actuarially reduced, except under subsection (5) of this  
14 section, by the amount of any lump sum benefit identified as owing to  
15 an obligee upon withdrawal of accumulated contributions pursuant to a  
16 court order filed under RCW 41.50.670 shall automatically be given  
17 effect as if selected for the benefit of the designated beneficiary.  
18 If the member is not then qualified for a service retirement  
19 allowance, such benefit shall be based upon the actuarial equivalent  
20 of the sum necessary to pay the accrued regular retirement allowance  
21 commencing when the deceased member would have first qualified for a  
22 service retirement allowance.

23 (3) Subsection (1) of this section, unless elected, shall not  
24 apply to any member who has applied for service retirement in RCW  
25 41.40.180, as now or hereafter amended, and thereafter dies between  
26 the date of separation from service and the member's effective  
27 retirement date, where the member has selected a survivorship option  
28 under RCW 41.40.188. In those cases the beneficiary named in the  
29 member's final application for service retirement may elect to  
30 receive either a cash refund, less any amount identified as owing to  
31 an obligee upon withdrawal of accumulated contributions pursuant to a  
32 court order filed under RCW 41.50.670, or monthly payments according  
33 to the option selected by the member.

34 (4) If a member dies within sixty days following application for  
35 disability retirement under RCW 41.40.230, the beneficiary named in  
36 the application may elect to receive the benefit provided by:

37 (a) This section; or

38 (b) RCW 41.40.235, according to the option chosen under RCW  
39 41.40.188 in the disability application.



1 (5) The retirement allowance of a member who is killed in the  
2 course of employment, as determined by the director of the department  
3 of labor and industries, or the retirement allowance of a member who  
4 has left the employ of an employer due to service in the national  
5 guard or military reserves and dies while honorably serving in the  
6 national guard or military reserves during a period of war (~~as~~  
7 ~~defined in RCW 41.04.005~~)), is not subject to an actuarial reduction.  
8 The member's retirement allowance is computed under RCW 41.40.185.

9 **Sec. 23.** RCW 41.40.700 and 2009 c 226 s 12 are each amended to  
10 read as follows:

11 (1) Except as provided in RCW 11.07.010, if a member or a vested  
12 member who has not completed at least ten years of service dies, the  
13 amount of the accumulated contributions standing to such member's  
14 credit in the retirement system at the time of such member's death,  
15 less any amount identified as owing to an obligee upon withdrawal of  
16 accumulated contributions pursuant to a court order filed under RCW  
17 41.50.670, shall be paid to the member's estate, or such person or  
18 persons, trust, or organization as the member shall have nominated by  
19 written designation duly executed and filed with the department. If  
20 there be no such designated person or persons still living at the  
21 time of the member's death, such member's accumulated contributions  
22 standing to such member's credit in the retirement system, less any  
23 amount identified as owing to an obligee upon withdrawal of  
24 accumulated contributions pursuant to a court order filed under RCW  
25 41.50.670, shall be paid to the member's surviving spouse as if in  
26 fact such spouse had been nominated by written designation, or if  
27 there be no such surviving spouse, then to such member's legal  
28 representatives.

29 (2) If a member who is eligible for retirement or a member who  
30 has completed at least ten years of service dies, the surviving  
31 spouse or eligible child or children shall elect to receive one of  
32 the following:

33 (a) A retirement allowance computed as provided for in RCW  
34 41.40.630, actuarially reduced by the amount of any lump sum benefit  
35 identified as owing to an obligee upon withdrawal of accumulated  
36 contributions pursuant to a court order filed under RCW 41.50.670 and  
37 actuarially adjusted to reflect a joint and one hundred percent  
38 survivor option under RCW 41.40.660 and, except under subsection (4)  
39 of this section, if the member was not eligible for normal retirement

1 at the date of death a further reduction as described in RCW  
2 41.40.630; if a surviving spouse who is receiving a retirement  
3 allowance dies leaving a child or children of the member under the  
4 age of majority, then such child or children shall continue to  
5 receive an allowance in an amount equal to that which was being  
6 received by the surviving spouse, share and share alike, until such  
7 child or children reach the age of majority; if there is no surviving  
8 spouse eligible to receive an allowance at the time of the member's  
9 death, such member's child or children under the age of majority  
10 shall receive an allowance share and share alike calculated as herein  
11 provided making the assumption that the ages of the spouse and member  
12 were equal at the time of the member's death;

13 (b) The member's accumulated contributions, less any amount  
14 identified as owing to an obligee upon withdrawal of accumulated  
15 contributions pursuant to a court order filed under RCW 41.50.670; or

16 (c) For a member who leaves the employ of an employer to enter  
17 the uniformed services of the United States and who dies after  
18 January 1, 2007, while honorably serving in the uniformed services of  
19 the United States in Operation Enduring Freedom or Persian Gulf,  
20 Operation Iraqi Freedom, an amount equal to two hundred percent of  
21 the member's accumulated contributions, less any amount identified as  
22 owing to an obligee upon withdrawal of accumulated contributions  
23 pursuant to a court order filed under RCW 41.50.670.

24 (3) If a member who is eligible for retirement or a member who  
25 has completed at least ten years of service dies after October 1,  
26 1977, and is not survived by a spouse or an eligible child, then the  
27 accumulated contributions standing to the member's credit, less any  
28 amount identified as owing to an obligee upon withdrawal of  
29 accumulated contributions pursuant to a court order filed under RCW  
30 41.50.670, shall be paid:

31 (a) To a person or persons, estate, trust, or organization as the  
32 member shall have nominated by written designation duly executed and  
33 filed with the department; or

34 (b) If there is no such designated person or persons still living  
35 at the time of the member's death, then to the member's legal  
36 representatives.

37 (4) A member who is killed in the course of employment, as  
38 determined by the director of the department of labor and industries,  
39 or a member who has left the employ of an employer due to service in  
40 the national guard or military reserves and dies while honorably

1 serving in the national guard or military reserves during a period of  
2 war (~~as defined in RCW 41.04.005~~), is not subject to an actuarial  
3 reduction under RCW 41.40.630. The member's retirement allowance is  
4 computed under RCW 41.40.620.

5 **Sec. 24.** RCW 41.40.710 and 2009 c 205 s 1 are each amended to  
6 read as follows:

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

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

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

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

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

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

38 (4) A member who leaves the employ of an employer to enter the  
39 uniformed services of the United States shall be entitled to

1 retirement system service credit for up to five years of military  
2 service. This subsection shall be administered in a manner consistent  
3 with the requirements of the federal uniformed services employment  
4 and reemployment rights act.

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

7 (i) Within ninety days of the member's honorable discharge from  
8 the 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; and

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

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

17 (iv) Prior to retirement the member provides to the director  
18 proof that the member's interruptive military service was during a  
19 period of war (~~as defined in RCW 41.04.005~~). Any member who made  
20 payments for service credit for interruptive military service in a  
21 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 (b) Upon receipt of member contributions under (a)(ii), (d)(iii),  
29 or (e)(iii) of this subsection, or adequate proof under (a)(iv),  
30 (d)(iv), or (e)(iv) of this subsection, the department shall  
31 establish the member's service credit and shall bill the employer for  
32 its contribution required under RCW 41.45.060, 41.45.061, and  
33 41.45.067 for the period of military service, plus interest as  
34 determined by the department.

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

1 (d) The surviving spouse or eligible child or children of a  
2 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 up to the date of the  
6 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  
19 deceased member made payments for service credit for interruptive  
20 military service during a period of war (~~as defined in RCW~~  
21 ~~41.04.005~~), the surviving spouse or eligible child or children may,  
22 prior to the distribution of any benefit and on a form provided by  
23 the department, request a refund of the funds standing to the  
24 deceased member's credit for up to five years of such service, and  
25 this amount shall be paid to the surviving spouse or eligible child  
26 or children. Members with one or more periods of interruptive  
27 military service during a period of war may receive no more than five  
28 years of free retirement system service 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  
10 retirement and on a form provided by the department, request a refund  
11 of the funds standing to his or her credit for up to five years of  
12 such service, and this amount shall be paid to him or her. Members  
13 with one or more periods of interruptive military service credit  
14 during a period of war may receive no more than five years of free  
15 retirement system service credit under this subsection.

16 **Sec. 25.** RCW 41.40.805 and 2009 c 205 s 2 are each amended to  
17 read as follows:

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

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

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

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

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

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

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

16 The department shall establish the member's service credit and  
17 shall bill the employer for its contribution required under RCW  
18 41.45.060 and 41.45.067 for the period of military service, plus  
19 interest as determined by the department. Service credit under this  
20 subsection may be obtained only if the member makes the employee  
21 contribution to the defined contribution portion as determined by the  
22 department, or prior to retirement, the member 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~~). Any member  
25 who made payments for service credit for interruptive military  
26 service during a period of war (~~as defined in RCW 41.04.005~~) may,  
27 prior to retirement and on a form provided by the department, request  
28 a refund of the funds standing to his or her credit for up to five  
29 years of such service, and this amount shall be paid to him or her.  
30 Members with one or more periods of interruptive military service  
31 during a period of war may receive no more than five years of free  
32 retirement system service credit under this subsection.

33 The contributions required shall be based on the compensation the  
34 member would have earned if not on leave, or if that cannot be  
35 estimated with reasonable certainty, the compensation reported for  
36 the member in the year prior to when the member went on military  
37 leave.

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

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

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

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

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

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

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

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

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

38 (iii) The member pays the employee contributions required under  
39 this subsection within five years of the director's determination of



1 total disability or prior to the distribution of any benefit,  
2 whichever comes first; or

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

14 **Sec. 26.** RCW 41.40.835 and 2009 c 226 s 13 are each amended to  
15 read as follows:

16 (1) If a member dies prior to retirement, the surviving spouse or  
17 eligible child or children shall receive a retirement allowance  
18 computed as provided in RCW 41.40.790 actuarially reduced to reflect  
19 a joint and one hundred percent survivor option and, except under  
20 subsection (2) of this section, if the member was not eligible for  
21 normal retirement at the date of death a further reduction as  
22 described in RCW 41.40.820.

23 If the surviving spouse who is receiving the retirement allowance  
24 dies leaving a child or children under the age of majority, then such  
25 child or children shall continue to receive an allowance in an amount  
26 equal to that which was being received by the surviving spouse, share  
27 and share alike, until such child or children reach the age of  
28 majority.

29 If there is no surviving spouse eligible to receive an allowance  
30 at the time of the member's death, such member's child or children  
31 under the age of majority shall receive an allowance, share and share  
32 alike. The allowance shall be calculated with the assumption that the  
33 age of the spouse and member were equal at the time of the member's  
34 death.

35 (2) A member who is killed in the course of employment, as  
36 determined by the director of the department of labor and industries,  
37 or a member who has left the employ of an employer due to service in  
38 the national guard or military reserves and dies while honorably  
39 serving in the national guard or military reserves during a period of

1 war (~~as defined in RCW 41.04.005~~), is not subject to an actuarial  
2 reduction under RCW 41.40.820. The member's retirement allowance is  
3 computed under RCW 41.40.790.

4 **Sec. 27.** RCW 43.43.260 and 2009 c 522 s 2 and 2009 c 205 s 9 are  
5 each reenacted and amended to read as follows:

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

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

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

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

27 (b) A member who leaves the Washington state patrol 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. This subsection shall be administered in a manner consistent  
31 with the requirements of the federal uniformed services employment  
32 and reemployment rights act.

33 (i) The member qualifies for service credit under this subsection  
34 if:

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

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

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

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

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

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

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

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

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

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

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

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

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

35 (C) If the member was commissioned on or after January 1, 2003,  
36 the member pays the employee contributions required under chapter  
37 41.45 RCW within five years of the director's determination of total  
38 disability or prior to the distribution of any benefit, whichever  
39 comes first; 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  
5 for service credit for interruptive military service during a period  
6 of war (~~(as defined in RCW 41.04.005)~~) may, prior to retirement and  
7 on a 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 during a period of war may  
11 receive no more than five years of free retirement system service  
12 credit under this subsection.

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

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

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

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

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

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

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

29 (i) Produce a retirement allowance which is lower than the  
30 original retirement allowance;

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

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

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

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

1       **Sec. 28.** RCW 43.43.270 and 2009 c 522 s 3 and 2009 c 226 s 3 are  
2 each reenacted and amended to read as follows:

3       For members commissioned prior to January 1, 2003:

4       (1) The normal form of retirement allowance shall be an allowance  
5 which shall continue as long as the member lives.

6       (2) If a member should die while in service, or a member leaves  
7 the employ of the employer due to service in the national guard or  
8 military reserves and dies while honorably serving in the national  
9 guard or military reserves during a period of war (~~as defined in RCW~~  
10 ~~41.04.005~~), the member's lawful spouse or lawful domestic partner  
11 shall be paid an allowance which shall be equal to fifty percent of  
12 the average final salary of the member. If the member should die  
13 after retirement the member's lawful spouse or lawful domestic  
14 partner shall be paid an allowance which shall be equal to the  
15 retirement allowance then payable to the member or fifty percent of  
16 the final average salary used in computing the member's retirement  
17 allowance, whichever is less. The allowance paid to the lawful spouse  
18 or lawful domestic partner shall continue as long as the spouse or  
19 domestic partner lives: PROVIDED, That if a surviving spouse or  
20 domestic partner who is receiving benefits under this subsection  
21 marries, or enters into a domestic partnership with, another member  
22 of this retirement system who subsequently predeceases such spouse or  
23 domestic partner, the spouse or domestic partner shall then be  
24 entitled to receive the higher of the two survivors' allowances for  
25 which eligibility requirements were met, but a surviving spouse or  
26 domestic partner shall not receive more than one survivor's allowance  
27 from this system at the same time under this subsection. To be  
28 eligible for an allowance the lawful surviving spouse or lawful  
29 domestic partner of a retired member shall have been married to, or  
30 in a domestic partnership with, the member prior to the member's  
31 retirement and continuously thereafter until the date of the member's  
32 death or shall have been married to, or in a domestic partnership  
33 with, the retired member at least two years prior to the member's  
34 death. The allowance paid to the lawful spouse or lawful domestic  
35 partner may be divided with an ex spouse or ex domestic partner of  
36 the member by a dissolution order as defined in RCW 41.50.500(3)  
37 incident to a dissolution occurring after July 1, 2002. The  
38 dissolution order must specifically divide both the member's benefit  
39 and any spousal or domestic partner survivor benefit, and must fully  
40 comply with RCW 41.50.670 and 41.50.700.

1 (3) If a member should die, either while in service or after  
2 retirement, the member's surviving unmarried children under the age  
3 of eighteen years shall be provided for in the following manner:

4 (a) If there is a surviving spouse or domestic partner, each  
5 child shall be entitled to a benefit equal to five percent of the  
6 final average salary of the member or retired member. The combined  
7 benefits to the surviving spouse or domestic partner and all children  
8 shall not exceed sixty percent of the final average salary of the  
9 member or retired member; and

10 (b) If there is no surviving spouse or domestic partner or the  
11 spouse or domestic partner should die, the child or children shall be  
12 entitled to a benefit equal to thirty percent of the final average  
13 salary of the member or retired member for one child and an  
14 additional ten percent for each additional child. The combined  
15 benefits to the children under this subsection shall not exceed sixty  
16 percent of the final average salary of the member or retired member.  
17 Payments under this subsection shall be prorated equally among the  
18 children, if more than one.

19 (4) If a member should die in the line of duty while employed by  
20 the Washington state patrol, or a member leaves the employ of the  
21 employer due to service in the national guard or military reserves  
22 and dies while honorably serving in the national guard or military  
23 reserves during a period of war (~~as defined in RCW 41.04.005~~), the  
24 member's surviving children under the age of twenty years and eleven  
25 months if attending any high school, college, university, or  
26 vocational or other educational institution accredited or approved by  
27 the state of Washington shall be provided for in the following  
28 manner:

29 (a) If there is a surviving spouse or domestic partner, each  
30 child shall be entitled to a benefit equal to five percent of the  
31 final average salary of the member. The combined benefits to the  
32 surviving spouse or domestic partner and all children shall not  
33 exceed sixty percent of the final average salary of the member;

34 (b) If there is no surviving spouse or domestic partner or the  
35 spouse or domestic partner should die, the unmarried child or  
36 children shall be entitled to receive a benefit equal to thirty  
37 percent of the final average salary of the member or retired member  
38 for one child and an additional ten percent for each additional  
39 child. The combined benefits to the children under this subsection  
40 shall not exceed sixty percent of the final average salary. Payments

1 under this subsection shall be prorated equally among the children,  
2 if more than one; and

3 (c) If a beneficiary under this subsection reaches the age of  
4 twenty-one years during the middle of a term of enrollment the  
5 benefit shall continue until the end of that term.

6 (5)(a) The provisions of this section shall apply to members who  
7 have been retired on disability as provided in RCW 43.43.040 if the  
8 officer was a member of the Washington state patrol retirement system  
9 at the time of such disability retirement.

10 (b) For the purposes of this subsection, average final salary as  
11 used in subsection (2) of this section means:

12 (i) For members commissioned prior to January 1, 2003, the  
13 average monthly salary received by active members of the patrol of  
14 the rank at which the member became disabled, during the two years  
15 prior to the death of the disabled member; and

16 (ii) For members commissioned on or after January 1, 2003, the  
17 average monthly salary received by active members of the patrol of  
18 the rank at which the member became disabled, during the five years  
19 prior to the death of the disabled member.

20 (c) The changes to the definitions of average final salary for  
21 the survivors of disabled members in this subsection shall apply  
22 retroactively. The department shall correct future payments to  
23 eligible survivors of members disabled prior to June 7, 2006, and, as  
24 soon as administratively practicable, pay each survivor a lump sum  
25 payment reflecting the difference, as determined by the director,  
26 between the survivor benefits previously received by the member, and  
27 those the member would have received under the definitions of average  
28 final salary created in chapter 94, Laws of 2006.

29 **Sec. 29.** RCW 43.43.295 and 2010 c 261 s 6 are each amended to  
30 read as follows:

31 (1) For members commissioned on or after January 1, 2003, except  
32 as provided in RCW 11.07.010, if a member or a vested member who has  
33 not completed at least ten years of service dies, the amount of the  
34 accumulated contributions standing to such member's credit in the  
35 retirement system at the time of such member's death, less any amount  
36 identified as owing to an obligee upon withdrawal of accumulated  
37 contributions pursuant to a court order filed under RCW 41.50.670,  
38 shall be paid to the member's estate, or such person or persons,  
39 trust, or organization as the member shall have nominated by written



1 designation duly executed and filed with the department. If there be  
2 no such designated person or persons still living at the time of the  
3 member's death, such member's accumulated contributions standing to  
4 such member's credit in the retirement system, less any amount  
5 identified as owing to an obligee upon withdrawal of accumulated  
6 contributions pursuant to a court order filed under RCW 41.50.670,  
7 shall be paid to the member's surviving spouse or domestic partner as  
8 if in fact such spouse or domestic partner had been nominated by  
9 written designation, or if there be no such surviving spouse or  
10 domestic partner, then to such member's legal representatives.

11 (2) If a member who is killed in the course of employment or a  
12 member who is eligible for retirement or a member who has completed  
13 at least ten years of service dies, the surviving spouse or domestic  
14 partner or eligible child or children shall elect to receive either:

15 (a) A retirement allowance computed as provided for in RCW  
16 43.43.260, actuarially reduced, except under subsection (4) of this  
17 section, by the amount of any lump sum benefit identified as owing to  
18 an obligee upon withdrawal of accumulated contributions pursuant to a  
19 court order filed under RCW 41.50.670 and actuarially adjusted to  
20 reflect a joint and one hundred percent survivor option under RCW  
21 43.43.278 and if the member was not eligible for normal retirement at  
22 the date of death a further reduction from age fifty-five or when the  
23 member could have attained twenty-five years of service, whichever is  
24 less; if a surviving spouse or domestic partner who is receiving a  
25 retirement allowance dies leaving a child or children of the member  
26 under the age of majority, then such child or children shall continue  
27 to receive an allowance in an amount equal to that which was being  
28 received by the surviving spouse or domestic partner, share and share  
29 alike, until such child or children reach the age of majority; if  
30 there is no surviving spouse or domestic partner eligible to receive  
31 an allowance at the time of the member's death, such member's child  
32 or children under the age of majority shall receive an allowance  
33 share and share alike calculated under this section making the  
34 assumption that the ages of the spouse or domestic partner and member  
35 were equal at the time of the member's death; or

36 (b) (i) The member's accumulated contributions, less any amount  
37 identified as owing to an obligee upon withdrawal of accumulated  
38 contributions pursuant to a court order filed under RCW 41.50.670; or

39 (ii) If the member dies, one hundred fifty percent of the  
40 member's accumulated contributions, less any amount identified as

1 owing to an obligee upon withdrawal of accumulated contributions  
2 pursuant to a court order filed under RCW 41.50.670. Any accumulated  
3 contributions attributable to restorations made under RCW  
4 41.50.165(2) shall be refunded at one hundred percent.

5 (3) If a member who is eligible for retirement or a member who  
6 has completed at least ten years of service dies, and is not survived  
7 by a spouse or domestic partner or an eligible child, then the  
8 accumulated contributions standing to the member's credit, less any  
9 amount identified as owing to an obligee upon withdrawal of  
10 accumulated contributions pursuant to a court order filed under RCW  
11 41.50.670, shall be paid:

12 (a) To an estate, a person or persons, trust, or organization as  
13 the member shall have nominated by written designation duly executed  
14 and filed with the department; or

15 (b) If there is no such designated person or persons still living  
16 at the time of the member's death, then to the member's legal  
17 representatives.

18 (4) The retirement allowance of a member who is killed in the  
19 course of employment, as determined by the director of the department  
20 of labor and industries, or the retirement allowance of a member who  
21 has left the employ of an employer due to service in the national  
22 guard or military reserves and dies while honorably serving in the  
23 national guard or military reserves during a period of war (~~as~~  
24 ~~defined in RCW 41.04.005~~), is not subject to an actuarial reduction  
25 for early retirement if the member was not eligible for normal  
26 retirement or an actuarial reduction to reflect a joint and one  
27 hundred percent survivor option under RCW 43.43.278. The member is  
28 entitled to a minimum retirement allowance equal to ten percent of  
29 such member's final average salary. The member shall additionally  
30 receive a retirement allowance equal to two percent of such member's  
31 average final salary for each year of service beyond five."

**SB 6418 - S AMD 1064**  
By Senator Muzzall

32 On page 1, line 1 of the title, after "pensions;" strike the  
33 remainder of the title and insert "amending RCW 41.26.030, 41.32.010,  
34 41.35.010, 41.37.010, 41.40.010, 43.43.120, 41.26.160, 41.26.510,

1 41.26.520, 41.32.520, 41.32.805, 41.32.810, 41.32.865, 41.32.895,  
2 41.35.460, 41.35.470, 41.35.650, 41.35.710, 41.37.250, 41.37.260,  
3 41.40.700, 41.40.710, 41.40.805, 41.40.835, and 43.43.295; reenacting  
4 and amending RCW 41.40.270, 43.43.260, and 43.43.270; and adding a  
5 new section to chapter 41.50 RCW."

EFFECT: Makes the changed definition of a period of war apply to interruptive service credit for all the state's pension systems.

--- END ---