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SENATE BILL 5414

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State of Washington                      52nd Legislature                      1991 Regular Session

By Senators Vognild, Bauer, Oke and Conner.

Read first time January 31, 1991. Referred to Committee on Ways & Means.

1            AN ACT Relating to military service credit; and amending RCW  
2 41.40.170.

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

4            **Sec. 1.** RCW 41.40.170 and 1981 c 294 s 12 are each amended to read  
5 as follows:

6            (1) A member who has served or shall serve on active federal  
7 service in the military or naval forces of the United States and who  
8 left or shall leave an employer to enter such service shall be deemed  
9 to be on military leave of absence if ((he)) the member has resumed or  
10 shall resume employment as an employee within one year from termination  
11 thereof.

12            (2) If ((he)) a member has applied or shall apply for reinstatement  
13 of employment, within one year from termination of the military  
14 service, and is refused employment for reasons beyond his or her

1 control, ((he)) the member shall, upon resumption of service within ten  
2 years have such service credited to him or her.

3 (3) In any event, after completing twenty-five years of creditable  
4 service, any member may have his or her service in the armed forces  
5 credited to him or her as a member whether or not ((he)) the member  
6 left the employ of an employer to enter such armed service((:  
7 ~~PROVIDED, That~~)). In no instance, described in subsections (1), (2),  
8 and (3) of this section, shall military service in excess of five years  
9 be credited((:  
10 ~~AND PROVIDED FURTHER, That~~)). In each instance the  
11 member must restore all withdrawn accumulated contributions, which  
12 restoration must be completed within five years of membership service  
13 following his or her first resumption of employment or complete twenty-  
14 five years of creditable service((:  
15 ~~AND PROVIDED FURTHER, That~~)). This section will not apply to any individual, not a veteran within the  
16 meaning of ((RCW 41.04.005, as now or hereafter amended:  
17 ~~AND PROVIDED~~  
18 FURTHER, That)) subsection (4) of this section. In no instance,  
19 described in subsections (1), (2), and (3) of this section, shall  
20 military service be credited to any member who is receiving full  
21 military retirement benefits pursuant to Title 10 United States Code.

22 (4) For the purposes of this section, "veteran" means any person  
23 who has one or more years of active military service in any branch of  
24 the armed forces of the United States or who has less than one year's  
25 service and is discharged with a disability incurred in the line of  
26 duty or is discharged at the convenience of the government and who,  
27 upon termination of such service, has received an honorable discharge,  
28 a discharge for physical reasons with an honorable record, or a release  
29 from active military service with evidence of service other than that  
for which an undesirable, bad conduct, or dishonorable discharge shall  
be given.