

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 5092

52nd Legislature
1992 Regular Session

Passed by the Senate March 7, 1992
Yeas 47 Nays 0

President of the Senate

Passed by the House March 3, 1992
Yeas 96 Nays 0

**Speaker of the
House of Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Gordon Golob, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 5092** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 5092

AS AMENDED BY THE HOUSE

Passed Legislature - 1992 Regular Session

State of Washington 52nd Legislature 1991 Regular Session

By Senate Committee on Ways & Means (originally sponsored by Senators Roach, Snyder, Stratton, Amondson, L. Kreidler, McCaslin, Erwin, Newhouse, Niemi, Sellar, Craswell, Gaspard, Hayner, Skratek, L. Smith, Talmadge, Oke, Bauer, Rasmussen, Thorsness, Johnson, Wojahn, Cantu and West).

Read first time March 6, 1991.

1 AN ACT Relating to employee benefits while on active duty during
2 operation Desert Shield; amending RCW 41.26.520, 41.32.810, and
3 41.40.710; creating a new section; and declaring an emergency.

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

5 **Sec. 1.** RCW 41.26.520 and 1989 c 88 s 2 are each amended to read
6 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 provided
9 for under the provisions of RCW 41.26.410 through 41.26.550.

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

1 for the period of the authorized leave of absence within five years of
2 resumption of service or prior to retirement whichever comes sooner:
3 PROVIDED, That for the purpose of this subsection the contribution
4 shall not include the contribution for the unfunded supplemental
5 present value as required by RCW 41.26.450. The contributions required
6 shall be based on the average of the member's basic salary at both the
7 time the authorized leave of absence was granted and the time the
8 member resumed employment.

9 (3) A member who (~~(is inducted into)~~) leaves the employ of an
10 employer to enter the armed forces of the United States shall be
11 (~~((deemed to be on an unpaid, authorized leave of absence))~~) entitled to
12 retirement system service credit for up to four years of military
13 service.

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

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

20 (ii) The member makes the employee contributions required under RCW
21 41.26.450 plus interest as determined by the department within five
22 years of resumption of service or prior to retirement, whichever comes
23 sooner.

24 (b) Upon receipt of member contributions under (a)(ii) of this
25 subsection, the department shall bill the employer and the state for
26 their respective contributions required under RCW 41.26.450 for the
27 period of military service, plus interest as determined by the
28 department.

29 (c) The contributions required shall be based on the average of the
30 member's basic salary at both the time the member left the employ of

1 the employer to enter the armed forces and the time the member resumed
2 employment.

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

6 **Sec. 2.** RCW 41.32.810 and 1977 ex.s. c 293 s 13 are each amended
7 to read as follows:

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

11 (2) Except as specified in subsection (3) of this section, a member
12 shall be eligible to receive a maximum of two years service credit
13 during a member's entire working career for those periods when a member
14 is on an unpaid leave of absence authorized by an employer. Such
15 credit may be obtained only if the member makes both the employer and
16 member contributions plus interest as determined by the department for
17 the period of the authorized leave of absence within five years of
18 resumption of service or prior to retirement whichever comes sooner:
19 PROVIDED, That for the purpose of this subsection (~~{section}~~) the
20 contribution shall not include the contribution for the unfunded
21 supplemental present value as required by RCW 41.32.775. The
22 contributions required shall be based on the average of the member's
23 (~~compensation~~) earnable compensation at both the time the authorized
24 leave of absence was granted and the time the member resumed
25 employment.

26 (3) A member who (~~is inducted into~~) leaves the employ of an
27 employer to enter the armed forces of the United States shall be
28 (~~deemed to be on an unpaid, authorized leave of absence~~) entitled to

1 retirement system service credit for up to four years of military
2 service.

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

9 (ii) The member makes the employee contributions required under RCW
10 41.32.775 plus interest as determined by the department within five
11 years of resumption of service or prior to retirement, whichever comes
12 sooner.

13 (b) Upon receipt of member contributions under (a)(ii) of this
14 subsection, the department shall bill the employer for its contribution
15 required under RCW 41.32.775 for the period of military service, plus
16 interest as determined by the department.

17 (c) The contributions required shall be based on the average of the
18 member's earnable compensation at both the time the member left the
19 employ of the employer to enter the armed forces and the time the
20 member resumed employment.

21 **Sec. 3.** RCW 41.40.710 and 1991 c 35 s 100 are each amended to read
22 as follows:

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

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

1 credit may be obtained only if the member makes both the plan II
2 employer and member contributions plus interest as determined by the
3 department for the period of the authorized leave of absence within
4 five years of resumption of service or prior to retirement whichever
5 comes sooner. The contributions required shall be based on the average
6 of the member's compensation earnable at both the time the authorized
7 leave of absence was granted and the time the member resumed
8 employment.

9 (3) A member who (~~is inducted into~~) leaves the employ of an
10 employer to enter the armed forces of the United States shall be
11 (~~deemed to be on an unpaid, authorized leave of absence~~) entitled to
12 retirement system service credit for up to four years of military
13 service.

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

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

20 (ii) The member makes the employee contributions required under RCW
21 41.40.650 plus interest as determined by the department within five
22 years of resumption of service or prior to retirement, whichever comes
23 sooner.

24 (b) Upon receipt of member contributions under (a)(ii) of this
25 subsection, the department shall bill the employer for its contribution
26 required under RCW 41.40.650 for the period of military service, plus
27 interest as determined by the department.

28 (c) The contributions required shall be based on the average of the
29 member's compensation earnable at both the time the member left the

1 employ of the employer to enter the armed forces and the time the
2 member resumed employment.

3 NEW SECTION. Sec. 4. This act applies retroactively for
4 retirement system service credit for military service which began on or
5 after January 1, 1990.

6 NEW SECTION. Sec. 5. This act is necessary for the immediate
7 preservation of the public peace, health, or safety, or support of the
8 state government and its existing public institutions, and shall take
9 effect immediately.