

CERTIFICATION OF ENROLLMENT

SENATE BILL 6378

Chapter 28, Laws of 2002

57th Legislature
2002 Regular Session

RETIREMENT SYSTEMS--LAW ENFORCEMENT MEMBERS--LEAVES OF ABSENCE

EFFECTIVE DATE: 6/13/02

Passed by the Senate February 15, 2002
YEAS 41 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House March 5, 2002
YEAS 97 NAYS 0

FRANK CHOPP

**Speaker of the
House of Representatives**

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 6378** as passed by the Senate and the House of Representatives on the dates hereon set forth.

TONY M. COOK

Secretary

Approved March 12, 2002

FILED

March 12, 2002 - 2:21 p.m.

GARY LOCKE

Governor of the State of Washington

**Secretary of State
State of Washington**

SENATE BILL 6378

Passed Legislature - 2002 Regular Session

State of Washington

57th Legislature

2002 Regular Session

By Senators Spanel, Carlson, Jacobsen, Winsley, Fraser, Regala, Rasmussen, McAuliffe, Kohl-Welles and Keiser; by request of Joint Committee on Pension Policy

Read first time 01/16/2002. Referred to Committee on Ways & Means.

1 AN ACT Relating to part-time leaves of absence for law enforcement
2 members of the law enforcement officers' and fire fighters' retirement
3 system plan 2; and amending RCW 41.26.520.

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

5 **Sec. 1.** RCW 41.26.520 and 2000 c 247 s 1105 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 provided
9 for under the provisions of RCW 41.26.410 through 41.26.550.

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

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

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

12 (4) A law enforcement member may be authorized by an employer to
13 work part time and to go on a part-time leave of absence. During a
14 part-time leave of absence a member is prohibited from any other
15 employment with their employer. A member is eligible to receive credit
16 for any portion of service credit not earned during a month of part-
17 time leave of absence if the member makes the employer, member, and
18 state contributions, plus interest, as determined by the department for
19 the period of the authorized leave within five years of resumption of
20 full-time service or prior to retirement whichever comes sooner. Any
21 service credit purchased for a part-time leave of absence is included
22 in the two-year maximum provided in subsection (3) of this section.

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

29 (~~((5))~~) (6) For the purpose of subsection (3) or (4) of this
30 section the contribution shall not include the contribution for the
31 unfunded supplemental present value as required by RCW 41.45.060,
32 41.45.061, and 41.45.067. The contributions required shall be based on
33 the average of the member's basic salary at both the time the
34 authorized leave of absence was granted and the time the member resumed
35 employment.

36 (~~((6))~~) (7) A member who leaves the employ of an employer to enter
37 the armed forces of the United States shall be entitled to retirement
38 system service credit for up to five years of military service. This
39 subsection shall be administered in a manner consistent with the

1 requirements of the federal uniformed services employment and
2 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 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 41.45.060, 41.45.061, and 41.45.067 within five years of resumption of
11 service or prior to 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 the
14 member pays the amount required under RCW 41.50.165(2).

15 (b) Upon receipt of member contributions under (a)(ii) of this
16 subsection, the department shall establish the member's service credit
17 and shall bill the employer and the state for their respective
18 contributions required under RCW 41.26.450 for the period of military
19 service, plus interest as determined by the department.

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

25 ~~((7))~~ (8) A member receiving benefits under Title 51 RCW who is
26 not receiving benefits under this chapter shall be deemed to be on
27 unpaid, authorized leave of absence.

Passed the Senate February 15, 2002.

Passed the House March 5, 2002.

Approved by the Governor March 12, 2002.

Filed in Office of Secretary of State March 12, 2002.