
SENATE BILL 6000

State of Washington

68th Legislature

2024 Regular Session

By Senators Hunt, Holy, Lovick, Nobles, and Valdez

Prefiled 01/05/24. Read first time 01/08/24. Referred to Committee on Ways & Means.

1 AN ACT Relating to interruptive military service credit for
2 members of the state retirement systems; amending RCW 41.26.520,
3 41.32.810, 41.35.470, 41.37.260, 41.40.710, and 43.43.260; and
4 creating a new section.

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

6 **Sec. 1.** RCW 41.26.520 and 2016 c 115 s 2 are each amended to
7 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
10 provided for under the provisions of RCW 41.26.410 through 41.26.550.

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

1 greater than the salary paid to the highest paid job class covered by
2 the collective bargaining agreement.

3 (3) Except as specified in subsection (7) of this section, a
4 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
16 credit for any portion of service credit not earned during a month of
17 part-time leave of absence if the member makes the employer, member,
18 and state contributions, plus interest, as determined by the
19 department for the period of the authorized leave within five years
20 of resumption of full-time service or prior to retirement whichever
21 comes sooner. Any service credit purchased for a part-time leave of
22 absence is included in the two-year maximum provided in subsection
23 (3) of this section.

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

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

37 (7) 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 41.45.060, 41.45.061, and 41.45.067 within five years of
11 resumption of service or prior to retirement, whichever comes sooner;
12 or

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

16 (iv) Prior to retirement the member provides to the director
17 proof that the member was awarded a campaign, expeditionary, or
18 service badge or medal for the member's interruptive military service
19 ((was during a period of war as defined in RCW 41.04.005)). Any
20 member who made payments for service credit for interruptive military
21 service ((during a period of war as defined in RCW 41.04.005)) may,
22 prior to retirement and on a form provided by the department, request
23 a refund of the funds standing to his or her credit for up to five
24 years of such service, and this amount shall be paid to him or her.
25 Members with one or more periods of interruptive military service
26 credit ((during a period of war)) may receive no more than five years
27 of free retirement 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 and
32 the state for their respective contributions required under RCW
33 41.26.450 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, domestic partner, or eligible child or
2 children of a member who left the employ of an employer to enter the
3 uniformed services of the United States and died while serving in the
4 uniformed services may, on behalf of the deceased member, apply for
5 retirement system service credit under this subsection up to the date
6 of the 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 was awarded a campaign, expeditionary,
18 or service badge or medal for the member's interruptive military
19 service (~~((was during a period of war as defined in RCW 41.04.005))~~).
20 If the deceased member made payments for service credit for
21 interruptive military service (~~((during a period of war as defined in~~
22 ~~RCW 41.04.005))~~), the surviving spouse or eligible child or children
23 may, prior to the distribution of any benefit and on a form provided
24 by the department, request a refund of the funds standing to the
25 deceased member's credit for up to five years of such service, and
26 this amount shall be paid to the surviving spouse or children.
27 Members with one or more periods of interruptive military service
28 (~~((during a period of war))~~) may receive no more than five years of
29 free retirement system service credit under this subsection.

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

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

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

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

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

19 (f) The surviving spouse, domestic partner, or eligible child or
20 children of a member who left the employ of an employer to enter the
21 uniformed services of the United States, federal emergency management
22 agency, or national disaster medical system of the United States
23 department of health and human services and died while performing
24 service in response to a disaster, major emergency, special event,
25 federal exercise, or official training on or after March 22, 2014,
26 may, on behalf of the deceased member, apply for retirement system
27 service credit under this subsection up to the date of the member's
28 death in such service. The department shall establish the deceased
29 member's service credit if the surviving spouse or eligible child or
30 children provides to the director proof of the member's death while
31 in such service.

32 (g) A member who leaves 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 becomes totally
36 incapacitated for continued employment by an employer while providing
37 such service is entitled to retirement system service credit under
38 this subsection up to the date of separation from such service if the
39 member obtains a determination from the director that he or she is

1 totally incapacitated for continued employment due to conditions or
2 events that occurred while performing such service.

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

6 **Sec. 2.** RCW 41.32.810 and 2009 c 205 s 6 are each amended to
7 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
10 provided for under the provisions of RCW 41.32.755 through 41.32.825.

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

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

32 (4) If a member fails to meet the time limitations of subsection
33 (3) of this section, the member may receive a maximum of two years of
34 service credit during a member's working career for those periods
35 when a member is on unpaid leave of absence authorized by an
36 employer. This may be done by paying the amount required under RCW
37 41.50.165(2) prior to retirement.

38 (5) For the purpose of subsection (3) of this section, the
39 contribution shall not include the contribution for the unfunded

1 supplemental present value as required by RCW 41.32.775. The
2 contributions required shall be based on the average of the member's
3 earnable compensation at both the time the authorized leave of
4 absence was granted and the time the member resumed employment.

5 (6) 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 41.32.775 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 was awarded a campaign, expeditionary, or
25 service badge or medal for the member's interruptive military service
26 ~~((was during a period of war as defined in RCW 41.04.005))~~. Any
27 member who made payments for service credit for interruptive military
28 service ~~((during a period of war as defined in RCW 41.04.005))~~ may,
29 prior to retirement and on a form provided by the department, request
30 a refund of the funds standing to his or her credit for up to five
31 years of such service, and this amount shall be paid to him or her.
32 Members with one or more periods of interruptive military service
33 credit ~~((during a period of war))~~ may receive no more than five years
34 of free retirement system service credit under this subsection.

35 (b) Upon receipt of member contributions under (a)(ii), (d)(iii),
36 or (e)(iii) of this subsection, or adequate proof under (a)(iv),
37 (d)(iv), or (e)(iv) of this subsection, the department shall
38 establish the member's service credit and shall bill the employer for
39 its contribution required under RCW 41.32.775 for the period of
40 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 was awarded a campaign, expeditionary,
24 or service badge or medal for the member's interruptive military
25 service ((was during a period of war as defined in RCW 41.04.005)).
26 If the deceased member made payments for service credit for
27 interruptive military service (~~(during a period of war as defined in~~
28 ~~RCW 41.04.005)),~~ the surviving spouse or eligible child or children
29 may, prior to the distribution of any benefit and on a form provided
30 by the department, request a refund of the funds standing to the
31 deceased member's credit for up to five years of such service, and
32 this amount shall be paid to the surviving spouse or children.
33 Members with one or more periods of interruptive military service
34 (~~(during a period of war)~~) may receive no more than five years of
35 free retirement system service credit under this subsection.

36 (e) A member who leaves the employ of an employer to enter the
37 uniformed services of the United States and becomes totally
38 incapacitated for continued employment by an employer while serving
39 in the uniformed services is entitled to retirement system service

1 credit under this subsection up to the date of discharge from the
2 uniformed services if:

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

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

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

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

25 **Sec. 3.** RCW 41.35.470 and 2009 c 205 s 4 are each amended to
26 read as follows:

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

30 (2) A member who receives compensation from an employer while on
31 an authorized leave of absence to serve as an elected official of a
32 labor organization, and whose employer is reimbursed by the labor
33 organization for the compensation paid to the member during the
34 period of absence, may also be considered to be on a paid leave of
35 absence. This subsection shall only apply if the member's leave of
36 absence is authorized by a collective bargaining agreement that
37 provides that the member retains seniority rights with the employer
38 during the period of leave. The compensation earnable reported for a
39 member who establishes service credit under this subsection may not

1 be greater than the salary paid to the highest paid job class covered
2 by the collective bargaining agreement.

3 (3) Except as specified in subsection (4) of this section, a
4 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:

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

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

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

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

25 (a) The member qualifies for service credit under this subsection
26 if:

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

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

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

37 (iv) Prior to retirement the member provides to the director
38 proof that the member was awarded a campaign, expeditionary, or
39 service badge or medal for the member's interruptive military service
40 ~~((was during a period of war as defined in RCW 41.04.005)).~~ Any

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

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

15 (c) The contributions required under (a)(ii), (d)(iii), or
16 (e)(iii) of this subsection 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 (d) 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 chapter
34 41.45 RCW 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 was awarded a campaign, expeditionary,
38 or service badge or medal for the member's interruptive military
39 service ((was during a period of war as defined in RCW 41.04.005)).

40 If the deceased member made payments for service credit for

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

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

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

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

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

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

38 **Sec. 4.** RCW 41.37.260 and 2009 c 205 s 3 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 RCW 41.37.190 through 41.37.290.

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 compensation earnable 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 (4) 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 This credit may be obtained only if:

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

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

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

31 (4) A member who leaves the employ of an employer to enter the
32 uniformed services of the United States shall be entitled to
33 retirement system service credit for up to five years of military
34 service. This subsection shall be administered in a manner consistent
35 with the requirements of the federal uniformed services employment
36 and reemployment rights act.

37 (a) The member qualifies for service credit under this subsection
38 if:

39 (i) Within ninety days of the member's honorable discharge from
40 the uniformed services of the United States, the member applies for

1 reemployment with the employer who employed the member immediately
2 prior to the member entering the uniformed services; and

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

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

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

21 (b) Upon receipt of member contributions under (a)(ii), (d)(iii),
22 or (e)(iii) of this subsection, or adequate proof under (a)(iv),
23 (d)(iv), or (e)(iv) of this subsection, the department shall
24 establish the member's service credit and shall bill the employer for
25 its contribution required under RCW 41.37.220 for the period of
26 military service, plus interest as determined by the department.

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

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

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

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

5 (iii) Pays the employee contributions required under chapter
6 41.45 RCW within five years of the date of death or prior to the
7 distribution of any benefit, whichever comes first; or

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

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

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

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

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

38 (iv) Prior to retirement the member provides to the director
39 proof that the member was awarded a campaign, expeditionary, or
40 service badge or medal for the member's interruptive military service

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

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

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

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

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

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

37 (b) If not within five years of resumption of service but prior
38 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 41.45.061 and 41.45.067 within five years of resumption of
19 service or prior to 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 was awarded a campaign, expeditionary, or
25 service badge or medal for the member's interruptive military service
26 (~~was during a period of war as defined in RCW 41.04.005~~). Any
27 member who made payments for service credit for interruptive military
28 service (~~in a period of war as defined in RCW 41.04.005~~) may, prior
29 to retirement and on a form provided by the department, request a
30 refund of the funds standing to his or her credit for up to five
31 years of such service, and this amount shall be paid to him or her.
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
34 free retirement system service credit under this subsection.

35 (b) Upon receipt of member contributions under (a)(ii), (d)(iii),
36 or (e)(iii) of this subsection, or adequate proof under (a)(iv),
37 (d)(iv), or (e)(iv) of this subsection, the department shall
38 establish the member's service credit and shall bill the employer for
39 its contribution required under RCW 41.45.060, 41.45.061, and

1 41.45.067 for the period of military service, plus interest as
2 determined by the department.

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

9 (d) The surviving spouse or eligible child or children of a
10 member who left the employ of an employer to enter the uniformed
11 services of the United States and died while serving in the uniformed
12 services may, on behalf of the deceased member, apply for retirement
13 system service credit under this subsection up to the date of the
14 member's death in the uniformed services. The department shall
15 establish the deceased member's service credit if the surviving
16 spouse or eligible child or children:

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

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

21 (iii) Pays the employee contributions required under chapter
22 41.45 RCW within five years of the date of death or prior to the
23 distribution of any benefit, whichever comes first; or

24 (iv) Prior to the distribution of any benefit, provides to the
25 director proof that the member was awarded a campaign, expeditionary,
26 or service badge or medal for the member's interruptive military
27 service ((was during a period of war as defined in RCW 41.04.005)).

28 If the deceased member made payments for service credit for
29 interruptive military service (~~(during a period of war as defined in~~
30 ~~RCW 41.04.005)), the surviving spouse or eligible child or children~~
31 may, prior to the distribution of any benefit and on a form provided
32 by the department, request a refund of the funds standing to the
33 deceased member's credit for up to five years of such service, and
34 this amount shall be paid to the surviving spouse or eligible child
35 or children. Members with one or more periods of interruptive
36 military service (~~(during a period of war)~~) may receive no more than
37 five years of free retirement system service credit under this
38 subsection.

39 (e) A member who leaves the employ of an employer to enter the
40 uniformed services of the United States and becomes totally

1 incapacitated for continued employment by an employer while serving
2 in the uniformed services is entitled to retirement system service
3 credit under this subsection up to the date of discharge from the
4 uniformed services if:

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

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

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

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

27 **Sec. 6.** RCW 43.43.260 and 2021 c 98 s 1 are each amended to read
28 as follows:

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

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

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

38 (3) (a) Any member commissioned prior to January 1, 2003, with
39 twenty-five years service in the Washington state patrol may have the

1 member's service in the uniformed services credited as a member
2 whether or not the individual left the employ of the Washington state
3 patrol to enter such uniformed services: PROVIDED, That in no
4 instance shall military service in excess of five years be credited:
5 AND PROVIDED FURTHER, That in each instance, a member must restore
6 all withdrawn accumulated contributions, which restoration must be
7 completed on the date of the member's retirement, or as provided
8 under RCW 43.43.130, whichever occurs first: AND PROVIDED FURTHER,
9 That this section shall not apply to any individual, not a veteran
10 within the meaning of RCW 41.06.150.

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

17 (i) The member qualifies for service credit under this subsection
18 if:

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

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

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

29 (D) If the member was commissioned on or after January 1, 2003,
30 and, prior to retirement, the member provides to the director proof
31 that the member was awarded a campaign, expeditionary, or service
32 badge or medal for the member's interruptive military service (~~(was~~
33 ~~during a period of war as defined in RCW 41.04.005)~~). Any member who
34 made payments for service credit for interruptive military service
35 (~~(during 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
2 free retirement system service credit under this subsection.

3 (ii) Upon receipt of member contributions under (b) (i) (B),
4 (b) (iv) (C), and (b) (v) (C) of this subsection, or adequate proof under
5 (b) (i) (D), (b) (iv) (D), or (b) (v) (D) of this subsection, the
6 department shall establish the member's service credit and shall bill
7 the employer for its contribution required under RCW 41.45.060 for
8 the period of military service, plus interest as determined by the
9 department.

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

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

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

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

33 (D) If the member was commissioned on or after January 1, 2003,
34 and, prior to the distribution of any benefit, provides to the
35 director proof that the member was awarded a campaign, expeditionary,
36 or service badge or medal for the member's interruptive military
37 service ((was during a period of war as defined in RCW 41.04.005)).
38 If the deceased member made payments for service credit for
39 interruptive military service (~~during a period of war as defined in~~
40 ~~RCW 41.04.005)), the surviving spouse or eligible child or children~~

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

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

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

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

20 (C) If the member was commissioned on or after January 1, 2003,
21 the member pays the employee contributions required under chapter
22 41.45 RCW within five years of the director's determination of total
23 disability or prior to the distribution of any benefit, whichever
24 comes first; or

25 (D) If the member was commissioned on or after January 1, 2003,
26 and, prior to retirement, the member provides to the director proof
27 that the member was awarded a campaign, expeditionary, or service
28 badge or medal for the member's interruptive military service (~~was~~
29 ~~during a period of war as defined in RCW 41.04.005~~). Any member who
30 made payments for service credit for interruptive military service
31 (~~during a period of war as defined in RCW 41.04.005~~) may, prior to
32 retirement and on a form provided by the department, request a refund
33 of the funds standing to his or her credit for up to five years of
34 such service, and this amount shall be paid to him or her. Members
35 with one or more periods of interruptive military service (~~during a~~
36 ~~period of war~~) may receive no more than five years of free
37 retirement system service credit under this subsection.

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

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

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

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

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

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

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

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

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

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

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

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

26 NEW SECTION. **Sec. 7.** The expansion of no-cost military service
27 credit in sections 1 through 6 of this act are retroactive for
28 purposes of the retirement systems listed in RCW 41.50.030. Members
29 who retired prior to the effective date of this section with eligible
30 military service must have retirement benefits recalculated and
31 contributions adjusted consistent with the terms of this act.

--- END ---