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**SENATE BILL 6247**

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**State of Washington**

**68th Legislature**

**2024 Regular Session**

**By** Senators Hunt, Randall, Kuderer, Nobles, Saldaña, Valdez, and C. Wilson

Read first time 01/16/24. Referred to Committee on Ways & Means.

1 AN ACT Relating to public employees' retirement system plan 2  
2 service credit for officers of labor organizations; and amending RCW  
3 41.40.710.

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

5 **Sec. 1.** 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) A member who receives compensation from an employer while  
11 on an authorized leave of absence to serve as an elected official of  
12 a 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.

1       (b) As an alternative to (a) of this subsection, a member on an  
2 authorized unpaid leave of absence to serve as an elected official of  
3 a labor organization may receive service credit for the duration of  
4 the leave if the member, or labor organization on the member's  
5 behalf, makes both the employer and employee monthly contributions  
6 for the period of the authorized unpaid leave of absence. This  
7 subsection shall only apply if the member's leave of absence is  
8 authorized by a collective bargaining agreement that provides that  
9 the member retains seniority rights with the employer during the  
10 period of leave.

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

16       (a) The member makes both the plan 2 employer and member  
17 contributions plus interest as determined by the department for the  
18 period of the authorized leave of absence within five years of  
19 resumption of service or prior to retirement whichever comes sooner;  
20 or

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

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

27       (4) A member who leaves the employ of an employer 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       (a) The member qualifies for service credit under this subsection  
34 if:

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

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

18 (b) Upon receipt of member contributions under (a)(ii), (d)(iii),  
19 or (e)(iii) of this subsection, or adequate proof under (a)(iv),  
20 (d)(iv), or (e)(iv) of this subsection, the department shall  
21 establish the member's service credit and shall bill the employer for  
22 its contribution required under RCW 41.45.060, 41.45.061, and  
23 41.45.067 for the period of military service, plus interest as  
24 determined by the department.

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

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

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

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

3 (iii) Pays the employee contributions required under chapter  
4 41.45 RCW within five years of the date of death or prior to the  
5 distribution of any benefit, whichever comes first; or

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

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

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

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

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

35 (iv) Prior to retirement the member provides to the director  
36 proof that the member's interruptive military service was during a  
37 period of war as defined in RCW 41.04.005. Any member who made  
38 payments for service credit for interruptive military service during  
39 a period of war as defined in RCW 41.04.005 may, prior to retirement  
40 and on a form provided by the department, request a refund of the

1 funds standing to his or her credit for up to five years of such  
2 service, and this amount shall be paid to him or her. Members with  
3 one or more periods of interruptive military service credit during a  
4 period of war may receive no more than five years of free retirement  
5 system service credit under this subsection.

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