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**SUBSTITUTE HOUSE BILL 1738**

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**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** House Technology, Economic Development, & Veterans (originally sponsored by Representatives Shavers and Nance)

1 AN ACT Relating to ensuring access to state benefits and  
2 opportunities for veterans, uniformed service members, and military  
3 spouses; amending RCW 38.04.010, 38.42.010, 41.18.150, 41.20.050,  
4 41.40.170, 43.24.130, 41.04.010, 41.44.120, 73.16.031, 73.16.010,  
5 73.16.051, and 73.16.110; reenacting and amending RCW 41.44.030; and  
6 creating a new section.

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

8 NEW SECTION. **Sec. 1.** The legislature finds that service to our  
9 nation is a selfless sacrifice carried out by members of the armed  
10 forces, uniformed services, and their families.

11 Therefore, the legislature finds that members of the uniformed  
12 services should be afforded the same benefits and opportunities when  
13 choosing to continue public service employment in Washington state.

14 The legislature further recognizes the need to support employment  
15 opportunities for veterans, who served at any time in our nation's  
16 history and obtained a qualifying discharge, and spouses who support  
17 our current active duty force by allowing for hiring preference.

18 **Sec. 2.** RCW 38.04.010 and 1991 c 43 s 1 are each amended to read  
19 as follows:

1           When used in this title, the following words, terms, phrases  
2 shall have the following meaning:

3           The word "militia" shall mean the military forces provided for in  
4 the Constitution and laws of the state of Washington.

5           The term "organized militia" shall be the general term to include  
6 both state and national guard and whenever used applies equally to  
7 all such organizations.

8           The term "national guard" shall mean that part of the military  
9 force of the state that is organized, equipped and federally  
10 recognized under the provisions of the national defense act of the  
11 United States, and, in the event the national guard is called into  
12 federal service or in the event the state guard or any part or  
13 individual member thereof is called into active state service by the  
14 commander-in-chief, the term shall also include the "Washington state  
15 guard" or any temporary organization set up in times of emergency to  
16 replace either the "national guard" or "state guard" while in actual  
17 service of the United States.

18           The term "state guard" shall mean that part of the military  
19 forces of the state that is organized, equipped, and recognized under  
20 the provisions of the State Defense Forces Act of the United States  
21 (32 U.S.C. Sec. 109, as amended).

22           The term "active state service" or "active training duty" shall  
23 be construed to be any service on behalf of the state, or at  
24 encampments whether ordered by state or federal authority or any  
25 other duty requiring the entire time of any organization or person  
26 except when called or drafted into the federal service by the  
27 president of the United States.

28           The term "inactive duty" shall include periods of drill and such  
29 other training and service not requiring the entire time of the  
30 organization or person, as may be required under state or federal  
31 laws, regulations, or orders, including travel to and from such duty.

32           The terms "in service of United States" and "not in service of  
33 United States" as used herein shall be understood to mean the same as  
34 such terms when used in the national defense act of congress and  
35 amendments thereto.

36           The term "military" refers to any or all of the armed forces.

37           The term "armory" refers to any state-owned building, warehouse,  
38 vehicle storage compound, organizational maintenance shop or other  
39 facility and the lands appurtenant thereto used by the Washington

1 national guard for the storage and maintenance of arms or military  
2 equipment or the administration or training of the organized militia.  
3 The term "member" refers to a soldier, ~~((or))~~ airman, or guardian  
4 of the organized militia.

5 **Sec. 3.** RCW 38.42.010 and 2018 c 197 s 1 are each amended to  
6 read as follows:

7 The definitions in this section apply throughout this chapter,  
8 unless the context clearly requires otherwise.

9 (1) "Attorney general" means the attorney general of the state of  
10 Washington or any person designated by the attorney general to carry  
11 out a responsibility of the attorney general under this chapter.

12 (2) "Business loan" means a loan or extension of credit granted  
13 to a business entity that: (a) Is owned and operated by a service  
14 member, in which the service member is either (i) a sole proprietor,  
15 or (ii) the owner of at least fifty percent of the entity; and (b)  
16 experiences a material reduction in revenue due to the service  
17 member's military service.

18 (3) "Dependent" means:

19 (a) The service member's spouse;

20 (b) The service member's minor child; or

21 (c) An individual for whom the service member provided more than  
22 one-half of the individual's support for one hundred eighty days  
23 immediately preceding an application for relief under this chapter.

24 (4) "Financial institution" means an institution as defined in  
25 RCW 30A.22.041.

26 (5) "Judgment" does not include temporary orders as issued by a  
27 judicial court or administrative tribunal in domestic relations cases  
28 under Title 26 RCW, including but not limited to establishment of a  
29 temporary child support obligation, creation of a temporary parenting  
30 plan, or entry of a temporary protective or restraining order.

31 (6) "Military service" means a service member:

32 (a) Under a call to active service authorized by the president of  
33 the United States or the secretary of defense for a period of more  
34 than thirty consecutive days; or

35 (b) Under a call to active service authorized by the governor  
36 under RCW 38.08.040 for a period of more than thirty consecutive  
37 days.

38 (7) "National guard" has the meaning in RCW 38.04.010.

1 (8) "Service member" means an active member of the United States  
2 armed forces, a member of a military reserve component, (~~(or)~~) a  
3 member of the national guard who is either stationed in or a resident  
4 of Washington state, or a member of the United States public health  
5 service commissioned corps or national oceanic and atmospheric  
6 administration commissioned officer corps.

7 **Sec. 4.** RCW 41.18.150 and 2007 c 218 s 55 are each amended to  
8 read as follows:

9 (1) Every person who was a member of the fire department at the  
10 time he or she entered and served in the armed forces or uniformed  
11 services of the United States in time of war, whether as a draftee,  
12 or inductee, and who shall have been discharged from such armed  
13 forces or uniformed services under conditions other than  
14 dishonorable, shall have added and accredited to his or her period of  
15 employment as a firefighter his or her period of war or peacetime  
16 service in the armed forces or uniformed services: PROVIDED, That  
17 such added and accredited service shall not as to any individual  
18 exceed five years.

19 (2) As used in this section, "uniformed services" includes the  
20 United States public health service commissioned corps and the  
21 national oceanic and atmospheric administration commissioned officer  
22 corps.

23 **Sec. 5.** RCW 41.20.050 and 2024 c 146 s 19 are each amended to  
24 read as follows:

25 (1) Whenever a person has been duly appointed, and has served  
26 honorably for a period of (~~(twenty-five)~~) 25 years, as a member, in  
27 any capacity, of the regularly constituted police department of a  
28 city subject to the provisions of this chapter, the board, after  
29 hearing, if one is requested in writing, may order and direct that  
30 such person be retired, and the board shall retire any member so  
31 entitled, upon his or her written request therefor. The member so  
32 retired hereafter shall be paid from the fund during his or her  
33 lifetime a pension equal to (~~(fifty)~~) 50 percent of the amount of  
34 salary at any time hereafter attached to the position held by the  
35 retired member for the year preceding the date of his or her  
36 retirement: PROVIDED, That, except as to a position higher than that  
37 of captain held for at least three calendar years prior to date of  
38 retirement, no such pension shall exceed an amount equivalent to

1 ((fifty)) 50 percent of the salary of captain, and all existing  
2 pensions shall be increased to not less than ((three hundred  
3 dollars)) \$300 per month as of April 25, 1973: PROVIDED FURTHER, That  
4 a person hereafter retiring who has served as a member for more than  
5 ((twenty-five)) 25 years, shall have his or her pension payable under  
6 this section increased by two percent of his or her salary per year  
7 for each full year of such additional service to a maximum of five  
8 additional years.

9 (2) Any person who has served in a position higher than the rank  
10 of captain for a minimum of three years may elect to retire at such  
11 higher position and receive for his or her lifetime a pension equal  
12 to ((fifty)) 50 percent of the amount of the salary at any time  
13 hereafter attached to the position held by such retired member for  
14 the year preceding his or her date of retirement: PROVIDED, That such  
15 person make the said election to retire at a higher position by  
16 September 1, 1969 and at the time of making the said election, pay  
17 into the relief and pension fund in addition to the contribution  
18 required by RCW 41.20.130: ((-1--an)) (a) An amount equal to six  
19 percent of that portion of all monthly salaries previously received  
20 upon which a sum equal to six percent has not been previously  
21 deducted and paid into the police relief and pension fund; ((-2--))  
22 (b) and such person agrees to continue paying into the police relief  
23 and pension fund until the date of retirement, in addition to the  
24 contributions required by RCW 41.20.130, an amount equal to six  
25 percent of that portion of monthly salary upon which a six percent  
26 contribution is not currently deducted pursuant to RCW 41.20.130.

27 (3) Any person affected by this chapter who at the time of  
28 entering the armed services was a member of such police department  
29 and is an honorably discharged veteran or received a discharge for  
30 physical reasons with an honorable record and whose military service  
31 was during a period of war as defined in RCW 41.04.005, or at the  
32 time of entering the uniformed services was a member of such police  
33 department and has served during a period of war and received an  
34 honorable discharge, is actively serving honorably, or received a  
35 discharge for physical reasons with an honorable record, shall have  
36 added to his or her period of employment as computed under this  
37 chapter, his or her period of war service in the armed forces or  
38 uniformed services, but such credited service shall not exceed five  
39 years and such period of service shall be automatically added to each  
40 member's service upon payment by him or her of his or her

1 contribution for the period of his or her absence at the rate  
2 provided in RCW 41.20.130.

3 (4) As used in this section, "uniformed services" includes the  
4 United States public health service commissioned corps and the  
5 national oceanic and atmospheric administration commissioned officer  
6 corps.

7 **Sec. 6.** RCW 41.40.170 and 2024 c 146 s 20 are each amended to  
8 read as follows:

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

15 (2) If he or she has applied or shall apply for reinstatement of  
16 employment, within one year from termination of the military service,  
17 and is refused employment for reasons beyond his or her control, he  
18 or she shall, upon resumption of service within (~~(ten)~~) 10 years have  
19 such service credited to him or her.

20 (3) In any event, after completing (~~(twenty-five)~~) 25 years of  
21 creditable service, any member may have service in the armed forces  
22 or uniformed services credited to him or her as a member whether or  
23 not he or she left the employ of an employer to enter the armed  
24 service or uniformed services: PROVIDED, That in no instance,  
25 described in this section, shall military service in excess of five  
26 years be credited: AND PROVIDED FURTHER, That in each instance the  
27 member must restore all withdrawn accumulated contributions, which  
28 restoration must be completed within five years of membership service  
29 following the first resumption of employment or complete (~~(twenty-~~  
30 ~~five)~~) 25 years of creditable service: AND PROVIDED FURTHER, That  
31 this section will not apply to any individual, not an honorably  
32 discharged veteran or veteran who received a physical discharge from  
33 the armed forces with an honorable record. Furthermore, an individual  
34 must prove that their military service was during a period of war as  
35 defined in RCW 41.04.005 or a member of the uniformed services who  
36 has served during a period of war and received an honorable  
37 discharge, is actively serving honorably, or received a discharge for  
38 physical reasons with an honorable record.

1 (4) (a) A member, after completing (~~twenty-five~~) 25 years of  
2 creditable service, who would have otherwise become eligible for a  
3 retirement benefit as defined under this chapter while serving  
4 honorably in the armed forces, and with service during a period of  
5 war as referenced in RCW 41.04.005 or uniformed services as described  
6 in subsection (3) of this section, shall, upon application to the  
7 department, be eligible to receive credit for this service without  
8 returning to covered employment.

9 (b) Service credit granted under (a) of this subsection applies  
10 only to honorably discharged veterans or veterans who received a  
11 physical discharge with an honorable record whose military service  
12 was during a period of war as defined in RCW 41.04.005 or members of  
13 the uniformed services as described in subsection (3) of this  
14 section.

15 (5) The surviving spouse or eligible child or children of a  
16 member who left the employ of an employer to enter the armed forces  
17 or uniformed services of the United States and died while serving in  
18 the armed forces or uniformed services may, on behalf of the deceased  
19 member, apply for retirement system service credit under this  
20 subsection up to the date of the member's death in the armed forces  
21 or uniformed services. The department shall establish the deceased  
22 member's service credit if the surviving spouse or eligible child or  
23 children:

24 (a) Provides to the director proof of the member's death while  
25 serving in the armed forces or uniformed services; and

26 (b) Provides to the director proof of the member's honorable  
27 service in the armed forces or uniformed services prior to the date  
28 of death.

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

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

39 (b) The member provides to the director proof of honorable  
40 discharge from the armed forces or uniformed services.

1       (7) As used in this section, "uniformed services" includes the  
2 United States public health service commissioned corps and the  
3 national oceanic and atmospheric administration commissioned officer  
4 corps.

5       **Sec. 7.** RCW 43.24.130 and 2024 c 146 s 21 are each amended to  
6 read as follows:

7       (1) Notwithstanding any provision of law to the contrary, the  
8 license of any person licensed by the director of licensing, or the  
9 boards and commissions listed in chapter 18.235 RCW, to practice a  
10 profession or engage in an occupation, if valid and in force and  
11 effect at the time the licensee entered service in the armed forces,  
12 the United States public health service commissioned corps, the  
13 national oceanic and atmospheric administration commissioned officer  
14 corps, or the merchant marine of the United States, shall continue in  
15 full force and effect so long as such service continues, unless  
16 sooner suspended, canceled, or revoked for cause as provided by law.  
17 The director, board, or commission shall renew the license of every  
18 such person who applies for renewal thereof within six months after  
19 being discharged from service with a qualifying discharge as defined  
20 in RCW 73.04.005, upon payment of the renewal fee applicable to the  
21 then current year or other license period.

22       (2) If requested by the licensee, the license of a spouse or  
23 registered domestic partner of a service member in the United States  
24 armed forces, including the United States public health service  
25 commissioned corps and the national oceanic and atmospheric  
26 administration commissioned officer corps, if valid and in force and  
27 effect at the time the service member is deployed or stationed in a  
28 location outside Washington state, must be placed in inactive  
29 military spouse or registered domestic partner status so long as such  
30 service continues, unless sooner suspended, canceled, or revoked for  
31 cause as provided by law. The director, board, or commission shall  
32 return to active status the license of every such person who applies  
33 for activation within six months after returning to Washington state,  
34 upon payment of the current renewal fee and meeting the current  
35 renewal conditions of the respective license.

36       (3) The director, board, or commission may adopt any rules  
37 necessary to implement this section.



1       **Sec. 8.** RCW 41.04.010 and 2024 c 146 s 14 are each amended to  
2 read as follows:

3       (1) In all competitive examinations, unless otherwise provided in  
4 this section, to determine the qualifications of applicants for  
5 public offices, positions, or employment, either the state, and all  
6 of its political subdivisions and all municipal corporations, or  
7 private companies or agencies contracted with by the state to give  
8 the competitive examinations shall give a scoring criteria status to  
9 all veterans as defined in RCW 41.04.007 and members of the uniformed  
10 services as defined in this section, by adding to the passing mark,  
11 grade or rating only, based upon a possible rating of one hundred  
12 points as perfect a percentage in accordance with the following:

13       ~~((1))~~ (a) Ten percent to a veteran or member of the uniformed  
14 services who served during a period of war or in an armed conflict as  
15 defined in RCW 41.04.005 and does not receive military retirement.  
16 The percentage shall be added to the passing mark, grade, or rating  
17 of competitive examinations until the veteran's or uniformed service  
18 member's first appointment. The percentage shall not be utilized in  
19 promotional examinations;

20       ~~((2))~~ (b) Five percent to a veteran or member of the uniformed  
21 services who did not serve during a period of war or in an armed  
22 conflict as defined in RCW 41.04.005 or is receiving military  
23 retirement. The percentage shall be added to the passing mark, grade,  
24 or rating of competitive examinations until the veteran's or  
25 uniformed service member's first appointment. The percentage shall  
26 not be utilized in promotional examinations;

27       ~~((3))~~ (c) Five percent to a veteran or member of the uniformed  
28 services who was called to active military service from employment  
29 with the state or any of its political subdivisions or municipal  
30 corporations. The percentage shall be added to promotional  
31 examinations until the first promotion only;

32       ~~((4))~~ (d) All veterans' scoring criteria may be claimed:

33       ~~((a))~~ (i) Upon release from active military service with a  
34 qualifying discharge as defined in RCW 73.04.005; or

35       ~~((b))~~ (ii) Upon receipt of a United States department of  
36 defense discharge document DD form 214, NGB form 22, or their  
37 equivalent or successor discharge paperwork, that characterizes his  
38 or her discharge as a qualifying discharge as defined in RCW  
39 73.04.005.

1       (2) As used in this section, "member of the uniformed services"  
2 or "uniformed services member" means a person serving or who has  
3 served in the United States public health service commissioned corps  
4 or the national oceanic and atmospheric administration commissioned  
5 officer corps who received a qualifying discharge as defined in RCW  
6 73.04.005 or is actively serving honorably.

7       **Sec. 9.** RCW 41.44.030 and 2012 c 117 s 61 are each reenacted and  
8 amended to read as follows:

9       As used in this chapter, unless a different meaning is plainly  
10 required by the context:

11       (1) "Accumulated additional contributions" means the sum of all  
12 "additional contributions" made by a member standing to the credit of  
13 the individual account, together with regular interest thereon.

14       (2) "Accumulated normal contributions" means the sum of all  
15 normal contributions, deducted from the compensation of a member,  
16 standing to the credit of his or her individual account, together  
17 with regular interest thereon.

18       (3) "Actuarial equivalent" means a benefit of equal value when  
19 computed at regular interest upon the basis of such mortality tables  
20 as shall be adopted by the board of trustees.

21       (4) "Additional contributions" means contributions made pursuant  
22 to (~~(subsection (6) of)~~) RCW 41.44.130(6).

23       (5) "Annuity" means payments derived from contributions made by a  
24 member as provided herein.

25       (6) "Beneficiary" means any person in receipt of a pension,  
26 annuity, retirement allowance, disability allowance, or any other  
27 benefit herein.

28       (7) "Board" means the "board of trustees" provided for herein.

29       (8) "City" or "cities" includes town or towns.

30       (9) "Compensation" means the compensation payable in cash, plus  
31 the monetary value, as determined by the board of trustees, of any  
32 allowance in lieu thereof (but for the purposes of this chapter such  
33 "compensation" shall not exceed three hundred dollars per month,  
34 except as to those employees of any member city the legislative body  
35 of which shall not later than July 1, 1953, have irrevocably elected  
36 by resolution or ordinance to increase the limitation herein  
37 contained, effective as to all of its employees, from three hundred  
38 dollars to four hundred dollars, commencing on said date, or which  
39 shall so elect prior to January 1st of any succeeding year, effective

1 as of January 1st of any such succeeding year, and as to such  
2 employees shall, commencing on the specified date, not exceed four  
3 hundred dollars or an amount equal to such increased limitation  
4 established by such ordinance or resolution per month): PROVIDED  
5 HOWEVER, That the foregoing limitation shall not apply to uniformed  
6 personnel.

7 (10) "Compensation earnable" means the full rate of compensation  
8 that would be payable to an employee if he or she worked the full  
9 normal working time (but for the purposes of this chapter, such  
10 "compensation earnable" shall not exceed three hundred dollars per  
11 month, except as to those employees of any member city the  
12 legislative body of which shall not later than July 1, 1953, have  
13 irrevocably elected by resolution or ordinance to increase the  
14 limitation herein contained, effective as to all of its employees,  
15 from three hundred dollars to four hundred dollars, commencing on  
16 said date, or which shall so elect prior to January 1st of any  
17 succeeding year, effective as of January 1st of any such succeeding  
18 year, and as to such employees shall, commencing on the specified  
19 date, not exceed four hundred dollars or an amount equal to such  
20 increased limitation established by such ordinance or resolution per  
21 month): PROVIDED, HOWEVER, That the foregoing limitation shall not  
22 apply to uniformed personnel: PROVIDED FURTHER, That after January 1,  
23 1968, this term shall mean the full rate of compensation payable to  
24 an employee if he or she worked the full normal working time.

25 (11) "Creditable service" means such service as is evidenced by  
26 the record of normal contributions, plus prior service as evidenced  
27 by prior service certificate.

28 (12) "Current service" means service after the employee has  
29 become a member of the system.

30 (13) "Effective date" when used with regard to employees means  
31 the date on which any individual or group of employees became members  
32 of any retirement system and when used with regard to any city or  
33 town shall mean the date on which it became a participant.

34 (14) "Employee" means any appointive officer or employee and  
35 shall include elective officials to the extent specified herein.

36 (15) "Excess interest income" means that interest income earned  
37 and received from investments in excess of the interest income on  
38 investments required to meet actuarial funding requirements.

39 (16) "Final compensation" means the highest average annual  
40 compensation earnable in any five consecutive years of actual service

1 rendered during the ten years immediately preceding retirement, or  
2 where the employee has less than five consecutive years of actual  
3 service, the earnable compensation for the last five years preceding  
4 his or her retirement.

5 (17) "Fiscal year" means any year commencing with January 1st and  
6 ending with December 31st next following.

7 (18) "Matching contribution" means the contribution of the city  
8 deposited in an amount equal to the normal contributions of the  
9 employee.

10 (19) "Member" means any person included in the membership of the  
11 retirement system as provided herein.

12 (20) "Miscellaneous personnel" means officers and employees other  
13 than those in the uniformed police or fire service: PROVIDED, Those  
14 members of the fire department who are ineligible to the benefits of  
15 a firefighters' pension system established by or pursuant to any  
16 other state law, are also included in the miscellaneous personnel.

17 (21) "Normal contributions" means the contributions at the rate  
18 provided for in RCW 41.44.130, excluding those referred to in  
19 (~~subsection (6)~~) RCW 41.44.130(6).

20 (22) "Part time employees" means those employees who, although  
21 regularly and continuously employed, do not regularly perform their  
22 duties the full number of hours required of other regular employees,  
23 including but not confined to such employees as police judges, city  
24 attorneys, and other officers and employees who are also engaged in  
25 outside employment or occupations.

26 (23) "Pension" means payments derived from contributions made by  
27 the city as provided herein.

28 (24) "Persons having an insurable interest in his or her life"  
29 means and includes only such persons who, because of relationship  
30 from ties of blood or marriage, have reason to expect some benefit  
31 from the continuation of the life of the member.

32 (25) "Prior service" means the service of a member for  
33 compensation rendered a city prior to the effective date and shall  
34 include service in the armed forces of the United States to the  
35 extent specified herein and service specified in RCW 41.44.120(5).

36 (26) "Regular interest" means interest compounded annually at  
37 such rate as shall have been adopted by the board of trustees in  
38 accordance with the provisions of this chapter.

39 (27) "Released matching contributions" means such "matching  
40 contributions" as are no longer held for the benefit of the employee.

1 (28) "Retirement allowance" means the pension plus annuity.

2 (29) "Retirement fund" means "statewide city employees retirement  
3 fund" provided for herein.

4 (30) "Retirement system" means the statewide city employees  
5 retirement system provided for herein.

6 (31) "Service" means service rendered to a city for compensation;  
7 and for the purpose of this chapter a member shall be considered as  
8 being in service only while he or she is receiving compensation from  
9 the city for such service or is on leave granted for service in the  
10 armed forces or uniformed services of the United States as  
11 contemplated in RCW 41.44.120.

12 (32) "Uniformed personnel" means any employee who is a police  
13 officer in service or who is subject to call to active service or  
14 duty as such.

15 (33) "Uniformed services" includes the United States public  
16 health service commissioned corps and the national oceanic and  
17 atmospheric administration commissioned officer corps.

18 **Sec. 10.** RCW 41.44.120 and 2012 c 117 s 65 are each amended to  
19 read as follows:

20 (1) Subject to subsections (4) and (5) of this section the  
21 following members shall be entitled to prior service credit:

22 (a) Each member in service on the effective date.

23 (b) Each member entering after the effective date if such entry  
24 is within one year after rendering service prior to the effective  
25 date.

26 (c) Each member entering in accordance with the provisions and  
27 subject to the conditions and limitations prescribed in subsection  
28 (5) of this section.

29 As soon as practicable, the board shall issue to each member  
30 entitled to prior service credit a certificate certifying the  
31 aggregate length of service rendered prior to the effective date.  
32 Such certificate shall be final and conclusive as to his or her prior  
33 service unless hereafter modified by the board, upon application of  
34 the member.

35 (2) Each city joining the system shall have the privilege of  
36 selecting the rate at which prior service pensions shall be  
37 calculated for its employees and may select any one of the three  
38 rates set forth below:

1 (a) 1.33% of final compensation multiplied by the number of years  
2 of prior service credited to the member. This rate may be referred to  
3 as "full prior service credit."

4 (b) 1.00% of final compensation multiplied by the number of years  
5 of prior service credited to the member. This rate may be referred to  
6 as "full prior service credit."

7 (c) .667% of final compensation multiplied by the number of years  
8 of prior service credited to the member. This rate may be referred to  
9 as "one-half prior service credit."

10 (3) The above rates shall apply at the age of sixty-two or over  
11 for members included in the miscellaneous personnel and at age sixty  
12 or over for members in the uniformed personnel: PROVIDED, That if a  
13 member shall retire before attaining either of the ages above  
14 referred to, the total prior service pension shall be reduced to the  
15 percentages computed and established in accordance with the following  
16 tables, to wit:

Miscellaneous Personnel					
Percent of Full Prior Service Allowable					
Male			Female		
Age		Factor	Age		Factor
45	.....	65.48	45	.....	66.78
46	.....	66.86	46	.....	67.91
47	.....	68.29	47	.....	69.09
48	.....	69.77	48	.....	70.34
49	.....	71.28	49	.....	71.67
50	.....	72.82	50	.....	73.10
51	.....	74.43	51	.....	74.71
52	.....	76.13	52	.....	76.41
53	.....	77.93	53	.....	78.21
54	.....	79.84	54	.....	80.11
55	.....	81.86	55	.....	82.12
56	.....	84.00	56	.....	84.24
57	.....	86.28	57	.....	86.50
58	.....	88.69	58	.....	88.89
59	.....	91.26	59	.....	91.42
60	.....	94.00	60	.....	94.11
61	.....	96.90	61	.....	96.96

1	62	.....	100.00	62	.....	100.00
2	Percent of Full Prior Service Allowable					
3	Uniformed Personnel					
4	Age					Factor
5	45	.....				69.66
6	46	.....				71.13
7	47	.....				72.65
8	48	.....				74.22
9	49	.....				75.83
10	50	.....				77.47
11	51	.....				79.18
12	52	.....				80.99
13	53	.....				82.91
14	54	.....				84.93
15	55	.....				87.09
16	56	.....				89.37
17	57	.....				91.79
18	58	.....				94.36
19	59	.....				97.09
20	60	.....				100.00

21           (4) If sickness, injury, or service in the armed forces or  
22 uniformed services of the United States during the national emergency  
23 identified with World War I or World War II and/or service in the  
24 armed forces or uniformed services of the United States of America  
25 for extended active duty by any employee who shall have been  
26 regularly granted a leave of absence from the city service by reason  
27 thereof, prevents any regular employee from being in service on the  
28 effective date, the board shall grant prior service credit to such  
29 person when he or she is again employed. The legislative authority in  
30 each participating city shall specify the amount of prior service to  
31 be granted or current service credit to be made available to such  
32 employees: PROVIDED, That in no case shall such service credit exceed  
33 five years. Certificate of honorable discharge from or documentary  
34 evidence of such service shall be submitted to the board before any  
35 such credit may be granted or made available. Prior or current

1 service rates, or both, for such employees shall not exceed the rates  
2 established for fellow employees.

3 (5) There shall be granted to any person who was an employee of a  
4 private enterprise or a portion thereof which shall be hereafter  
5 acquired by a city as a matter of public convenience or necessity,  
6 where it is in the public interest to retain the trained personnel of  
7 such enterprise or portion thereof, credit for prior service for the  
8 period such person was actually employed by such private enterprise,  
9 except that this shall apply only to those persons who shall be  
10 employees of such enterprise or portion thereof at the time of its  
11 acquisition by the city and who remain in the service of such city  
12 until the effective date of membership of such person under this  
13 chapter.

14 There shall be granted to any person who was an employee of any  
15 state association of cities and towns, which association elects to  
16 participate in the retirement system established by this chapter,  
17 credit for prior service for the period such person was actually  
18 employed by such association, except that this shall apply only to  
19 those persons who shall be employees of such association on May 21,  
20 1971.

21 Credit for such prior service shall be given only if payment for  
22 the additional cost of including such service has been made or if  
23 payment of such additional cost or reimbursement therefor has been  
24 otherwise provided for to the satisfaction of the board or if such  
25 person be entitled to any private pension or retirement benefits as a  
26 result of such service with such private enterprise, credit will be  
27 given only if he or she agrees at the time of his or her employment  
28 by the municipality to accept a reduction in the payment of any  
29 benefits payable under this chapter that are based in whole or in  
30 part on such added and accredited service by the amount of these  
31 private pension or retirement benefits received. The conditions and  
32 limitations provided for in this subsection (5) shall be embodied in  
33 any certificate of prior service issued or granted by the board where  
34 any portion of the prior service credited under this subsection is  
35 included therein.

36 The city may receive payments for these purposes from a third  
37 party and shall make from such payments contributions with respect to  
38 such prior service as may be necessary to enable the fund to assume  
39 its obligations.



1       **Sec. 11.** RCW 73.16.031 and 2001 c 133 s 3 are each amended to  
2 read as follows:

3       The definitions in this section apply throughout this chapter  
4 unless the context clearly requires otherwise.

5       (1) "Attorney general" means the attorney general of the state of  
6 Washington or any person designated by the attorney general to carry  
7 out a responsibility of the attorney general under this chapter.

8       (2) "Benefit," "benefit of employment," or "rights and benefits"  
9 means any advantage, profit, privilege, gain, status, account, or  
10 interest (other than wages or salary for work performed) that accrues  
11 by reason of an employment contract or agreement or an employer  
12 policy, plan, or practice and includes rights and benefits under a  
13 pension plan, a health plan, an employee stock ownership plan,  
14 insurance coverage and awards, bonuses, severance pay, supplemental  
15 unemployment benefits, vacations, and the opportunity to select work  
16 hours or location of employment.

17       (3) "Employee" means a person in a position of employment.

18       (4) "Employer" means the person, firm, or corporation, the state,  
19 or any elected or appointed public official currently having control  
20 over the position that has been vacated.

21       (5) "Health plan" means an insurance policy or contract, medical  
22 or hospital service agreement, membership or subscription contract,  
23 or other arrangement under which health services for individuals are  
24 provided or the expenses of such services are paid.

25       (6) "Notice" means any written or verbal notification of an  
26 obligation or intention to perform service in the uniformed services  
27 provided to an employer by the employee who will perform such service  
28 or by the uniformed service in which such service is to be performed.

29       (7) "Position of employment" means any position (other than  
30 temporary) wherein a person is engaged for a private employer,  
31 company, corporation, or the state.

32       (8) "Qualified," with respect to an employment position, means  
33 having the ability to perform the essential tasks of the position.

34       (9) "Rejectee" means a person rejected because he or she is not,  
35 physically or otherwise, qualified to enter the uniformed service.

36       (10) "Resident" means any person residing in the state with the  
37 intent to remain other than on a temporary or transient basis.

38       (11) "Seniority" means longevity in employment together with any  
39 benefits of employment which accrue with, or are determined by,  
40 longevity in employment.

1 (12) "Service in the uniformed services" means the performance of  
2 duty on a voluntary or involuntary basis in a uniformed service under  
3 competent authority and includes active duty, active duty for  
4 training, initial active duty for training, inactive duty training,  
5 full-time national guard duty (including state-ordered active duty),  
6 and a period for which a person is absent from a position of  
7 employment for the purpose of an examination to determine the fitness  
8 of the person to perform any such duty.

9 (13) "State" means the state of Washington, including the  
10 agencies and political subdivisions thereof.

11 (14) "Temporary position" means a position of short duration  
12 which, after being vacated, ceases to exist and wherein the employee  
13 has been advised as to its temporary nature prior to his or her  
14 engagement.

15 (15) "Undue hardship," in the case of actions taken by an  
16 employer, means actions requiring significant difficulty or expense  
17 when considered in light of:

18 (a) The nature and cost of the action needed under this chapter;

19 (b) The overall financial resources of the facility or facilities  
20 involved in the provision of the action; the number of persons  
21 employed at such facility; the effect on expenses and resources; or  
22 the impact otherwise of such action upon the operation of the  
23 facility; and

24 (c) The type of operation or operations of the employer,  
25 including the composition, structure, and functions of the workforce  
26 of such employer, the geographic separateness, administrative, or  
27 fiscal relationship of the facility or facilities in question to the  
28 employer.

29 (16) "Uniformed services" means the armed forces, the army  
30 national guard, and the air national guard of any state, territory,  
31 commonwealth, possession, or district when engaged in active duty for  
32 training, inactive duty training, full-time national guard duty, or  
33 state active duty, the commissioned corps of the public health  
34 service, the national oceanic and atmospheric administration  
35 commissioned officer corps, the coast guard, and any other category  
36 of persons designated by the president of the United States in time  
37 of war or national emergency.

38 **Sec. 12.** RCW 73.16.010 and 2024 c 146 s 33 are each amended to  
39 read as follows:

1       (1) In every public department, and upon all public works of the  
2 state, and of any county thereof, soldiers, sailors, guardians,  
3 marines and other members of the uniformed services (~~who are~~  
4 veterans of any war of the United States, or of any military campaign  
5 for which a campaign ribbon shall have been awarded)) with a  
6 qualifying discharge as defined in ((RCW 73.04.005)) this section,  
7 and their widows or widowers, shall be preferred for appointment and  
8 employment. Age, loss of limb, or other physical impairment, which  
9 does not in fact incapacitate, shall not be deemed to disqualify  
10 them, provided they possess the capacity necessary to discharge the  
11 duties of the position involved: ((PROVIDED, That)) Spouses of active  
12 duty service members and spouses of veterans with a qualifying  
13 discharge as defined in ((RCW 73.04.005)) this section and who have a  
14 service connected permanent and total disability shall also be  
15 preferred for appointment and employment.

16       (2) For purposes of this section, a "qualifying discharge" means:

17       (a) A discharge with an honorable characterization of service;

18       (b) A discharge with a general under honorable conditions  
19 characterization of service; or

20       (c) Any characterization of service if the reason for discharge  
21 was listed as solely due to: (i) An individual's sexual orientation,  
22 gender identity, or gender expression; (ii) statements, consensual  
23 sexual conduct, or consensual acts relating to sexual orientation,  
24 gender identity, or gender expression unless the statements, conduct,  
25 or acts are or were prohibited by the uniform code of military  
26 justice on grounds other than the person's sexual orientation, gender  
27 identity, or gender expression; or (iii) the disclosure of  
28 statements, conduct, or acts relating to sexual orientation, gender  
29 identity, or gender expression to military officials.

30       (3) To prove a qualifying discharge, an individual must comply  
31 with RCW 73.04.005(2).

32       (4) "Veteran" has the same meaning as RCW 41.04.005 and  
33 41.04.007, and includes a current member of the national guard or  
34 armed forces reserves who has been deployed to serve in an armed  
35 conflict.

36       **Sec. 13.** RCW 73.16.051 and 2001 c 133 s 7 are each amended to  
37 read as follows:

38       Any person who is entitled to be restored to a position in  
39 accordance with this chapter shall be considered as having been on

1 furlough or leave of absence, from his or her position of employment,  
2 during his or her period of active military duty or service, or  
3 period of service in any of the other uniformed services, and he or  
4 she shall be so restored without loss of seniority. He or she shall  
5 further be entitled to participate in insurance, vacations,  
6 retirement pay, and other benefits offered by the employer pursuant  
7 to established rules and practices relating to employees on furlough  
8 or leave of absence in effect with the employer at the time such  
9 person was ordered into the service; and he or she shall not be  
10 discharged from such position without cause within one year after  
11 restoration.

12 **Sec. 14.** RCW 73.16.110 and 2011 c 144 s 1 are each amended to  
13 read as follows:

14 (1) The legislature intends to establish a permissive preference  
15 in private employment for certain veterans and military spouses.

16 (2) In every private, nonpublic employment in this state,  
17 (~~honorably discharged~~) soldiers, sailors, (~~and~~) marines (~~who are~~  
18 ~~veterans of any war of the United States, or of any military campaign~~  
19 ~~for which a campaign ribbon has been awarded~~), guardians, and  
20 uniformed service members, with a qualifying discharge as defined in  
21 RCW 73.16.010, and their widows or widowers, may be preferred for  
22 employment. Spouses of (~~honorably discharged veterans~~) active duty  
23 service members and spouses of veterans with a qualifying discharge  
24 who have a service connected permanent and total disability may also  
25 be preferred for employment. These preferences are not considered  
26 violations of any state or local equal employment opportunity law,  
27 including but not limited to any statute or regulation adopted under  
28 chapter 49.60 RCW.

29 (3) "Veteran" has the same meanings as defined in RCW 41.04.005  
30 and 41.04.007, and includes a current member of the national guard or  
31 armed forces reserves who has been deployed to serve in an armed  
32 conflict.

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