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**HOUSE BILL 1814**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Representatives Corry and Chapman

1 AN ACT Relating to the reemployment and pension service credit of  
2 public employees separated from service due to a vaccination mandate;  
3 amending RCW 41.26.520, 41.32.810, 41.32.865, 41.35.470, 41.35.650,  
4 41.37.260, 41.40.710, 41.40.805, and 43.43.260; adding a new section  
5 to chapter 41.04 RCW; creating a new section; and declaring an  
6 emergency.

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

8 NEW SECTION. **Sec. 1.** The legislature finds that governor  
9 executive order 22-13 required nearly all state employees to be  
10 vaccinated and boosted against COVID-19. This order resulted in the  
11 loss of nearly 1,900 state employees, including 400 transportation  
12 workers, which led to curtailed ferry service, reduced snowplow  
13 service, and fewer state patrol officers. The legislature further  
14 finds that vaccine requirements for state employees continue to  
15 evolve as the most recently negotiated state employee collective  
16 bargaining agreements remove the vaccine booster requirement and  
17 replace it with a \$1,000 incentive payment. In light of recent and  
18 future changes to employer mandated vaccination policies, it is the  
19 intent of the legislature to facilitate the efficient return of state  
20 employees who separated from employment due to mandatory vaccination  
21 policies, by providing a hiring preference. It is also the intent of

1 the legislature to permit these individuals, employed by both the  
2 state and local governments, to make employee contributions and  
3 receive state retirement system service credit for specified periods  
4 of work missed due to employer mandated vaccination policies.

5 NEW SECTION. **Sec. 2.** A new section is added to chapter 41.04  
6 RCW to read as follows:

7 (1) In all competitive examinations, unless otherwise provided in  
8 this section, to determine the qualifications of applicants for  
9 public offices, positions, or employment, either the state, and all  
10 of its political subdivisions and all municipal corporations, or  
11 private companies or agencies contracted with by the state to give  
12 the competitive examinations shall give a scoring criteria status to  
13 individuals separated from employment due to vaccination status  
14 during the 2020, 2021, or 2022 calendar years. This preference must  
15 be implemented by adding 10 percent to the passing mark, grade or  
16 rating only, based upon a possible rating of 100 points.

17 (2) The vaccination status scoring criteria may be claimed upon  
18 submission by an applicant to a prospective employer, as listed in  
19 subsection (1) of this section, of either proof of dismissal related  
20 to vaccination status, or proof of the prior employer's vaccination  
21 policy, and an affidavit that the applicant separated from employment  
22 due to the employer policy.

23 **Sec. 3.** RCW 41.26.520 and 2016 c 115 s 2 are each amended to  
24 read as follows:

25 (1) A member who is on a paid leave of absence authorized by a  
26 member's employer shall continue to receive service credit as  
27 provided for under the provisions of RCW 41.26.410 through 41.26.550.

28 (2) A member who receives compensation from an employer while on  
29 an authorized leave of absence to serve as an elected official of a  
30 labor organization, and whose employer is reimbursed by the labor  
31 organization for the compensation paid to the member during the  
32 period of absence, may also be considered to be on a paid leave of  
33 absence. This subsection shall only apply if the member's leave of  
34 absence is authorized by a collective bargaining agreement that  
35 provides that the member retains seniority rights with the employer  
36 during the period of leave. The basic salary reported for a member  
37 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's interruptive military service was during a  
18 period of war as defined in RCW 41.04.005. Any member who made  
19 payments for service credit for interruptive military service during  
20 a period of war as defined in RCW 41.04.005 may, prior to retirement  
21 and on a form provided by the department, request a refund of the  
22 funds standing to his or her credit for up to five years of such  
23 service, and this amount shall be paid to him or her. Members with  
24 one or more periods of interruptive military service credit during a  
25 period of war may receive no more than five years of free retirement  
26 system service credit under this subsection.

27 (b) Upon receipt of member contributions under (a)(ii), (d)(iii),  
28 or (e)(iii) of this subsection, or adequate proof under (a)(iv),  
29 (d)(iv), or (e)(iv) of this subsection, the department shall  
30 establish the member's service credit and shall bill the employer and  
31 the state for their respective contributions required under RCW  
32 41.26.450 for the period of military service, plus interest as  
33 determined by the department.

34 (c) The contributions required under (a)(ii), (d)(iii), or  
35 (e)(iii) of this subsection shall be based on the compensation the  
36 member would have earned if not on leave, or if that cannot be  
37 estimated with reasonable certainty, the compensation reported for  
38 the member in the year prior to when the member went on military  
39 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's interruptive military service was  
18 during a period of war as defined in RCW 41.04.005. If the deceased  
19 member made payments for service credit for interruptive military  
20 service during a period of war as defined in RCW 41.04.005, the  
21 surviving spouse or eligible child or children may, prior to the  
22 distribution of any benefit and on a form provided by the department,  
23 request a refund of the funds standing to the deceased member's  
24 credit for up to five years of such service, and this amount shall be  
25 paid to the surviving spouse or children. Members with one or more  
26 periods of interruptive military service during a period of war may  
27 receive no more than five years of free retirement system service  
28 credit under this subsection.

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

35 (i) 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 uniformed  
38 services;

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

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

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

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

29 (g) A member who leaves the employ of an employer to enter the  
30 uniformed services of the United States, federal emergency management  
31 agency, or national disaster medical system of the United States  
32 department of health and human services and becomes totally  
33 incapacitated for continued employment by an employer while providing  
34 such service is entitled to retirement system service credit under  
35 this subsection up to the date of separation from such service if the  
36 member obtains a determination from the director that he or she is  
37 totally incapacitated for continued employment due to conditions or  
38 events that occurred while performing such service.

39 (8) A member who leaves the employ of an employer voluntarily or  
40 involuntarily due to the imposition of an employer mandate to receive

1 a vaccination after January 1, 2020, is entitled to retirement system  
2 service credit for up to five years of service credit.

3 (a) The member qualifies for service credit under this subsection  
4 if:

5 (i) (A) Within 90 days of the member's return to retirement  
6 system-covered employment related to a vaccination mandate-related  
7 separation, the member applies for vaccination mandate service  
8 credit; and

9 (B) The member makes the employee contributions required under  
10 RCW 41.45.061 and 41.45.067 within five years of resumption of  
11 service or prior to retirement, whichever comes sooner; or

12 (ii) Prior to retirement and not within 90 days of the member's  
13 return to retirement system-covered employment related to a  
14 vaccination mandate-related separation or five years of resumption of  
15 service the member pays the amount required under RCW 41.50.165(2).

16 (b) Upon receipt of member contributions under (a) of this  
17 subsection the department shall establish the member's service credit  
18 and shall bill the employer for its contribution required under RCW  
19 41.45.060, 41.45.061, and 41.45.067 for the period of vaccination  
20 mandate-related separation, plus interest as determined by the  
21 department.

22 (c) The contributions required under (a) of this subsection shall  
23 be based on the compensation the member would have earned if no  
24 vaccination mandate-related separation had occurred, or if that  
25 cannot be estimated with reasonable certainty, the compensation  
26 reported for the member in the year prior to when the member was  
27 subject to a vaccination mandate-related separation.

28 (9) A member receiving benefits under Title 51 RCW who is not  
29 receiving benefits under this chapter shall be deemed to be on  
30 unpaid, authorized leave of absence.

31 **Sec. 4.** RCW 41.32.810 and 2009 c 205 s 6 are each amended to  
32 read as follows:

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

36 (2) A member who receives compensation from an employer while on  
37 an authorized leave of absence to serve as an elected official of a  
38 labor organization, and whose employer is reimbursed by the labor  
39 organization for the compensation paid to the member during the

1 period of absence, may also be considered to be on a paid leave of  
2 absence. This subsection shall only apply if the member's leave of  
3 absence is authorized by a collective bargaining agreement that  
4 provides that the member retains seniority rights with the employer  
5 during the period of leave. The earnable compensation reported for a  
6 member who establishes service credit under this subsection may not  
7 be greater than the salary paid to the highest paid job class covered  
8 by the collective bargaining agreement.

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

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

24 (5) For the purpose of subsection (3) of this section, the  
25 contribution shall not include the contribution for the unfunded  
26 supplemental present value as required by RCW 41.32.775. The  
27 contributions required shall be based on the average of the member's  
28 earnable compensation at both the time the authorized leave of  
29 absence was granted and the time the member resumed employment.

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

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

38 (i) Within ninety days of the member's honorable discharge from  
39 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 41.32.775 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's interruptive military service was during a  
11 period of war as defined in RCW 41.04.005. Any member who made  
12 payments for service credit for interruptive military service during  
13 a period of war as defined in RCW 41.04.005 may, prior to retirement  
14 and on a form provided by the department, request a refund of the  
15 funds standing to his or her credit for up to five years of such  
16 service, and this amount shall be paid to him or her. Members with  
17 one or more periods of interruptive military service credit during a  
18 period of war may receive no more than five years of free retirement  
19 system service credit under this subsection.

20 (b) Upon receipt of member contributions under (a)(ii), (d)(iii),  
21 or (e)(iii) of this subsection, or adequate proof under (a)(iv),  
22 (d)(iv), or (e)(iv) of this subsection, the department shall  
23 establish the member's service credit and shall bill the employer for  
24 its contribution required under RCW 41.32.775 for the period of  
25 military service, plus interest as determined by the department.

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

32 (d) The surviving spouse or eligible child or children of a  
33 member who left the employ of an employer to enter the uniformed  
34 services of the United States and died while serving in the uniformed  
35 services may, on behalf of the deceased member, apply for retirement  
36 system service credit under this subsection up to the date of the  
37 member's death in the uniformed services. The department shall  
38 establish the deceased member's service credit if the surviving  
39 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's interruptive military service was  
10 during a period of war as defined in RCW 41.04.005. If the deceased  
11 member made payments for service credit for interruptive military  
12 service during a period of war as defined in RCW 41.04.005, the  
13 surviving spouse or eligible child or children may, prior to the  
14 distribution of any benefit and on a form provided by the department,  
15 request a refund of the funds standing to the deceased member's  
16 credit for up to five years of such service, and this amount shall be  
17 paid to the surviving spouse or children. Members with one or more  
18 periods of interruptive military service during a period of war may  
19 receive no more than five years of free retirement system service  
20 credit under this subsection.

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

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

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

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

37 (iv) Prior to retirement the member provides to the director  
38 proof that the member's interruptive military service was during a  
39 period of war as defined in RCW 41.04.005. Any member who made  
40 payments for service credit for interruptive military service during

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

8 (7) A member who leaves the employ of an employer voluntarily or  
9 involuntarily due to the imposition of an employer mandate to receive  
10 a vaccination after January 1, 2020, is entitled to retirement system  
11 service credit for up to five years of service credit.

12 (a) The member qualifies for service credit under this subsection  
13 if:

14 (i) (A) Within 90 days of the member's return to retirement  
15 system-covered employment related to a vaccination mandate-related  
16 separation, the member applies for vaccination mandate service  
17 credit; and

18 (B) The member makes the employee contributions required under  
19 RCW 41.45.061 and 41.45.067 within five years of resumption of  
20 service or prior to retirement, whichever comes sooner; or

21 (ii) Prior to retirement and not within 90 days of the member's  
22 return to retirement system-covered employment related to a  
23 vaccination mandate-related separation or five years of resumption of  
24 service the member pays the amount required under RCW 41.50.165(2).

25 (b) Upon receipt of member contributions under (a) of this  
26 subsection the department shall establish the member's service credit  
27 and shall bill the employer for its contribution required under RCW  
28 41.45.060, 41.45.061, and 41.45.067 for the period of vaccination  
29 mandate-related separation, plus interest as determined by the  
30 department.

31 (c) The contributions required under (a) of this subsection shall  
32 be based on the compensation the member would have earned if no  
33 vaccination mandate-related separation had occurred, or if that  
34 cannot be estimated with reasonable certainty, the compensation  
35 reported for the member in the year prior to when the member was  
36 subject to a vaccination mandate-related separation.

37 **Sec. 5.** RCW 41.32.865 and 2009 c 205 s 7 are each amended to  
38 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.

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

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

20 (a) The member makes the contribution on behalf of the employer,  
21 plus interest, as determined by the department; and

22 (b) The member makes the employee contribution, plus interest, as  
23 determined by the department, to the defined contribution portion.

24 The contributions required shall be based on the average of the  
25 member's earnable compensation at both the time the authorized leave  
26 of absence was granted and the time the 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 if within ninety days of the member's honorable discharge  
31 from the uniformed services of the United States, the member applies  
32 for reemployment with the employer who employed the member  
33 immediately prior to the member entering the uniformed services. This  
34 subsection shall be administered in a manner consistent with the  
35 requirements of the federal uniformed services employment and  
36 reemployment rights act.

37 The department shall establish the member's service credit and  
38 shall bill the employer for its contribution required under chapter  
39 239, Laws of 1995 for the period of military service, plus interest  
40 as determined by the department. Service credit under this subsection

1 may be obtained only if the member makes the employee contribution to  
2 the defined contribution portion as determined by the department, or  
3 prior to retirement, the member provides to the director proof that  
4 the member's interruptive military service was during a period of war  
5 as defined in RCW 41.04.005. Any member who made payments for service  
6 credit for interruptive military service during a period of war as  
7 defined in RCW 41.04.005 may, prior to retirement and on a form  
8 provided by the department, request a refund of the funds standing to  
9 his or her credit for up to five years of such service, and this  
10 amount shall be paid to him or her. Members with one or more periods  
11 of interruptive military service during a period of war may receive  
12 no more than five years of free retirement system service credit  
13 under this subsection.

14 The contributions required shall be based on the compensation the  
15 member would have earned if not on leave, or if that cannot be  
16 estimated with reasonable certainty, the compensation reported for  
17 the member in the year prior to when the member went on military  
18 leave.

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

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

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

31 (iii) Pays the employee contributions required under this  
32 subsection within five years of the date of death or prior to the  
33 distribution of any benefit, whichever comes first; or

34 (iv) Prior to the distribution of any benefit, provides to the  
35 director proof that the member's interruptive military service was  
36 during a period of war as defined in RCW 41.04.005. If the deceased  
37 member made payments for service credit for interruptive military  
38 service during a period of war as defined in RCW 41.04.005, the  
39 surviving spouse or eligible child or children may, prior to the  
40 distribution of any benefit and on a form provided by the department,

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

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

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

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

19 (iii) The member pays the employee contributions required under  
20 this subsection within five years of the director's determination of  
21 total disability or prior to the distribution of any benefit,  
22 whichever comes first; or

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

34 (5) A member who leaves the employ of an employer voluntarily or  
35 involuntarily due to the imposition of an employer mandate to receive  
36 a vaccination after January 1, 2020, is entitled to retirement system  
37 service credit for up to five years of service credit.

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

1 (i)(A) Within 90 days of the member's return to retirement  
2 system-covered employment related to a vaccination mandate-related  
3 separation, the member applies for vaccination mandate service  
4 credit; and

5 (B) The member makes the employee contributions required under  
6 RCW 41.45.061 and 41.45.067 within five years of resumption of  
7 service or prior to retirement, whichever comes sooner; or

8 (ii) Prior to retirement and not within 90 days of the member's  
9 return to retirement system-covered employment related to a  
10 vaccination mandate-related separation or five years of resumption of  
11 service the member pays the amount required under RCW 41.50.165(2).

12 (b) Upon receipt of member contributions under (a) of this  
13 subsection the department shall establish the member's service credit  
14 and shall bill the employer for its contribution required under RCW  
15 41.45.060, 41.45.061, and 41.45.067 for the period of vaccination  
16 mandate-related separation, plus interest as determined by the  
17 department.

18 (c) The contributions required under (a) of this subsection shall  
19 be based on the compensation the member would have earned if no  
20 vaccination mandate-related separation had occurred, or if that  
21 cannot be estimated with reasonable certainty, the compensation  
22 reported for the member in the year prior to when the member was  
23 subject to a vaccination mandate-related separation.

24 **Sec. 6.** RCW 41.35.470 and 2009 c 205 s 4 are each amended to  
25 read as follows:

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

29 (2) A member who receives compensation from an employer while on  
30 an authorized leave of absence to serve as an elected official of a  
31 labor organization, and whose employer is reimbursed by the labor  
32 organization for the compensation paid to the member during the  
33 period of absence, may also be considered to be on a paid leave of  
34 absence. This subsection shall only apply if the member's leave of  
35 absence is authorized by a collective bargaining agreement that  
36 provides that the member retains seniority rights with the employer  
37 during the period of leave. The compensation earnable reported for a  
38 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's interruptive military service was during a  
39 period of war as defined in RCW 41.04.005. Any member who made  
40 payments for service credit for interruptive military service during



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

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

14 (c) The contributions required under (a)(ii), (d)(iii), or  
15 (e)(iii) of this subsection shall be based on the compensation the  
16 member would have earned if not on leave, or if that cannot be  
17 estimated with reasonable certainty, the compensation reported for  
18 the member in the year prior to when the member went on military  
19 leave.

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

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

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

32 (iii) Pays the employee contributions required under chapter  
33 41.45 RCW within five years of the date of death or prior to the  
34 distribution of any benefit, whichever comes first; or

35 (iv) Prior to the distribution of any benefit, provides to the  
36 director proof that the member's interruptive military service was  
37 during a period of war as defined in RCW 41.04.005. If the deceased  
38 member made payments for service credit for interruptive military  
39 service during a period of war as defined in RCW 41.04.005, the  
40 surviving spouse or eligible child or children may, prior to the

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

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

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

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

35 (5) A member who leaves the employ of an employer voluntarily or  
36 involuntarily due to the imposition of an employer mandate to receive  
37 a vaccination after January 1, 2020, is entitled to retirement system  
38 service credit for up to five years of service credit.

39 (a) The member qualifies for service credit under this subsection  
40 if:

1 (i)(A) Within 90 days of the member's return to retirement  
2 system-covered employment related to a vaccination mandate-related  
3 separation, the member applies for vaccination mandate service  
4 credit; and

5 (B) The member makes the employee contributions required under  
6 RCW 41.45.061 and 41.45.067 within five years of resumption of  
7 service or prior to retirement, whichever comes sooner; or

8 (ii) Prior to retirement and not within 90 days of the member's  
9 return to retirement system-covered employment related to a  
10 vaccination mandate-related separation or five years of resumption of  
11 service the member pays the amount required under RCW 41.50.165(2).

12 (b) Upon receipt of member contributions under (a) of this  
13 subsection the department shall establish the member's service credit  
14 and shall bill the employer for its contribution required under RCW  
15 41.45.060, 41.45.061, and 41.45.067 for the period of vaccination  
16 mandate-related separation, plus interest as determined by the  
17 department.

18 (c) The contributions required under (a) of this subsection shall  
19 be based on the compensation the member would have earned if no  
20 vaccination mandate-related separation had occurred, or if that  
21 cannot be estimated with reasonable certainty, the compensation  
22 reported for the member in the year prior to when the member was  
23 subject to a vaccination mandate-related separation.

24 **Sec. 7.** RCW 41.35.650 and 2009 c 205 s 5 are each amended to  
25 read as follows:

26 (1) A member who is on a paid leave of absence authorized by a  
27 member's employer shall continue to receive service credit.

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

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

6 (a) The member makes the contribution on behalf of the employer,  
7 plus interest, as determined by the department; and

8 (b) The member makes the employee contribution, plus interest, as  
9 determined by the department, to the defined contribution portion.

10 The contributions required shall be based on the average of the  
11 member's earnable compensation at both the time the authorized leave  
12 of absence was granted and the time the member resumed employment.

13 (4) A member who leaves the employ of an employer to enter the  
14 uniformed services of the United States shall be entitled to  
15 retirement system service credit for up to five years of military  
16 service if within ninety days of the member's honorable discharge  
17 from the uniformed services of the United States, the member applies  
18 for reemployment with the employer who employed the member  
19 immediately prior to the member entering the uniformed services. This  
20 subsection shall be administered in a manner consistent with the  
21 requirements of the federal uniformed services employment and  
22 reemployment rights act.

23 The department shall establish the member's service credit and  
24 shall bill the employer for its contribution required under RCW  
25 41.35.720 for the period of military service, plus interest as  
26 determined by the department. Service credit under this subsection  
27 may be obtained only if the member makes the employee contribution to  
28 the defined contribution portion as determined by the department, or  
29 prior to retirement, the member provides to the director proof that  
30 the member's interruptive military service was during a period of war  
31 as defined in RCW 41.04.005. Any member who made payments for service  
32 credit for interruptive military service during a period of war as  
33 defined in RCW 41.04.005 may, prior to retirement and on a form  
34 provided by the department, request a refund of the funds standing to  
35 his or her credit for up to five years of such service, and this  
36 amount shall be paid to him or her. Members with one or more periods  
37 of interruptive military service during a period of war may receive  
38 no more than five years of free retirement system service credit  
39 under this subsection.

1       The contributions required shall be based on the compensation the  
2 member would have earned if not on leave, or if that cannot be  
3 estimated with reasonable certainty, the compensation reported for  
4 the member in the year prior to when the member went on military  
5 leave.

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

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

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

18       (iii) Pays the employee contributions required under this  
19 subsection within five years of the date of death or prior to the  
20 distribution of any benefit, whichever comes first; or

21       (iv) Prior to the distribution of any benefit, provides to the  
22 director proof that the member's interruptive military service was  
23 during a period of war as defined in RCW 41.04.005. If the deceased  
24 member made payments for service credit for interruptive military  
25 service during a period of war as defined in RCW 41.04.005, the  
26 surviving spouse or eligible child or children may, prior to the  
27 distribution of any benefit and on a form provided by the department,  
28 request a refund of the funds standing to the deceased member's  
29 credit for up to five years of such service, and this amount shall be  
30 paid to the surviving spouse or children. Members with one or more  
31 periods of interruptive military service during a period of war may  
32 receive no more than five years of free retirement system service  
33 credit under this subsection.

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

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

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

7 (iii) The member pays the employee contributions required under  
8 this subsection within five years of the director's determination of  
9 total disability or prior to the distribution of any benefit,  
10 whichever comes first; or

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

22 (5) A member who leaves the employ of an employer voluntarily or  
23 involuntarily due to the imposition of an employer mandate to receive  
24 a vaccination after January 1, 2020, is entitled to retirement system  
25 service credit for up to five years of service credit.

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

28 (i) (A) Within 90 days of the member's return to retirement  
29 system-covered employment related to a vaccination mandate-related  
30 separation, the member applies for vaccination mandate service  
31 credit; and

32 (B) The member makes the employee contributions required under  
33 RCW 41.45.061 and 41.45.067 within five years of resumption of  
34 service or prior to retirement, whichever comes sooner; or

35 (ii) Prior to retirement and not within 90 days of the member's  
36 return to retirement system-covered employment related to a  
37 vaccination mandate-related separation or five years of resumption of  
38 service the member pays the amount required under RCW 41.50.165(2).

39 (b) Upon receipt of member contributions under (a) of this  
40 subsection the department shall establish the member's service credit

1 and shall bill the employer for its contribution required under RCW  
2 41.45.060, 41.45.061, and 41.45.067 for the period of vaccination  
3 mandate-related separation, plus interest as determined by the  
4 department.

5 (c) The contributions required under (a) of this subsection shall  
6 be based on the compensation the member would have earned if no  
7 vaccination mandate-related separation had occurred, or if that  
8 cannot be estimated with reasonable certainty, the compensation  
9 reported for the member in the year prior to when the member was  
10 subject to a vaccination mandate-related separation.

11 **Sec. 8.** RCW 41.37.260 and 2009 c 205 s 3 are each amended to  
12 read as follows:

13 (1) A member who is on a paid leave of absence authorized by a  
14 member's employer shall continue to receive service credit as  
15 provided for under RCW 41.37.190 through 41.37.290.

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

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

33 (a) The member makes both the employer and member contributions  
34 plus interest as determined by the department for the period of the  
35 authorized leave of absence within five years of resumption of  
36 service or prior to retirement whichever comes sooner; 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 41.37.220 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's interruptive military service was during a  
25 period of war as defined in RCW 41.04.005. Any member who made  
26 payments for service credit for interruptive military service during  
27 a period of war as defined in RCW 41.04.005 may, prior to retirement  
28 and on a form provided by the department, request a refund of the  
29 funds standing to his or her credit for up to five years of such  
30 service, and this amount shall be paid to him or her. Members with  
31 one or more periods of interruptive military service credit during a  
32 period of war may receive no more than five years of free retirement  
33 system service credit under this subsection.

34       (b) Upon receipt of member contributions under (a)(ii), (d)(iii),  
35 or (e)(iii) of this subsection, or adequate proof under (a)(iv),  
36 (d)(iv), or (e)(iv) of this subsection, the department shall  
37 establish the member's service credit and shall bill the employer for  
38 its contribution required under RCW 41.37.220 for the period of  
39 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's interruptive military service was  
24 during a period of war as defined in RCW 41.04.005. If the deceased  
25 member made payments for service credit for interruptive military  
26 service during a period of war as defined in RCW 41.04.005, the  
27 surviving spouse or eligible child or children may, prior to the  
28 distribution of any benefit and on a form provided by the department,  
29 request a refund of the funds standing to the deceased member's  
30 credit for up to five years of such service, and this amount shall be  
31 paid to the surviving spouse or children. Members with one or more  
32 periods of interruptive military service during a period of war may  
33 receive no more than five years of free retirement system service  
34 credit under this subsection.

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

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

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

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

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

22 (5) A member who leaves the employ of an employer voluntarily or  
23 involuntarily due to the imposition of an employer mandate to receive  
24 a vaccination after January 1, 2020, is entitled to retirement system  
25 service credit for up to five years of service credit.

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

28 (i) (A) Within 90 days of the member's return to retirement  
29 system-covered employment related to a vaccination mandate-related  
30 separation, the member applies for vaccination mandate service  
31 credit; and

32 (B) The member makes the employee contributions required under  
33 RCW 41.45.061 and 41.45.067 within five years of resumption of  
34 service or prior to retirement, whichever comes sooner; or

35 (ii) Prior to retirement and not within 90 days of the member's  
36 return to retirement system-covered employment related to a  
37 vaccination mandate-related separation or five years of resumption of  
38 service the member pays the amount required under RCW 41.50.165(2).

39 (b) Upon receipt of member contributions under (a) of this  
40 subsection the department shall establish the member's service credit

1 and shall bill the employer for its contribution required under RCW  
2 41.45.060, 41.45.061, and 41.45.067 for the period of vaccination  
3 mandate-related separation, plus interest as determined by the  
4 department.

5 (c) The contributions required under (a) of this subsection shall  
6 be based on the compensation the member would have earned if no  
7 vaccination mandate-related separation had occurred, or if that  
8 cannot be estimated with reasonable certainty, the compensation  
9 reported for the member in the year prior to when the member was  
10 subject to a vaccination mandate-related separation.

11 **Sec. 9.** RCW 41.40.710 and 2009 c 205 s 1 are each amended to  
12 read as follows:

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

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

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

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

38 (b) If not within five years of resumption of service but prior  
39 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's interruptive military service was during a  
25 period of war as defined in RCW 41.04.005. Any member who made  
26 payments for service credit for interruptive military service in a  
27 period of war as defined in RCW 41.04.005 may, prior to retirement  
28 and on a form provided by the department, request a refund of the  
29 funds standing to his or her credit for up to five years of such  
30 service, and this amount shall be paid to him or her. Members with  
31 one or more periods of interruptive military service during a period  
32 of war may receive no more than five years of free retirement system  
33 service credit under this subsection.

34 (b) Upon receipt of member contributions under (a)(ii), (d)(iii),  
35 or (e)(iii) of this subsection, or adequate proof under (a)(iv),  
36 (d)(iv), or (e)(iv) of this subsection, the department shall  
37 establish the member's service credit and shall bill the employer for  
38 its contribution required under RCW 41.45.060, 41.45.061, and  
39 41.45.067 for the period of military service, plus interest as  
40 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's interruptive military service was  
24 during a period of war as defined in RCW 41.04.005. If the deceased  
25 member made payments for service credit for interruptive military  
26 service during a period of war as defined in RCW 41.04.005, the  
27 surviving spouse or eligible child or children may, prior to the  
28 distribution of any benefit and on a form provided by the department,  
29 request a refund of the funds standing to the deceased member's  
30 credit for up to five years of such service, and this amount shall be  
31 paid to the surviving spouse or eligible child or children. Members  
32 with one or more periods of interruptive military service during a  
33 period of war may receive no more than five years of free retirement  
34 system service credit under this subsection.

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

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

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

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

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

22 (5) A member who leaves the employ of an employer voluntarily or  
23 involuntarily due to the imposition of an employer mandate to receive  
24 a vaccination after January 1, 2020, is entitled to retirement system  
25 service credit for up to five years of service credit.

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

28 (i) (A) Within 90 days of the member's return to retirement  
29 system-covered employment related to a vaccination mandate-related  
30 separation, the member applies for vaccination mandate service  
31 credit; and

32 (B) The member makes the employee contributions required under  
33 RCW 41.45.061 and 41.45.067 within five years of resumption of  
34 service or prior to retirement, whichever comes sooner; or

35 (ii) Prior to retirement and not within 90 days of the member's  
36 return to retirement system-covered employment related to a  
37 vaccination mandate-related separation or five years of resumption of  
38 service the member pays the amount required under RCW 41.50.165(2).

39 (b) Upon receipt of member contributions under (a) of this  
40 subsection the department shall establish the member's service credit

1 and shall bill the employer for its contribution required under RCW  
2 41.45.060, 41.45.061, and 41.45.067 for the period of vaccination  
3 mandate-related separation, plus interest as determined by the  
4 department.

5 (c) The contributions required under (a) of this subsection shall  
6 be based on the compensation the member would have earned if no  
7 vaccination mandate-related separation had occurred, or if that  
8 cannot be estimated with reasonable certainty, the compensation  
9 reported for the member in the year prior to when the member was  
10 subject to a vaccination mandate-related separation.

11 **Sec. 10.** RCW 41.40.805 and 2009 c 205 s 2 are each amended to  
12 read as follows:

13 (1) A member who is on a paid leave of absence authorized by a  
14 member's employer shall continue to receive service credit.

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 earnable compensation 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 the contribution on behalf of the employer,  
33 plus interest, as determined by the department; and

34 (b) The member makes the employee contribution, plus interest, as  
35 determined by the department, to the defined contribution portion.

36 The contributions required shall be based on the average of the  
37 member's earnable compensation at both the time the authorized leave  
38 of absence was granted and the time the member resumed employment.

1 (4) A member who leaves the employ of an employer to enter the  
2 uniformed services of the United States shall be entitled to  
3 retirement system service credit for up to five years of military  
4 service if within ninety days of the member's honorable discharge  
5 from the uniformed services of the United States, the member applies  
6 for reemployment with the employer who employed the member  
7 immediately prior to the member entering the uniformed services. This  
8 subsection shall be administered in a manner consistent with the  
9 requirements of the federal uniformed services employment and  
10 reemployment rights act.

11 The department shall establish the member's service credit and  
12 shall bill the employer for its contribution required under RCW  
13 41.45.060 and 41.45.067 for the period of military service, plus  
14 interest as determined by the department. Service credit under this  
15 subsection may be obtained only if the member makes the employee  
16 contribution to the defined contribution portion as determined by the  
17 department, or prior to retirement, the member provides to the  
18 director proof that the member's interruptive military service was  
19 during a period of war as defined in RCW 41.04.005. Any member who  
20 made payments for service credit for interruptive military service  
21 during a period of war as defined in RCW 41.04.005 may, prior to  
22 retirement and on a form provided by the department, request a refund  
23 of the funds standing to his or her credit for up to five years of  
24 such service, and this amount shall be paid to him or her. Members  
25 with one or more periods of interruptive military service during a  
26 period of war may receive no more than five years of free retirement  
27 system service credit under this subsection.

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

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

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

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

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

37 (iv) Prior to retirement the member provides to the director  
38 proof that the member's interruptive military service was during a  
39 period of war as defined in RCW 41.04.005. Any member who made  
40 payments for service credit for interruptive military service during

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

8 (5) A member who leaves the employ of an employer voluntarily or  
9 involuntarily due to the imposition of an employer mandate to receive  
10 a vaccination after January 1, 2020, is entitled to retirement system  
11 service credit for up to five years of service credit.

12 (a) The member qualifies for service credit under this subsection  
13 if:

14 (i) (A) Within 90 days of the member's return to retirement  
15 system-covered employment related to a vaccination mandate-related  
16 separation, the member applies for vaccination mandate service  
17 credit; and

18 (B) The member makes the employee contributions required under  
19 RCW 41.45.061 and 41.45.067 within five years of resumption of  
20 service or prior to retirement, whichever comes sooner; or

21 (ii) Prior to retirement and not within 90 days of the member's  
22 return to retirement system-covered employment related to a  
23 vaccination mandate-related separation or five years of resumption of  
24 service the member pays the amount required under RCW 41.50.165(2).

25 (b) Upon receipt of member contributions under (a) of this  
26 subsection the department shall establish the member's service credit  
27 and shall bill the employer for its contribution required under RCW  
28 41.45.060, 41.45.061, and 41.45.067 for the period of vaccination  
29 mandate-related separation, plus interest as determined by the  
30 department.

31 (c) The contributions required under (a) of this subsection shall  
32 be based on the compensation the member would have earned if no  
33 vaccination mandate-related separation had occurred, or if that  
34 cannot be estimated with reasonable certainty, the compensation  
35 reported for the member in the year prior to when the member was  
36 subject to a vaccination mandate-related separation.

37 **Sec. 11.** RCW 43.43.260 and 2021 c 98 s 1 are each amended to  
38 read as follows:

1       Upon retirement from service as provided in RCW 43.43.250, a  
2 member shall be granted a retirement allowance which shall consist  
3 of:

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

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

10       (3) (a) Any member commissioned prior to January 1, 2003, with  
11 twenty-five years service in the Washington state patrol may have the  
12 member's service in the uniformed services credited as a member  
13 whether or not the individual left the employ of the Washington state  
14 patrol to enter such uniformed services: PROVIDED, That in no  
15 instance shall military service in excess of five years be credited:  
16 AND PROVIDED FURTHER, That in each instance, a member must restore  
17 all withdrawn accumulated contributions, which restoration must be  
18 completed on the date of the member's retirement, or as provided  
19 under RCW 43.43.130, whichever occurs first: AND PROVIDED FURTHER,  
20 That this section shall not apply to any individual, not a veteran  
21 within the meaning of RCW 41.06.150.

22       (b) A member who leaves the Washington state patrol to enter the  
23 uniformed services of the United States shall be entitled to  
24 retirement system service credit for up to five years of military  
25 service. This subsection shall be administered in a manner consistent  
26 with the requirements of the federal uniformed services employment  
27 and reemployment rights act.

28       (i) The member qualifies for service credit under this subsection  
29 if:

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

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

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

1 (D) If the member was commissioned on or after January 1, 2003,  
2 and, prior to retirement, the member provides to the director proof  
3 that the member's interruptive military service was during a period  
4 of war as defined in RCW 41.04.005. Any member who made payments for  
5 service credit for interruptive military service during a period of  
6 war as defined in RCW 41.04.005 may, prior to retirement and on a  
7 form provided by the department, request a refund of the funds  
8 standing to his or her credit for up to five years of such service,  
9 and this amount shall be paid to him or her. Members with one or more  
10 periods of interruptive military service credit during a period of  
11 war may receive no more than five years of free retirement system  
12 service credit under this subsection.

13 (ii) Upon receipt of member contributions under (b)(i)(B),  
14 (b)(iv)(C), and (b)(v)(C) of this subsection, or adequate proof under  
15 (b)(i)(D), (b)(iv)(D), or (b)(v)(D) of this subsection, the  
16 department shall establish the member's service credit and shall bill  
17 the employer for its contribution required under RCW 41.45.060 for  
18 the period of military service, plus interest as determined by the  
19 department.

20 (iii) The contributions required under (b)(i)(B), (b)(iv)(C), and  
21 (b)(v)(C) of this subsection shall be based on the compensation the  
22 member would have earned if not on leave, or if that cannot be  
23 estimated with reasonable certainty, the compensation reported for  
24 the member in the year prior to when the member went on military  
25 leave.

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

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

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

39 (C) If the member was commissioned on or after January 1, 2003,  
40 pays the employee contributions required under chapter 41.45 RCW

1 within five years of the date of death or prior to the distribution  
2 of any benefit, whichever comes first; or

3 (D) If the member was commissioned on or after January 1, 2003,  
4 and, prior to the distribution of any benefit, provides to the  
5 director proof that the member's interruptive military service was  
6 during a period of war as defined in RCW 41.04.005. If the deceased  
7 member made payments for service credit for interruptive military  
8 service during a period of war as defined in RCW 41.04.005, the  
9 surviving spouse or eligible child or children may, prior to the  
10 distribution of any benefit and on a form provided by the department,  
11 request a refund of the funds standing to the deceased member's  
12 credit for up to five years of such service, and this amount shall be  
13 paid to the surviving spouse or children. Members with one or more  
14 periods of interruptive military service during a period of war may  
15 receive no more than five years of free retirement system service  
16 credit under this subsection.

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

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

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

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

34 (D) If the member was commissioned on or after January 1, 2003,  
35 and, prior to retirement, the member provides to the director proof  
36 that the member's interruptive military service was during a period  
37 of war as defined in RCW 41.04.005. Any member who made payments for  
38 service credit for interruptive military service during a period of  
39 war as defined in RCW 41.04.005 may, prior to retirement and on a  
40 form provided by the department, request a refund of the funds

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

6 (4) A member who leaves the employ of an employer voluntarily or  
7 involuntarily due to the imposition of an employer mandate to receive  
8 a vaccination after January 1, 2020, is entitled to retirement system  
9 service credit for up to five years of service credit.

10 (a) The member qualifies for service credit under this subsection  
11 if:

12 (i) (A) Within 90 days of the member's return to retirement  
13 system-covered employment related to a vaccination mandate-related  
14 separation, the member applies for vaccination mandate service  
15 credit; and

16 (B) The member makes the employee contributions required under  
17 RCW 41.45.061 and 41.45.067 within five years of resumption of  
18 service or prior to retirement, whichever comes sooner; or

19 (ii) Prior to retirement and not within 90 days of the member's  
20 return to retirement system-covered employment related to a  
21 vaccination mandate-related separation or five years of resumption of  
22 service the member pays the amount required under RCW 41.50.165(2).

23 (b) Upon receipt of member contributions under (a) of this  
24 subsection the department shall establish the member's service credit  
25 and shall bill the employer for its contribution required under RCW  
26 41.45.060, 41.45.061, and 41.45.067 for the period of vaccination  
27 mandate-related separation, plus interest as determined by the  
28 department.

29 (c) The contributions required under (a) of this subsection shall  
30 be based on the compensation the member would have earned if no  
31 vaccination mandate-related separation had occurred, or if that  
32 cannot be estimated with reasonable certainty, the compensation  
33 reported for the member in the year prior to when the member was  
34 subject to a vaccination mandate-related separation.

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

39 ~~((+5))~~ (6) Beginning July 1, 2001, and every year thereafter,  
40 the department shall determine the following information for each

1 retired member or beneficiary whose retirement allowance has been in  
2 effect for at least one year:

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

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

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

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

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

12 (i) Produce a retirement allowance which is lower than the  
13 original retirement allowance;

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

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

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

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

24 NEW SECTION. **Sec. 12.** This act is necessary for the immediate  
25 preservation of the public peace, health, or safety, or support of  
26 the state government and its existing public institutions, and takes  
27 effect immediately.

--- END ---