



September 23, 2020

## Interruptive Military Service Credit

### FOLLOW-UP REPORT

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## ISSUE STATEMENT

The legislature required the Law Enforcement Officers' and Fire Fighters' (LEOFF) Plan 2 Retirement Board and the Select Committee on Pension Policy (SCPP) to complete a study of interruptive military service credit and the impact of expanding fully subsidized service credit eligibility to those who have been awarded an expeditionary medal.

## OVERVIEW

LEOFF Plan 2 members may establish service credit for military service interrupting their LEOFF service. Member contributions are waived for LEOFF PLAN 2 members whose interruptive military service was: 1) during a period of war; or 2) during a specified conflict for which they earned a campaign badge or medal.

This report will provide information on interruptive military service credit; Department of Defense (DoD) regulations for awarding military service medals; and information on legislation in other states.

## STUDY REQUIREMENTS

During the 2020 interim, the LEOFF PLAN 2 Board is required to study the impacts of providing fully subsidized interruptive military service credit, and the costs and difference in service credit to current members and retirees who received an expeditionary medal.

To encourage consistency among the treatment of military service throughout the Washington state retirement systems, the LEOFF PLAN 2 Board and the SCPP must communicate their preliminary recommendations to each other prior to October 30, 2020. Considering the preliminary recommendations of the other body, the LEOFF PLAN 2 Board and the SCPP must issue final reports containing recommendations and analysis of the potential cost of those recommendations to the appropriate committees of the legislature by January 2, 2021.<sup>1</sup>

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<sup>1</sup> SHB 2544, RCW 41.04.005, <http://lawfilesexternal.wa.gov/biennium/2019-20/Pdf/Bills/House%20Bills/2544-S.pdf?q=20200908100212>

## BACKGROUND AND POLICY ISSUES

### General Background

Interruptive military service credit applies to all Washington State retirement systems, including LEOFF PLAN 2. A member qualifies for this benefit when they take a leave of absence from a DRS covered position to serve in the United States military, and the member returns to employment with their employer within 90 days of being honorably discharged. When this occurs, membership in the retirement system is considered to be interrupted.

There are two types of pension benefits for interruptive military service: fully subsidized (“no-cost interruptive military service credit”) and partially subsidized (“reduced-cost interruptive military service credit”).

No-cost interruptive military service credit is awarded if the service took place during a period of war, or certain armed conflicts in which an approved campaign medal or badge was obtained. A member can qualify for up to five years of no-cost interruptive military service credit. The employer and state pay their contributions plus interest and the system subsidizes the member contributions and interest.

Partially subsidized interruptive military service credit is awarded if the service did not take place during a period of war, or an armed conflict in which an approved campaign medal was obtained.<sup>2</sup> In order to receive partially subsidized credit, a member must have been honorably discharged from their service and unable to qualify for no-cost credit. A member can qualify for up to five years of partially subsidized military service credit. The member must pay the member contribution cost; however, the interest on the member contributions is subsidized by the plan. The member has five years from when they return to work to pay their contributions or they must pay those contributions prior to retirement, whichever occurs first. After the member pays their contributions, the employer and state are billed for the employer contributions plus interest.

A member may receive a total of 10 years of interruptive military service credit (up to 5 years no-cost interruptive military service credit and up to 5 years of partially subsidized). The member must fully pay the required contributions within 5 years of reemployment.

### Qualifying for No-Cost Interruptive Military Service Credit

To qualify for no-cost interruptive military service credit the member’s service must have been during a “period of war”, as defined in RCW 41.04.005(2). “Period of war” is defined under this statute as:

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<sup>2</sup> Responsibility for payment varies by the dates of service. If the military service was completed: Between October 1, 1977, and March 31, 1992, the member pays both the employer and member contributions plus interest; After March 31, 1992, and before October 6, 1994, the member pays the member contributions plus interest and the employer and state pay their contributions plus interest; After October 6, 1994, a member pays the member contributions (no interest) and the employer and state pays their contribution plus interest.

World War I; World War II; The Korean conflict; The Vietnam era<sup>3</sup>; The Persian Gulf War<sup>4</sup>; The period beginning on the date of any future declaration of war by the congress and ending on the date prescribed by presidential proclamation or concurrent resolution of the congress; and

Any armed conflicts, if the participant was awarded the respective campaign badge or medal, or if the service was such that a campaign badge or medal would have been awarded, except that the member already received a campaign badge or medal for a prior deployment during that same conflict.

The DoD awards a campaign badge or medal to service members who served during a specified conflict and were stationed in a designated war zone.<sup>5</sup>

Campaign medals, as defined by the DoD manual 1348.33 Volume 2, are medals which: “recognize service members who are deployed to the geographic area where the combat is actually occurring. Members awarded campaign medals have the highest degree of personal risk and hardship as they are conducting the combat operations and are deployed to the area where the combat is actually occurring.”

Interruptive military service that does not meet the definition of “period of war” does not qualify for no-cost interruptive military service credit. However, it does qualify for partially subsidized interruptive military service credit.

### **Legislative History**

No-cost interruptive military service credit was created in 2009, with the passage of HB 1548. HB 1548 was endorsed by the SSCP and the LEOFF PLAN 2 Board. The legislative history of HB 1548 does not explicitly state the policy goals of the legislature in creating a no-cost interruptive military service credit benefit, or the reasons for placing the lines of demarcation between partially subsidized and no-cost interruptive military service credit at receiving a campaign badge.

In 2009, the LEOFF PLAN 2 Board report<sup>6</sup> on this proposed benefit stated:

Arguments for eliminating the cost to the member include encouraging military service, supporting the ability to recruit military personnel into state/local government service, benefits (direct and indirect) to the State from military service rendered by public

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<sup>3</sup> Which means: The period beginning on February 28, 1961, and ending on May 7, 1975, in the case of a veteran who served in the Republic of Vietnam during that period; the period beginning August 5, 1964, and ending on May 7, 1975.

<sup>4</sup> Which was the period beginning August 2, 1990, and ending on February 28, 1991, or ending on November 30, 1995, if the participant was awarded a campaign badge or medal for such period.

<sup>5</sup> Defined conflicts include: the crisis in Lebanon, the invasion of Grenada, Operation Just Cause in Panama, Operation Restore Hope in Somalia, Operation Uphold Democracy in Haiti, Operation Joint Endeavor in Bosnia, Operation Noble Eagle, Operation Enduring Freedom in Southern or Central Asia, Operation Iraqi Freedom; Iraq and Syria, Operation Inherent Resolve; and Afghanistan, Operation Freedom’s Sentinel.

<sup>6</sup> [http://leoff.wa.gov/wp-content/uploads/2015/06/121708.6\\_Interruptive-Military-Service-Credit.pdf](http://leoff.wa.gov/wp-content/uploads/2015/06/121708.6_Interruptive-Military-Service-Credit.pdf)

employees, recognition and support for plan members serving the public at large in a high risk situation, and supplementing federal benefits which may be viewed as inadequate.

Some of the policy pros and cons of providing special or increased benefits to members based on military service, identified in presentations to the LEOFF PLAN 2 Board and the SPPP in 2008 and 2009, included:

No Additional Benefits	Additional Benefits
Members serve voluntarily; no draft requires them to leave employment	Encourage military service; help avoid need for a draft
Members already receive adequate federal compensation and benefits for military service	Support ability to recruit more military personnel into state service and more state personnel into military service
Other members and employers would not have to absorb extra costs for these members	Support view that all WA citizens benefit, directly or indirectly, from military service rendered by public employees
More favorable service credit treatment is already given to these members (partially subsidized service credit)	Recognize that members who serve in conflicts are at higher risk for injury or death; pension plans typically offer extra support for high risk occupations that serve the public at large
Military service is unrelated to the service rewarded by state pension plans	Supplement federal benefits, which may not be viewed as adequate

During the 2017 legislative session, SB 5661 required the LEOFF PLAN 2 Board to study interruptive military service credit for members not awarded a campaign badge or medal. The LEOFF PLAN 2 Board completed that study during the 2017 interim and submitted the report to the legislature on January 1, 2018.

As a result of that study the LEOFF PLAN 2 Board endorsed legislation (HB 2701) in 2018. This legislation added a provision to ensure that eligibility for no-cost interruptive military service credit for multiple deployments to the same conflict; added an end date in statute for the end of the Gulf War; and made two additional combat operations (Inherent Resolve, Iraq and Syria; and Freedom’s Sentinel, Afghanistan) eligible for no-cost interruptive military service credit. This legislation became effective June 7, 2018.

The statute which defines “period of war”, for purposes of not only receiving interruptive military service credit but also other non-pension benefits, has been amended eleven times since its adoption in 1969. The majority of these amendments have updated the list of periods of war and armed conflicts.

Most recently, HB 2544 (2020) redefined “period of war” in RCW 41.04.005 to no longer identify specific conflicts and instead recognize all service from which a campaign badge or medal was earned. The LEOFF Plan 2 Board endorsed this legislation because it removes the need to amend “period of war” for each new conflict that qualifies for no-cost interrupt military service credit.

## Department of Defense

Campaign, Expeditionary, and Service (CE&S) medals recognize service members’ participation in military campaigns, expeditions, or other significant military operations, and for otherwise meritorious military service. Eligibility criteria for CE&S medals are based on a service member’s:

- Degree of personal risk (e.g., proximity to the enemy, service in a combat zone, imminent threat of hostilities);
- Degree of personal hardship;
- Participation in designated military operations; and,
- Extent of military service during specified time periods, duration, or types of duty.<sup>7</sup>

There are four categories of CE&S medals:

- **Campaign Medals** - Campaign medals recognize deployed participation in large-scale or long-duration combat operations. Campaign medals are associated with the highest level of personal risk and hardship. They are awarded to members who are deployed to the geographic areas where the combat is actually occurring. Service members deployed to areas where combat is occurring as a result of prolonged or large-scale military combat operations should be recognized with a separate and distinct campaign medal.
- **Expeditionary Medals** - Expeditionary medals recognize deployed participation in small scale and/or short-duration combat operations or military operations where there is an imminent threat of hostilities. Expeditionary medals are also awarded to members deployed in support of combat operations, but who are not in the geographic area where the actual combat is occurring. Expeditionary medals are associated with high levels of personal risk and hardship.
- **Deployed Service Medals** - Deployed service medals recognize deployment or assignment to a designated Area of Eligibility (AOE) to participate in, or directly support, a designated military operation where there is no foreign armed opposition or imminent threat of hostile action.
- **Individual Service Medals** - Individual service medals recognize individual merit, direct participation in a DoD approved military activity, undertaking, event or operation, or service during a specified period. Some individual service medals, such as the Prisoner of War (POW) medal, may recognize service involving significant personal risk and

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<sup>7</sup> DOD MANUAL 1348.33, VOLUME 2,  
[https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodm/1348.33\\_Vol2.pdf?ver=2018-03-29-102726-900](https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodm/1348.33_Vol2.pdf?ver=2018-03-29-102726-900)

hardship, while others only recognize being in active military service during a particular period of time.<sup>8</sup>

Below is a table from the DoD Manual 1348.33, Volume 2, of current and recent CE&S medals:

**Table 1: Categories of CE&S Medals**

Title of Decoration <sup>1</sup>	Sub-category of CE&S Medals
Southwest Asia Service Medal <sup>2</sup>	Campaign Medal
Kosovo Campaign Medal	Campaign Medal
Afghanistan Campaign Medal	Campaign Medal
Iraq Campaign Medal	Campaign Medal
Inherent Resolve Campaign Medal	Campaign Medal
Armed Forces Expeditionary Medal	Expeditionary Medal
Global War on Terrorism Expeditionary Medal	Expeditionary Medal
Antarctic Service Medal	Deployed Service Medal
Armed Forces Service Medal	Deployed Service Medal
Korea Defense Service Medal	Deployed Service Medal
National Defense Service Medal	Individual Service Medal
Armed Forces Reserve Medal	Individual Service Medal
Humanitarian Service Medal	Individual Service Medal
Prisoner of War Medal	Individual Service Medal
Military Outstanding Volunteer Service Medal	Individual Service Medal
Global War on Terrorism Service Medal	Individual Service Medal
<p>Note 1: This list is not all-inclusive. Military Departments also have CE&amp;S medals (e.g., Navy Expeditionary Medal; Air Force Good Conduct Medal; Army Good Conduct Medal). Refer to each Military Department's specific award guidance for additional information.</p> <p>Note 2: Before DoD established comprehensive CE&amp;S medal policy, the naming conventions for DoD CE&amp;S medals were inconsistent. This resulted in several medals with names that do not match the CE&amp;S medal category to which they are assigned.</p>	

### LEOFF PLAN 2 Interruptive Military Service Credit Data

Between 2009 and 2019, 534 LEOFF PLAN 2 members received no-cost interruptive military service credit. Those members received an average of 9.75 months of service credit.

During that same time period, 24 LEOFF PLAN 2 members purchased partially subsidized interruptive military service credit. Those members purchased an average of 8.85 months of service credit. 40 LEOFF PLAN 2 members requested a bill from DRS to purchase partially subsidized interruptive military service credit, but elected not to purchase the service credit. Those members would have received an average of 11.68 months of service credit.

### Cost of Expanding to Expeditionary Medals

<sup>8</sup> DOD MANUAL 1348.33, VOLUME 2, [https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodm/1348.33\\_Vol2.pdf?ver=2018-03-29-102726-900](https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodm/1348.33_Vol2.pdf?ver=2018-03-29-102726-900)

Last year, OSA analyzed the potential impact to LEOFF PLAN 2 of expanding no-cost interruptive military service credit to include interruptive military service for members earning an expeditionary medal. OSA did not have data to estimate how many members might meet the criteria under this component. Therefore, OSA found the cost to be indeterminate.

This interim, the LEOFF PLAN 2 Board, in coordination with OSA, gathered data to identify the cost of expanding this benefit to include interruptive military service from which the member earned an expeditionary medal.

## OTHER STATES

LEOFF PLAN 2 contacted staff from other state retirement systems for information and data regarding their members' receipt of interruptive military service credit, as well as the requirements for receiving such credit.

Idaho PERS allows their members a maximum of five years of no-cost military service credit, similar to Washington.<sup>9</sup> Wisconsin Retirement Systems allows a maximum of four years of no-cost military service credit, unless the service is involuntary.<sup>10</sup> Minnesota Retirement Systems<sup>11</sup> and Oregon PERS<sup>12</sup> do not offer no-cost interruptive military service credit. Research and communications with staff members from other state retirement systems shows that none of these states require their members to have earned a specific medal, or to have served in a specific conflict in order to receive no-cost or partially subsidized interruptive military service credit. Among the states that provided information and offer no-cost interruptive military service credit, the requirements for earning no-cost credit are much broader than Washington.

Below is a comparison among other states based on total members, members receiving interruptive military service credit, average no-cost service credit received, maximum amount of no-cost service granted, and qualifications to receive no-cost military service credit.

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<sup>9</sup> See Appendix A

<sup>10</sup> See Appendix B

<sup>11</sup> See Appendix C

<sup>12</sup> See Appendix D

STATE	TOTAL MEMBERS	MEMBERS WITH INTERRUPTIVE MILITARY SERVICE CREDIT	AVERAGE SERVICE CREDIT RECEIVED	MAXIMUM NO-COST SERVICE CREDIT GRANTED	QUALIFICATIONS FOR NO-COST SERVICE CREDIT
IDAHO (PERSI)	160,000	500	5-6 months	5 years	Member must enter military service within 90 days of leaving PERSI employment, and must return to PERSI employment within 90 day of release from active duty.
MINNESOTA (MSRS)	134,000	12	–	n/a	No-cost credit not offered.
OREGON (PERS)	374,000	1,083	–	n/a	No-cost credit not offered. Must be purchased by member or employer.
WASHINGTON (DRS)	523,000	8,339	9 months	5 years	Must have been awarded a campaign medal from serving in combat zones.
WASHINGTON (LEOFF 2)	24,000	574	10 months	5 years	Must have been awarded a campaign medal from serving in combat zones.
WISCONSIN (WRS)	642,000	784	2 years	4 years	Left WRS employment to serve in the armed forces and return to employment within 180 days. Member may be responsible for employee contributions, under some circumstances.

## SUPPORTING INFORMATION

**Appendix A:** Public Employee Retirement System of Idaho

**Appendix B:** Wisconsin Retirement Systems

**Appendix C:** Minnesota Retirement Systems

**Appendix D:** Oregon Public Employee Retirement System



## **Public Employee Retirement System of Idaho**

[https://persi.idaho.gov/Documents/Brochures/Military\\_Service.pdf](https://persi.idaho.gov/Documents/Brochures/Military_Service.pdf)

“Military service” for PERSI purposes: Any active duty in the U.S. Armed Forces, including the National Guard and Reserves, which interrupts your PERSI employment, may be considered.

Military service does not include active duty service in excess of 5 years if it is at the convenience of the U.S. government, or 4 years if you voluntarily extend your duty, even if your rights to return to employment are extended under the Uniformed Services Employment and Reemployment Rights Act (USERRA).

You may earn military service credit for the period while you are on active duty if:

- Called into military service while an active member and begin active duty within 90 days of leaving PERSI-covered employment, AND
- Return to PERSI-covered employment within 90 days of being released from active duty.

PERSI Service Credit if You Withdraw Your Base Plan Funds:

If you are called to active duty, terminate your employment, and withdraw your PERSI Base Plan funds as a separation benefit, you cannot receive the military service credit even if you return to your employer within 90 days after leaving the military

**Email responses – Jenny Flint ([Jenny.Flint@persi.idaho.gov](mailto:Jenny.Flint@persi.idaho.gov)):**

How many total members does your retirement plan have and how many members have received free interruptive military service credit? **We can give you a general estimate of around 500 out of 160,000 that have received the credit. Without incurring a substantial cost we cannot provide a precise number for you. We can put together an estimated cost if you would like.**

Among the members who have received military service credit, what is the average amount of credit they receive? **The average is around 5 or 6 months of service.**

Do you know the specific requirements that would determine whether the member is or is not required to pay contributions? **The member would need to be on military service which is defined as any active duty in the U.S. armed forces, including the nation guard and reserves, that interrupts a member’s PERSI service. Also, the member would need to enter military service within 90 days of leaving PERSI employment, and they would need to return to PERSI employment within 90 day of release from active duty. If someone believes they are entitled to military service, we are happy to review their record. PERSI does request the member provides us with a DD214 for the time in question.**

What percent of members that have earned interruptive military service credit earned it for free? **Without incurring a substantial cost, we cannot provide a precise number for you, and we have no way to give you a reasonable estimate. We can put together an estimated cost if you would like.**

Does your legislature have plans to expand the free or partially subsidized credit that members can earn? **Not that we are aware of.**

## **Wisconsin Retirement Systems**

<https://etf.wi.gov/publications/et4122/direct>

Generally, there are three ways in which someone may receive WRS military service credit:

1. Credit for military service prior to 1974.
2. Credit for military service that was a break in continuous WRS-covered employment.
3. Credit under the federal Uniformed Services Employment and Reemployment Rights (USERRA) law.

**Email responses – Kyle Kundert ([kyle.kundert1@etf.wi.gov](mailto:kyle.kundert1@etf.wi.gov)):**

WRS-creditable service is available for periods of active military service if certain eligibility requirements are met. Up to four (4) years of military service can be credited under Chapter 40 of the Wisconsin Statutes (more creditable service can be added if military service was involuntarily extended).

There are two ways to receive military service credit under the WRS: pre-1974 military service credit and continuous military service credit

***Pre-1974 Military Service Credit*** is based on Wisconsin state law. It applies to military service in the U.S. Armed Forces prior to January 1, 1974, and provides you with a WRS service credit for your military service, up to a maximum of four years. It has the following requirements:

- You can receive one year of military service credit for each five-year period (5, 10, 15, or 20 years) of WRS creditable service, up to a maximum of four years; and
- The military discharge must have been something other than dishonorable.

***Continuous Military Service Credit*** is based on Wisconsin state law. It applies to military service in the U.S. Armed Forces on or after January 1, 1974, and provides members with WRS service credit for military service, up to a maximum of four years. It requires that:

- member left the employment of a WRS employer to enter the U.S. Armed Forces;
- the member returns to their pre-service WRS employer within 180 days of release or discharge from the military, or within 180 days of release from hospitalization because of injury or sickness resulting from that service in the armed forces; and
- the military service discharge must have been something other than dishonorable.

How many total members does your retirement plan have compared to how many members have received free interruptive military service credit?

A: The Wisconsin Retirement System (WRS) has ~642,000 total participants (~258,000 active employees, ~175,000 inactive employees, and ~209,000 annuitants) as of 1/1/2019.

Based on our most recent data we have had 29,783 members receive pre-1974 military service credit and 784 members take advantage of continuous service (see chart below).

CONTINUOUS MILITARY SERVICE CREDIT							
YEAR	COUNT		YEAR	COUNT		YEAR	COUNT
1985	13		1997	6		2009	49
1986	13		1998	3		2010	11
1987	20		1999	8		2011	28
1988	9		2000	9		2012	21
1989	13		2001	31		2013	17
1990	31		2002	46		2014	16
1991	4		2003	84		2015	4
1992	6		2004	54		2016	15
1993	1		2005	49		2017	20
1994	6		2006	31		2018	34
1995	5		2007	23		2019	42
1996	9		2008	38		2020	15
						<b>TOTAL:</b>	<b>784</b>

What are the requirements for free service credit? Do members need to have been awarded certain medals or have served in specific conflicts?

A: The requirements for military service credit are provided in the introduction above. Neither continuous nor pre-1974 service require that a member have been awarded a medal (or other commendation) or serve in specific conflicts.

What percent of members that have earned interruptive military service credit earned it for free?

A: military service credit under the WRS does not require payment, a member must only meet the eligibility requirements discussed above. However, for continuous service credit, the member may, in some circumstances, be responsible for the employee share of required contributions which are used to pay for and support the WRS's benefit programs. Upon return to employment with a member's pre-military service employer, the member can decide whether to make up all, some, or none of the employee-required contributions related to a military leave of absence.

Does your legislature have plans to expand the free or partially subsidized credit that members can earn?

A: We aren't aware of any pending or proposed legislation to expand military service credit for WRS members.

Among the members who have received military service credit, what is the average amount of credit they receive?

According to our business analyst unit, the avg. creditable service received, across all military service types, is 1.9913 years of service.

## **Minnesota State Retirement Systems**

<https://www.msrs.state.mn.us/documents/10179/59038/General+Employees+Retirement+Plan/Obd69db3-6124-4284-83d0-78347f25b5d4>

To receive service credit for military leave,

- You may pay into the retirement fund the retirement salary deductions you would have contributed had you been employed by the State during your time of military service.
- Your employer will pay the employer share of the retirement contribution plus interest.

If you leave state service to serve in the military and return to state employment within 90 days of discharge, you may buy your service credit for that time.

You must make payment within a period equal to three times the length of the leave (not to exceed five years), or before you terminate state service, whichever is earlier. For example, if you were on leave for one year, payment for this time must be made within three years.

### **Email responses – Holly Dayton ([HOLLY.DAYTON@MSRS.US](mailto:HOLLY.DAYTON@MSRS.US)):**

Does your legislature have plans to expand the free or partially subsidized credit that members can earn? **No, not that I am aware of.**

How many total members does your retirement plan have compared to how many members have received free interruptive military service credit? **Combined, our defined benefit retirement plans have about 134,000 members. In an average year, only 12 or so members receive credit for military service.**

What are the requirements for free service credit? Do members need to have been awarded certain medals or have served in specific conflicts? **Our system does not have a “free” military service credit provision. Instead, members can purchase up to 5 years of service credit per deployment when they are otherwise suspended from making contributions to the pension plan during their military leave of absence. When a member purchases back their service credit in this way, they are responsible only for their employee portion (which is a set percentage of payroll, established in statute, multiplied by their months of leave). Then the employer pays for the employer portion and the interest on both the employer and employee contributions that were missed.**

## **Oregon Public Employee Retirement System**

**Email responses – Heather Case ([heather.v.case@state.or.us](mailto:heather.v.case@state.or.us)):**

My name is Heather Case, I am the Senior Policy Advisor here at Oregon PERS.

Sorry this took so long to get back to you, I spent some time learning more about our retirement service credit in order to answer all of your questions, as well as gathering the data that you requested.

Our military service credit is named after the act that it allowed under, the Uniformed Services Employment and Reemployment Rights Act (USERRA).

Our total number of members in Oregon PERS, including active, inactive, and retired is 374,499 (This is as of the end of 2019). We currently have 1,083 members who have the USERRA marker on their case, meaning that they either have credit applied, or will have credit applied.

Our retirement system doesn't offer "free" military service credit. However, to be eligible for the military service credit, all PERS requires is that members be employed with a PERS participating employer, are deployed or serve in some capacity in any military branch, and come back to that same employer within a year after discharge from the military. There are no requirements or special credits for type of discharge or medals received or other commendations.

If those requirements are met, the member has the option to "purchase" their time in the military as service time. The member, or any person or organization on their behalf (including the employer), can purchase this credit any time after re-employment but before retirement. The credit is based on contributions attributable to what the member's salary was at the time they entered or reentered active service. One can only purchase the credit with one lump-sum payment.

To that end, the only way a member could earn USERRA time "free" would be to have their employer or someone else purchase it for them. We do not keep track of data on who pays for the service credit.

At this time, I am not aware of any plans by the legislature to institute a free military service credit, or to expand the current credit structure offered.

How does Oregon PERS know who has qualified for USERRA? Do members have to apply? So I clarified this with one of our subject matter experts. The way that Oregon PERS knows if a member has qualified for USERRA credit is through employer reporting. Because the member has to come back from military service through a qualifying employer, it works like this:

-Member leaves employer for active military service

-Member finishes military service and returns to the employer within one year after getting back from deployment

-At this time, the employer reports the "USERRA" designation for that member and the dates of deployment.

One thing I clarified, is that this design does not account for how many members actually end up purchasing their USERRA credit. Like I mentioned in the last email, the service time for military service is available, but must be purchased either by the employer or the member (and this is an agreement

between the employer and the member, so we're not involved in that). A member can purchase that service credit at any time before they retire. So, hypothetically, if a member were to choose not to purchase that credit and retire, that USERRA designation would have stayed on their file, but ultimately they would not have gotten that service credit. I do not have the numbers of who ultimately does not end up with that time on their retirement calculation. It is more common to have employers or members purchase that time soon after arriving back from deployment and becoming re-employed, because that is when they qualify for the credit.



# Interruptive Military Service Credit

Follow-Up Report  
September 23, 2020

# Issue

- What is the impact of expanding no-cost interruptive military service credit to include those who have been awarded an expeditionary medal?



# Interruptive Military Service

- A member qualifies for this benefit when they take a leave of absence from a DRS covered position to serve in the United States military and the member returns to their employer after their military service is complete
- Two types:
  - Fully subsidized (no-cost interruptive military service credit)
  - Partially subsidized (reduced-cost interruptive military service credit)

# 2020 Legislative Update

- HB 2544 redefined “period of war” to no longer identify specific conflicts and instead recognize all service from which a campaign badge or medal was earned
- HB 2544 initially proposed amending RCW 41.04.005 to expand the definition of “period of war” to include those who received an expeditionary medal
- The unknown cost of including to expeditionary medals resulted in an amendment requiring LEOFF 2 and the SPP to study this expansion of no-cost service credit eligibility

# No-Cost Interruptive Military Service Credit

- LEOFF 2 Board/SCCP endorsed 2009 legislation creating benefit
- To receive no-cost service credit, a DRS member must meet the definition of “veteran” under RCW 41.04.005 meaning the member:
  - Served during World War I, World War II, the Korean conflict, the Vietnam era, the Persian Gulf War, and any future period of war declared by Congress, or
  - Earned a campaign badge or medal

# Department of Defense Categories of Medals

- **Campaign Medal**
  - Recognize the highest level of personal risk and hardship for members who are deployed to the geographic areas where the combat is actually occurring.
- **Expeditionary Medal**
  - Recognize high levels of personal risk and hardship for members deployed in support of combat operations, but who are not in the geographic area where the actual combat is occurring

## Unknown Cost

- Estimated cost of providing no-cost interruptive military service credit to members who earned an expeditionary medal was indeterminate
- LEOFF 2 Board requested data at the federal, state, and local level

## Other States

- We surveyed Idaho (PERSI), Minnesota (MSRS), Oregon (PERS), and Wisconsin (WRS) to gather data and improve our understanding of legislation in other states
- Among the surveyed states, none distinguish between medals, badges, or levels of personal risk or hardship endured by members in order to qualify for no-cost or partially subsidized interruptive military service credit
- Minnesota and Oregon do not offer no-cost service credit
- Idaho and Wisconsin have less stringent requirements for no-cost service credit than Washington State

# Other States

STATE	TOTAL MEMBERS	MEMBERS WITH INTERRUPTIVE MILITARY SERVICE CREDIT	AVERAGE SERVICE CREDIT RECEIVED	MAXIMUM NO-COST SERVICE CREDIT GRANTED	QUALIFICATIONS FOR NO-COST SERVICE CREDIT
IDAHO (PERSI)	160,000	500	5-6 months	5 years	Member must enter military service within 90 days of leaving PERSI employment, and must return to PERSI employment within 90 day of release from active duty.
MINNESOTA (MSRS)	134,000	12	–	n/a	No-cost credit not offered.
OREGON (PERS)	374,000	1,083	–	n/a	No-cost credit not offered. Must be purchased by member or employer.
WASHINGTON (DRS)	523,000	8,339	9 months	5 years	Must have been awarded a campaign medal from serving in combat zones.
WASHINGTON (LEOFF 2)	24,000	574	10 months	5 years	Must have been awarded a campaign medal from serving in combat zones.
WISCONSIN (WRS)	642,000	784	2 years	4 years	Left WRS employment to serve in the armed forces and return to employment within 180 days. Member may be responsible for employee contributions, under some circumstances.

# Study Requirements

- **SHB 2544 requires LEOFF 2 and the SCPP to communicate their preliminary recommendations prior to October 30, 2020**
- **LEOFF 2 and the SCPP must issue final recommendations to the legislature by January 2, 2021**



# Next Steps

- Data gathered from other states has been provided to OSA
  - Preliminary pricing should be completed before November board meeting
- LEOFF 2 Board must share its preliminary report to SCPP in October



**Thank You**

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