

HOUSE BILL REPORT

HB 1442

As Reported By House Committee On:

Natural Resources

Title: An act relating to compensation for injured fish and wildlife enforcement officers.

Brief Description: Providing compensation for wildlife agents injured on duty.

Sponsors: Representatives Romero, Fuhrman and Jacobsen.

Brief History:

Committee Activity:

Natural Resources: 2/10/95, 2/28/95 [DPS].

HOUSE COMMITTEE ON NATURAL RESOURCES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 13 members: Representatives Fuhrman, Chairman; Buck, Vice Chairman; Basich, Ranking Minority Member; Regala, Assistant Ranking Minority Member; Beeksma; Cairnes; Elliot; G. Fisher; Jacobsen; Romero; Sheldon; Stevens and Thompson.

Minority Report: Do not pass. Signed by 2 members: Representatives Pennington, Vice Chairman; and B. Thomas.

Staff: Pam Madson (786-7166).

Background: When a state employee is permanently disabled and no longer able to work, he or she is eligible for certain benefits including worker's compensation. Depending on the employee's retirement system, he or she may also be eligible for disability benefits under the retirement system.

Additional disability benefits are provided by statute for fisheries patrol officers. Currently, Department of Fish and Wildlife fisheries patrol officers may be relieved of active duty for injuries received while performing their official duties. An officer, while unable to return to active service, receives one-half of his or her salary less any retirement benefits or benefits received from worker's compensation. These disability benefits may continue even if the officer earns a salary doing work other than active duty patrol work.

In 1993, the former Department of Fisheries and the Department of Wildlife were merged into one agency. After the transition from two agencies to one agency, certain policies remain in statute as they were under the two separate agencies. The disability benefit provided to fisheries patrol officers is not available to wildlife agents. Both patrol officers and agents perform similar enforcement functions.

The Washington State Patrol officers receive disability benefits that include, under certain circumstances, disability leave for six months at full pay and disability benefits at one-half their monthly compensation less any benefits received from worker's compensation. Their disability benefit is converted to a retirement benefit at age 60. Their disability benefit may be reduced by compensation earned through other employment.

Summary of Substitute Bill: Wildlife agents must be relieved from active duty when they are injured in the performance of their official duties such that they are incapable of active service. While on disability, they receive one-half of their salary less worker's compensation.

Agents are eligible for disability leave for a period of six months and receive full pay for injuries occurring while in-service and while performing line duty. The director determines by rule what situations constitute in-service, line duty, and nonline duty.

When injury occurs while the agent is in-service and performing nonline duties, any disability benefit is reduced by other work the agent is able to perform. Compensation plus disability benefits must not exceed the compensation the agent received when first disabled.

Regular medical reports or examinations are required, and reports of wages earned in other employment are required when appropriate.

Disability benefits are not allowed for an agent injured while involved in illegal or tortious conduct. Benefits may be discontinued if an agent fails to make the required reports.

Substitute Bill Compared to Original Bill: In addition to receiving disability benefits of one-half salary, wildlife agents are eligible for six months of disability leave at full pay. The director of the Department of Fish and Wildlife determines by rule those situations that constitute in-service, line duty and nonline duty. For injuries occurring while the agent is in-service and performing nonline duties, disability benefits are reduced by compensation from other employment. Compensation plus disability benefits must not exceed the compensation the agent received when first disabled. Regular medical reports or examinations are required, and reports of wages earned in other employment are required when appropriate. Disability

benefits are not allowed for an agent injured while involved in illegal or tortious conduct. Benefits may be discontinued if an agent fails to make the required reports.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: With the merger of the two agencies, wildlife agents now perform the same work as fisheries patrol officers. This work is dangerous. It involves enforcing laws and dealing with citizens that are often armed. Wildlife agents should have access to the same kind of disability benefits as fisheries patrol officers.

Testimony Against: None.

Testified: Jim Tuggle, Fish and Wildlife Sergeants; Dayna Matthews, Washington Department of Fish and Wildlife; Devone Smith, Washington Federation of State Employees; and Ed Volz, Washington Federation of State Employees.