

HOUSE BILL REPORT

SHB 2178

As Passed Legislature

Title: An act relating to the clarification of employee transfer rights for fire fighters.

Brief Description: Clarifying employee transfer rights for fire fighters.

Sponsors: By House Committee on Local Government (originally sponsored by Representatives H. Myers and Orr).

Brief History:

Reported by House Committee on:
Local Government, January 25, 1994, DPS;
Passed House, February 9, 1994, 96-1;
Passed Legislature.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives H. Myers, Chair; Springer, Vice Chair; Edmondson, Ranking Minority Member; Reams, Assistant Ranking Minority Member; Dunshee; Horn; Moak; Rayburn; and Van Luven.

Minority Report: Do not pass. Signed by 1 member: Representative R. Fisher.

Staff: Bill Lynch (786-7092).

Background: In 1986 the Legislature enacted legislation that authorized fire fighters to transfer employment into a city, town, or fire protection district if the employee: was going to lose his or her job as a direct consequence of a consolidation, merger, incorporation, or annexation; was principally performing duties that are to be performed in the new fire protection agency; and met the minimum requirements of the position.

Fire fighters who transfer pursuant to this legislation are placed on the same period of probation as a new employee and are eligible for promotion after the end of the probationary period.

Concerns have been expressed over the possible misuse of the probationary period to circumvent the intent of the employee transfer legislation. Personnel rules usually allow a new hire to be dismissed without cause during the probationary period. Since fire fighters who transfer into a city, town, or fire protection district are placed on probation, concerns have been raised over whether a local government could dismiss the transferring fire fighters without any reason in order to avoid hiring them.

The new employer is prohibited under the fire fighter transfer legislation from promoting a fire fighter who transfers employment until the end of the probationary period.

Summary of Bill: A fire fighter who transfers into the civil service system of a city, town, or fire protection district because of a merger, annexation, consolidation, or incorporation, and who already completed a probationary period as a fire fighter, may only be terminated during the probationary period for failure to adequately perform assigned duties, not meeting the minimum qualifications of the position, or behavior that would otherwise be subject to disciplinary action. A fire fighter who transfers employment after such a governmental action is eligible for promotion before the end of the probationary period.

Fiscal Note: Not requested.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Testimony For: This bill is intended to clarify existing law. The government can still get rid of poor employees, but qualified fire fighters need protection. This will make consolidations and mergers easier.

Testimony Against: The government should be able to review the qualifications and evaluate the performance of a transferring employee. Transferring employees must be able to fit in with current employees. The probationary period is eliminated by this change. Mergers and consolidations will be harder to accomplish.

Witnesses: Howard Vietzke and Pat Kelly, Washington State Council of Fire Fighters (pro); Stan Finkelstein, Association of Washington Cities (con); Pete Spiller, Washington Fire Commissioners Association (con); and Otto Jensen, Washington State Association of Fire Chiefs (pro).