

SENATE BILL REPORT

SHB 2178

AS PASSED SENATE, FEBRUARY 26, 1994

Brief Description: Clarifying employee transfer rights for fire fighters.

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

HOUSE COMMITTEE ON LOCAL GOVERNMENT

SENATE COMMITTEE ON LABOR & COMMERCE

Majority Report: Do pass.

Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Fraser, McAuliffe, Newhouse, Sutherland, Vognild and Wojahn.

Staff: David Cheal (786-7576)

Hearing Dates: February 18, 1994

BACKGROUND:

1986 legislation authorizes fire fighters to transfer employment into a city, town, or fire protection district if the employee: is going to lose his or her job as a direct consequence of a consolidation, merger, incorporation, or annexation; is principally performing duties that are to be performed in the new fire protection agency; and meets 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:

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 under the terms of this law is eligible for promotion before the end of the probationary period.

Appropriation: none

Revenue: none

Fiscal Note: requested

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

TESTIMONY FOR:

Qualified fire fighters need this added protection. Local governments can still get rid of and refuse to hire unqualified fire fighters.

TESTIMONY AGAINST: None

TESTIFIED: Ken Snider, Firefighters (pro)