

SHB 2938 - H AMD 1198

By Representative Simpson

ADOPTED 02/19/2008

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 35.13.215 and 1986 c 254 s 7 are each amended to read
4 as follows:

5 (1) If any portion of a fire protection district is proposed for
6 annexation to or incorporation into a city, code city, or town, both
7 the fire protection district and the city, code city, or town shall
8 inform the employees of the fire protection district about hires,
9 separations, terminations, and any other changes in employment that are
10 a direct consequence of annexation or incorporation.

11 (2) If any portion of a fire protection district is annexed to or
12 incorporated into a city, code city or town, any employee of the fire
13 protection district who (~~(1)~~) (a) was at the time of such annexation
14 or incorporation employed exclusively or principally in performing the
15 powers, duties, and functions which are to be performed by the city,
16 code city or town fire department (~~(2)~~) (b) will, as a direct
17 consequence of annexation or incorporation, be separated from the
18 employ of the fire protection district, and (~~(3)~~) (c) can perform the
19 duties and meet the minimum requirements of the position to be filled,
20 then such employee may transfer employment to the civil service system
21 of the city, code city or town fire department as provided for in this
22 section and RCW 35.13.225 and 35.13.235.

23 (3) For purposes of this section and RCW 35.13.225 and 35.13.235,
24 employee means an individual whose employment with a fire protection
25 district has been terminated because the fire protection district was
26 annexed by a city, code city or town for purposes of fire protection.

27 **Sec. 2.** RCW 35.13.225 and 1994 c 73 s 3 are each amended to read
28 as follows:

29 (1) An eligible employee may transfer into the civil service system

1 of the city, code city, or town fire department by filing a written
2 request with the city, code city, or town civil service commission and
3 by giving written notice thereof to the board of commissioners of the
4 fire protection district. Upon receipt of such request by the civil
5 service commission, the transfer of employment shall be made. ((The
6 employee so transferring will (a) be on probation for the same period
7 as are new employees of the city, code city, or town fire department in
8 the position filled, but if the transferring employee has already
9 completed a probationary period as a firefighter prior to the transfer,
10 then the employee may only be terminated during the probationary period
11 for failure to adequately perform assigned duties, not meeting the
12 minimum qualifications of the position, or behavior that would
13 otherwise be subject to disciplinary action, (b) be eligible for
14 promotion no later than after completion of the probationary period,
15 (c) receive a salary at least equal to that of other new employees of
16 the city, code city, or town fire department in the position filled,
17 and (d) in all other matters, such as retirement, sick leave, and
18 vacation, have, within the city, code city, or town civil service
19 system, all the rights, benefits, and privileges to which he or she
20 would have been entitled as a member of the city, code city, or town
21 fire department from the beginning of employment with the fire
22 protection district: PROVIDED, That for purposes of layoffs by the
23 annexing fire agency, only the time of service accrued with the
24 annexing agency shall apply unless an agreement is reached between the
25 collective bargaining representatives of the employees of the annexing
26 and annexed fire agencies and the annexing and annexed fire agencies.
27 The board of commissioners of the fire protection district shall, upon
28 receipt of such notice, transmit to any applicable civil service
29 commission a record of the employee's service with the fire protection
30 district which shall be credited to such employee as a part of the
31 period of employment in the city, code city, or town fire department.
32 All accrued benefits are transferable provided that the recipient
33 agency provides comparable benefits. All benefits shall then accrue
34 based on the combined seniority of each employee in the recipient
35 agency.

36 (2) As many of the transferring employees shall be placed upon the
37 payroll of the city, code city, or town fire department as the
38 department determines are needed to provide services. These needed

1 ~~employees shall be taken in order of seniority and the remaining~~
2 ~~employees who transfer as provided in this section and RCW 35.13.215~~
3 ~~and 35.13.235 shall head the list for employment in the civil service~~
4 ~~system in order of their seniority, to the end that they shall be the~~
5 ~~first to be reemployed in the city, code city, or town fire department~~
6 ~~when appropriate positions become available: PROVIDED, That employees~~
7 ~~who are not immediately hired by the city, code city, or town shall be~~
8 ~~placed on a reemployment list for a period not to exceed thirty six~~
9 ~~months unless a longer period is authorized by an agreement reached~~
10 ~~between the collective bargaining representatives of the employees of~~
11 ~~the annexing and annexed fire agencies and the annexing and annexed~~
12 ~~fire agencies.)~~ Transfers under this section shall be made in order of
13 seniority.

14 (2) Upon transfer, unless an agreement for different terms of
15 transfer is reached between the collective bargaining representatives
16 of the transferring employees and the participating fire protection
17 jurisdictions, an employee is entitled to the employee rights,
18 benefits, and privileges to which he or she would have been entitled as
19 an employee of the fire protection district, including rights to:

20 (a) Compensation at least equal to the level at the time of
21 transfer;

22 (b) Retirement, vacation, sick leave, and any other accrued
23 benefit;

24 (c) Promotion and service time accrual; and

25 (d) The length or terms of probationary periods, including no
26 requirement for an additional probationary period if one had been
27 completed before the transfer date."

28 Correct the title.

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