SENATE BILL REPORT
ESHB 2938

As of February 25, 2008

Title: An act relating to clarifying annexation procedures between cities and fire districts.

Brief Description: Clarifying annexation procedures between cities and fire districts.

Sponsors: House Committee on Local Government (originally sponsored by Representatives Simpson, Schindler, Wood, Hankins and VanDeWege).

Brief History: Passed House: 2/19/08, 94-1.
   Committee Activity: Government Operations & Elections: 2/26/08.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Staff: Cindy Calderon (786-7784)

Background: When a fire protection district (district) is annexed or incorporated, an employee of the fire protection district may transfer employment to the civil service system of the city or town fire department when three conditions exist. First, the employee worked exclusively in performing the duties, powers, and functions of the fire department at the time the annexation or incorporation occurred. Second, the employee is separated from employment with the district as a result of the annexation or incorporation. And third, the employee is able to perform the duties and meets the qualifications of the position to be filled.

Once the civil service commission receives an employee's written request to transfer employment the transfer must be made. Transferred employees are placed on probation for the same period as new employees of the fire department of the annexing city or town. An employee on probation can be removed from his or her position for virtually any reason unless the individual has already completed a probationary period as a firefighter prior to the transfer; in such case, termination must be for cause.

During this probationary period the employee: is eligible for promotion before the probationary period ends; receives a salary at least equal to that received by new employees; and will have the rights, benefits, and privileges that the employee would be entitled as a member of the city or town fire department from the beginning of employment with the district. Accrued benefits are transferable so long as the receiving agency offers comparable benefits.

Only transferring employees that are needed will be placed on the payroll. The fire department determines the need; and employees are taken in order of seniority. Employees who are transferred and were not needed are placed on a re-employment list, in order of

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seniority, for future employment in the civil service system. Employees placed on the re-employment list remain on that list for a period no longer than 3 years unless there is an agreement providing otherwise.

Summary of Bill: Requires the fire protection district (district) and the city or town to inform employees of the district about hires, separation, and terminations and any other change in employment that will be affected by annexation or incorporation once annexation or incorporation has been proposed.

Clarifies the rights, benefits, privileges, and the probationary period with respect to transferred employees. A transferred employee is entitled to the same rights, benefits, and privileges that the employee would have been entitled as an employee of the district. This includes: compensation; retirement; vacation and sick leave; promotion and service time accrual; and the length or terms of probationary periods, including no requirement of an additional probationary period if one was completed prior to transfer.

The requirement that cities and towns annexing a territory make legislative findings regarding the effects of annexation on the safety of residents within and outside the proposed annexation area is removed.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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