
ENGROSSED SUBSTITUTE HOUSE BILL 2938

State of Washington

60th Legislature

2008 Regular Session

By House Local Government (originally sponsored by Representatives Simpson, Schindler, Wood, Hankins, and VanDeWege)

READ FIRST TIME 02/05/08.

1 AN ACT Relating to clarifying annexation procedures between cities
2 and fire districts; amending RCW 35.13.215 and 35.13.225; adding a new
3 section to chapter 35.13 RCW; adding a new section to chapter 35A.14
4 RCW.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 35.13.215 and 1986 c 254 s 7 are each amended to read
7 as follows:

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

14 (2) If any portion of a fire protection district is annexed to or
15 incorporated into a city, code city or town, any employee of the fire
16 protection district who ((+1)) (a) was at the time of such annexation
17 or incorporation employed exclusively or principally in performing the
18 powers, duties, and functions which are to be performed by the city,
19 code city or town fire department ((+2)) (b) will, as a direct

1 consequence of annexation or incorporation, be separated from the
2 employ of the fire protection district, and ~~((3))~~ (c) can perform the
3 duties and meet the minimum requirements of the position to be filled,
4 then such employee may transfer employment to the civil service system
5 of the city, code city or town fire department as provided for in this
6 section and RCW 35.13.225 and 35.13.235.

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

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

13 (1) An eligible employee may transfer into the civil service system
14 of the city, code city, or town fire department by filing a written
15 request with the city, code city, or town civil service commission and
16 by giving written notice thereof to the board of commissioners of the
17 fire protection district. Upon receipt of such request by the civil
18 service commission, the transfer of employment shall be made. ~~((The~~
19 ~~employee so transferring will (a) be on probation for the same period~~
20 ~~as are new employees of the city, code city, or town fire department in~~
21 ~~the position filled, but if the transferring employee has already~~
22 ~~completed a probationary period as a firefighter prior to the transfer,~~
23 ~~then the employee may only be terminated during the probationary period~~
24 ~~for failure to adequately perform assigned duties, not meeting the~~
25 ~~minimum qualifications of the position, or behavior that would~~
26 ~~otherwise be subject to disciplinary action, (b) be eligible for~~
27 ~~promotion no later than after completion of the probationary period,~~
28 ~~(c) receive a salary at least equal to that of other new employees of~~
29 ~~the city, code city, or town fire department in the position filled,~~
30 ~~and (d) in all other matters, such as retirement, sick leave, and~~
31 ~~vacation, have, within the city, code city, or town civil service~~
32 ~~system, all the rights, benefits, and privileges to which he or she~~
33 ~~would have been entitled as a member of the city, code city, or town~~
34 ~~fire department from the beginning of employment with the fire~~
35 ~~protection district: PROVIDED, That for purposes of layoffs by the~~
36 ~~annexing fire agency, only the time of service accrued with the~~
37 ~~annexing agency shall apply unless an agreement is reached between the~~

1 collective bargaining representatives of the employees of the annexing
2 and annexed fire agencies and the annexing and annexed fire agencies.
3 The board of commissioners of the fire protection district shall, upon
4 receipt of such notice, transmit to any applicable civil service
5 commission a record of the employee's service with the fire protection
6 district which shall be credited to such employee as a part of the
7 period of employment in the city, code city, or town fire department.
8 All accrued benefits are transferable provided that the recipient
9 agency provides comparable benefits. All benefits shall then accrue
10 based on the combined seniority of each employee in the recipient
11 agency.

12 ~~(2) As many of the transferring employees shall be placed upon the~~
13 ~~payroll of the city, code city, or town fire department as the~~
14 ~~department determines are needed to provide services. These needed~~
15 ~~employees shall be taken in order of seniority and the remaining~~
16 ~~employees who transfer as provided in this section and RCW 35.13.215~~
17 ~~and 35.13.235 shall head the list for employment in the civil service~~
18 ~~system in order of their seniority, to the end that they shall be the~~
19 ~~first to be reemployed in the city, code city, or town fire department~~
20 ~~when appropriate positions become available: PROVIDED, That employees~~
21 ~~who are not immediately hired by the city, code city, or town shall be~~
22 ~~placed on a reemployment list for a period not to exceed thirty six~~
23 ~~months unless a longer period is authorized by an agreement reached~~
24 ~~between the collective bargaining representatives of the employees of~~
25 ~~the annexing and annexed fire agencies and the annexing and annexed~~
26 ~~fire agencies.)) Transfers under this section shall be made in order of~~
27 ~~seniority.~~

28 (2) Upon transfer, unless an agreement for different terms of
29 transfer is reached between the collective bargaining representatives
30 of the transferring employees and the participating fire protection
31 jurisdictions, an employee is entitled to the employee rights,
32 benefits, and privileges to which he or she would have been entitled as
33 an employee of the fire protection district, including rights to:

34 (a) Compensation at least equal to the level at the time of
35 transfer;

36 (b) Retirement, vacation, sick leave, and any other accrued
37 benefit;

38 (c) Promotion and service time accrual; and

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

4 NEW SECTION. Sec. 3. A new section is added to chapter 35.13 RCW
5 to read as follows:

6 Cities and towns annexing territory under this chapter shall, prior
7 to completing the annexation, make legislative findings regarding the
8 likely effects that the annexation and any associated asset transfers
9 may have upon the safety of residents within and outside the proposed
10 annexation area. Findings made under this section shall address, but
11 are not limited to addressing, the provision of fire protection and
12 emergency medical services within and outside the proposed annexation
13 area.

14 NEW SECTION. Sec. 4. A new section is added to chapter 35A.14 RCW
15 to read as follows:

16 Cities annexing territory under this chapter shall, prior to
17 completing the annexation, make legislative findings regarding the
18 likely effects that the annexation and any associated asset transfers
19 may have upon the safety of residents within and outside the proposed
20 annexation area. Findings made under this section shall address, but
21 are not limited to addressing, the provision of fire protection and
22 emergency medical services within and outside the proposed annexation
23 area.

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