

HOUSE BILL REPORT

E2SHB 2872

As Amended by the Senate

Title: An act relating to the recruitment and retention of Washington state patrol commissioned officers.

Brief Description: Concerning the recruitment and retention of Washington state patrol commissioned officers.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Fey, Hayes, Clibborn, Moscoso, Rodne, Tarleton, Kilduff, Muri, Fitzgibbon, Appleton, Stokesbary, Stanford, Griffey, Senn, Bergquist, S. Hunt, Ortiz-Self, Gregerson and Ormsby).

Brief History:

Committee Activity:

Labor & Workplace Standards: 2/2/16 [DP];
Transportation: 2/8/16, 2/9/16 [DPS];
Appropriations: 2/18/16, 2/29/16 [DP2S(w/o sub TR)].

Floor Activity:

Passed House: 3/2/16, 85-12.
Senate Amended.
Passed Senate: 3/8/16, 47-1.

Brief Summary of Engrossed Second Substitute Bill

- Directs the Office of Financial Management (OFM), the Washington State Patrol (WSP), the Select Committee on Pension Policy, and the Legislature to take various steps with respect to implementing the recommendations of the Joint Transportation Committee's WSP Recruitment and Retention Study.
- Specifies that minimum monthly salary levels on July 1, 2016, for troopers and sergeants must be the average of compensation paid to the corresponding rank from the Seattle Police Department, King County Sheriff's Office, Tacoma Police Department, Snohomish County Sheriff's Office, Spokane Police Department, and Vancouver Police Department.
- Directs that the collective bargaining units of the WSP and the OFM must open up collective bargaining and agree upon an addendum to the existing contract.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

- Requires the WSP to develop an outreach and marketing strategic plan that looks for ways to reach groups and individuals who do not show an interest in law enforcement.
- Requires polling of job applicants to determine the success of each outreach method.

HOUSE COMMITTEE ON LABOR & WORKPLACE STANDARDS

Majority Report: Do pass. Signed by 6 members: Representatives Sells, Chair; Gregerson, Vice Chair; Manweller, Ranking Minority Member; McCabe, Assistant Ranking Minority Member; Moeller and Ormsby.

Staff: Joan Elgee (786-7106).

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 21 members: Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Moscoso, Vice Chair; Harmsworth, Assistant Ranking Minority Member; Bergquist, Gregerson, Hayes, Hickel, Kochmar, McBride, Moeller, Morris, Ortiz-Self, Pike, Riccelli, Rodne, Rossetti, Sells, Stambaugh and Tarleton.

Minority Report: Do not pass. Signed by 4 members: Representatives Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Shea and Young.

Staff: Jerry Long (786-7306).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Transportation. Signed by 32 members: Representatives Dunshee, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys, Cody, Condotta, Dent, Fitzgibbon, Haler, Hansen, Harris, Hudgins, S. Hunt, Jinkins, Kagi, Lytton, MacEwen, Magendanz, Manweller, Pettigrew, Robinson, Sawyer, Schmick, Senn, Springer, Stokesbary, Sullivan, Tharinger, Van Werven and Walkinshaw.

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

Staff: David Pringle (786-7310).

Background:

The Washington State Patrol (WSP) Field Force is authorized for 690 commissioned officer positions, of which approximately 580 are filled. In 2015 106 commissioned personnel left

the agency through retirement and voluntary resignation and approximately 40 percent of the commissioned staff are eligible to retire within the next 10 years. Through 2015, Academy classes were filling at lower than normal historical levels. The last class graduated 25 officers.

The 2015 transportation budget directed the Joint Transportation Committee (JTC) to study WSP recruitment and retention. The JTC engaged a consultant who completed the WSP Recruitment and Retention Study (Study) in January 2016. The Study made recommendations regarding employee satisfaction, compensation, retirement, and recruitment.

Summary of Engrossed Second Substitute Bill:

Legislative intent is stated to retain the highest qualified commissioned officers of the WSP.

The Office of Financial Management (OFM) must perform an organization study through an independent consultant to implement the changes in the Study. The WSP management must work actively with the consultant to implement the recommended changes. The OFM must deliver an implementation report to the House and Senate Transportation Committees by September 1, 2016.

The WSP must develop an action plan and implementation strategy for each Study recommendation and report to the Transportation Committees by November 15, 2016.

The Select Committee on Pension Policy must review the pension related items in the Study and make recommendations to the Governor and the Legislature by November 1, 2016.

The Legislature must provide different funding options to start implementing the Study recommendations.

The minimum monthly salary paid to WSP troopers and sergeants must be competitive with law enforcement agencies within the boundaries of the state effective July 1, 2016. Salary levels on July 1, 2016, must be the average of compensation paid to the corresponding rank from the Seattle Police Department, King County Sheriff's Office, Tacoma Police Department, Snohomish County Sheriff's Office, Spokane Police Department, and Vancouver Police Department. Compensation must be calculated using base salary, premium pay (a pay received by more than a majority of employees), education pay, and longevity pay.

On the effective date, the collective bargaining units of the WSP and the OFM must open up collective bargaining and agree upon an addendum to the existing contract to implement the salary adjustment with funds provided by the Legislature in the 2016 Omnibus Transportation Appropriations Act solely for the implementation of the adjustment.

The WSP must develop a comprehensive outreach and marketing strategic plan that looks for ways to reach groups and individuals that currently do not show an interest in law enforcement. The plan must include expanding efforts online and through other media outlets and expanding recruitment relationships in communities. In addition, the plan must include polling applicants to determine the success of each outreach method.

EFFECT OF SENATE AMENDMENT(S):

The Senate amendment:

1. changes the compensation increase effective July 1, 2016, from the average of compensation paid to specified local law enforcement agencies to a 5 percent increase, and applies the increase to compensation for lieutenants and captains, in addition to troopers and sergeants, that is collectively bargained;
2. adds provisions for the 2017-2019 biennium: provides that effective July 1, 2017, the minimum monthly salary for troopers and sergeants must be guided by the average of compensation paid to the specified local law enforcement agencies; requires proportionate increases for captains and lieutenants; and requires the OFM and the relevant trooper and lieutenant associations to evaluate, during bargaining, the regional differences in the cost of living for determining where geographic pay may be needed and to make adjustments as appropriate;
3. increases the distribution of the vehicle license fee to the State Patrol Highway Account by \$3.25 and reduces the distribution to the Motor Vehicle Account by the same amount, effective July 1, 2017. Intent is stated to make adjustments in the distribution as needed in the 2019-2021 biennium; and
4. removes the emergency clause.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on March 7, 2016.

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

Staff Summary of Public Testimony (Labor & Workplace Standards):

(In support) The WSP is in dire straits. The WSP is losing nine troopers a month to other jurisdictions, who are boldly recruiting. The issue is not just compensation. There are internal issues. It is telling that 64 percent of troopers would not recommend becoming a trooper to friends or family. Graduating classes are at an all-time low. Management needs to pay attention. The WSP needs to be made more attractive. The consultant's report validates what troopers have been saying. Highway safety is at risk. The number of fatal collisions is up about 19 percent. Freight mobility is affected. There are not enough funds in the highway account. The Legislature changed the distribution when it implemented the \$30 car tabs. Funds need to be identified by reappropriating existing funds, changing the formula, or finding new funds, to show the Legislature is serious. The collective bargaining piece is still a work in progress.

(Opposed) None.

Staff Summary of Public Testimony (Transportation):

(In support) There is a great deal of concern about the decrease in the number of troopers and the problems in retention and recruitment. There are higher than the past average of resignations. Forty percent of the existing troopers are eligible to retire. The WSP is experiencing trouble getting new troopers. Sixty-three percent of troopers in the JTC survey

stated that they would not recommend employment with the WSP to others. Compensation is just one of many concerns and recommendations in the JTC Study. There are provisions in this legislation for the OFM to perform an organization study and the Pension Policy Committee to study the pension recommendations. House Bill 1581 provides funding to the State Patrol Highway Account to provide funds for salary increases to bring the salaries to comparable levels with competing agencies. This provides long-term funding.

The JTC Study validates what the WSP Trooper's Association has been communicating; the WSP is having trouble retaining and recruiting new troopers. Class size is far below historical levels. Troopers are leaving to go to other law enforcement agencies in Washington with higher pay. It costs the state \$153,000 to train a trooper, not counting the expense to run the WSP training academy. The WSP pay is lower than 99 percent of other law enforcement agencies. Funds going into the State Patrol Highway Account are not enough to pay the needed salaries. In the short-term, the Legislature needs to acknowledge the problem and, in the long-term, the Legislature needs to be competitive on salaries.

The WSP has invested money in all troopers for education and leadership. The WSP is at critical crossroads. There are too many troopers that could be future WSP leaders leaving. Other law enforcement agencies are actively recruiting troopers away. The state is growing in population and experiencing an increased level of accidents. Accidents increase congestion and impact safety on the roadways. Troopers exhibit professionalism, expertise, and provide great public service. One trooper's father works as a Seattle Police Officer. His salary is higher and his hours are shorter than his daughter, who works for the WSP. A pay increase will help to even the playing field and stop troopers from leaving for other law enforcement agencies.

The Washington Traffic Safety Commission relies heavily on the WSP. In 2015 there were 105 more fatalities than in 2014, which was higher than 2013. Drug-impaired driving has increased. Driving Under the Influence citations are the lowest since 2014, but fatal accidents are up. The lack of WSP troopers affects outcomes.

The trooper recruitment and retention problem needs to be recognized. It compromises the public's safety when the WSP is understaffed by 106 troopers. This issue needs help immediately to turn the situation around.

(Opposed) None.

Staff Summary of Public Testimony (Appropriations):

(In support) For several years it has become clear that there are issues about maintaining a qualified and fully-staffed state patrol. The Joint Transportation Committee study has highlighted particular problems—many are soon eligible to retire and, there are problems retaining expensive-to-train troopers, many of whom are leaving for higher-paid local law enforcement jobs. Fully 63 percent of the troopers interviewed said they would not encourage others to join the state patrol. Although this is partly a salary issue it is also a management issue. A historic number, almost nine troopers per month, are leaving the state patrol right now. It costs about \$100,000 to bring a trooper through the academy, and these state funds end up being given away to local governments. Pay is low because there are

insufficient funds in the Highway Safety Account. The \$30 car tabs eliminated a lot of revenue that the fund used to receive. A long-term solution is needed to keep troopers' salaries competitive. The California Highway Patrol enacted similar measures years ago when faced with similar problems. A supervisor in the Seattle area noticed his troopers are being constantly recruited by local law enforcement. The WSP is a premier law enforcement agency that provides the very best service to the public. The next wave of departures may be the veteran supervisors and sergeants. Fatal accidents on the highways are up, and WSP crew strength is down. Simply by changing uniforms, many troopers are able to earn \$2,000 per month more. Without help, trooper numbers are going to fall even further.

(Opposed) None.

Persons Testifying (Labor & Workplace Standards): Representative Fey, prime sponsor; and Davor Gjurasic and Jeff Merrill, Washington State Patrol Troopers Association.

Persons Testifying (Transportation): Representative Fey, prime sponsor; Davor Gjurasic, Courtney Stewart and Jeff Merrill, Washington State Troopers Association; Shelly Baldwin, Washington Traffic Safety Commission; and E.J. Swainson, Washington State Patrol Lieutenants Association.

Persons Testifying (Appropriations): Representative Fey, prime sponsor; Davor Gjurasic, Courtney Stewart, and Jeff Merrill, Washington State Patrol Troopers Association; and E.J. Swainson, Washington State Patrol Lieutenants Association.

Persons Signed In To Testify But Not Testifying (Labor & Workplace Standards): E.J. Swainson, Washington State Patrol Lieutenant's Association; and Shelly Baldwin, Washington Traffic Safety Commission.

Persons Signed In To Testify But Not Testifying (Transportation): None.

Persons Signed In To Testify But Not Testifying (Appropriations): None.