
Community Safety, Justice, & Reentry Committee

ESSB 5424

Brief Description: Concerning flexible work for general and limited authority Washington peace officers.

Sponsors: Senate Committee on Labor & Commerce (originally sponsored by Senators Lovick, Holy, Dhingra, Frame, Keiser, Kuderer, Shewmake, Stanford, Valdez, Warnick and Wellman).

Brief Summary of Engrossed Substitute Bill

- Allows general and limited authority Washington law enforcement agencies to adopt flexible work policies.
- Removes the requirement that an officer be employed full-time to be a general or limited authority Washington peace officer.
- Modifies the definition of law enforcement officer in the statutes relating to the Law Enforcement Officers' and Fire Fighters' Retirement System to include officers employed less than full-time.

Hearing Date: 2/14/24

Staff: Lena Langer (786-7192).

Background:

Law Enforcement Agencies and Peace Officers.

In the Washington Mutual Aid Peace Officers Powers Act (Act), a general authority Washington law enforcement agency is defined as any agency, department, or division of a municipal corporation, political subdivision, or other unit of local government, and any agency, department,

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or division of state government, which has as a primary function the detection and apprehension of persons committing infractions or violating the traffic or criminal laws in general. The Washington State Patrol and the Department of Fish and Wildlife are general authority law enforcement agencies.

A general authority Washington peace officer is defined as any full-time, fully compensated and elected, appointed, or employed officer of a general authority law enforcement agency who is commissioned to enforce the criminal laws of the state generally.

A limited authority Washington law enforcement agency is defined as any agency, political subdivision, or unit of local government, and any agency, department, or division of state government, having as one of its functions the apprehension or detection of persons committing infractions or violating the traffic or criminal laws relating to limited subject areas. These entities include the Departments of Natural Resources, Social and Health Services, and Corrections; the state Gambling, Lottery, Parks and Recreation, and Utilities and Transportation Commissions; the Liquor and Cannabis Board; the Office of the Insurance Commissioner; and the Office of Independent Investigations.

A limited authority Washington peace officer is defined as any full-time, fully compensated officer of a limited authority law enforcement agency empowered by that agency to detect or apprehend violators of the laws in some or all of the limited subject areas for which that agency is responsible. A limited authority peace officer may be a specially commissioned peace officer if otherwise qualified for such status under state law.

Public Employees' Collective Bargaining Act.

The Public Employees' Collective Bargaining Act (PECBA) allows collective bargaining of wages, hours, and working conditions with employees of cities, counties, and other political subdivisions. Law enforcement officers have the authority to collectively bargain under the PECBA, as do the officers of the Washington State Patrol and the Department of Fish and Wildlife. The PECBA is administered by the Public Employment Relations Commission.

The Law Enforcement Officers' and Fire Fighters' Retirement System.

The Law Enforcement Officers' and Fire Fighters' Retirement System Plan 2 (LEOFF 2) is one of the public employee retirement systems managed by the Department of Retirement Services. The LEOFF 2 provides retirement benefits to full-time, fully compensated law enforcement officers and firefighters employed by the state, cities, counties, and special districts, who were first employed in an eligible position on or after October 1, 1977.

Retirement benefits are available to members at a normal retirement age of 53. Members with at least 20 years of service may take a reduced early retirement benefit beginning at age 50.

The LEOFF 2 benefits are funded by contributions from members, employers, and the state, as well as by investment earnings.

Summary of Bill:

Flexible Work Policies.

Any general authority or limited authority law enforcement agency may adopt a flexible work policy. The policy may:

- allow general and limited authority peace officers to work less than full-time;
- include alternative shift and work schedules that fit the needs of the law enforcement agency; and
- require officers to have a certain number of years of experience or additional training to be eligible for part-time or flexible work.

A flexible work policy may not cause the layoff of, or otherwise displace, any full-time officer. The authorization for a flexible work policy does not alter any laws or workplace policies relating to restrictions on secondary employment for general and limited authority peace officers.

The authorization for flexible work does not alter any existing collective bargaining unit, the provisions of any existing collective bargaining agreement, or the duty of a law enforcement agency to bargain. A law enforcement agency that employs both full-time and part-time officers must include those officers in the same bargaining unit for any collective bargaining agreement.

The definitions of a general and limited authority peace officer in the Act are amended to remove the requirement that an officer be employed full-time.

Beginning July 1, 2024, a person who is employed less than full-time and who meets the existing criteria is included in the definition of a law enforcement officer eligible for LEOFF 2.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on February 6, 2024.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.