

HOUSE BILL REPORT

ESB 5409

As Reported By House Committee On:
Natural Resources

Title: An act relating to compensation for injured fish and wildlife enforcement officers.

Brief Description: Providing compensation for wildlife agents injured on duty.

Sponsors: Senators Owen and Oke.

Brief History:

Committee Activity:

Natural Resources: 3/29/95, 3/31/95 [DP].

HOUSE COMMITTEE ON NATURAL RESOURCES

Majority Report: Do pass. Signed by 13 members: Representatives Buck, Vice Chairman; Pennington, Vice Chairman; Basich, Ranking Minority Member; Regala, Assistant Ranking Minority Member; Cairnes; Elliot; G. Fisher; Jacobsen; Romero; Sheldon; Stevens; B. Thomas and Thompson.

Staff: Pam Madson (786-7166).

Background: When a state employee is permanently disabled and no longer able to work, he or she is eligible for certain benefits including worker's compensation. Depending on the employee's retirement system, he or she may also be eligible for disability benefits under the retirement system.

Additional disability benefits are provided by statute for fisheries patrol officers. Currently, Department of Fish and Wildlife fisheries patrol officers may be relieved of active duty for injuries received while performing their official duties. An officer, while unable to return to active service, receives one-half of his or her salary less any retirement benefits or benefits received from worker's compensation. These disability benefits may continue even if the officer earns a salary doing work other than active duty patrol work.

In 1993, the former Department of Fisheries and the Department of Wildlife were merged into one agency. After the transition from two agencies to one agency, certain policies remain in statute as they were under the two separate agencies. The

disability benefit provided to fisheries patrol officers is not available to wildlife agents. Both patrol officers and agents perform similar enforcement functions.

The Washington State Patrol officers receive disability benefits that include, under certain circumstances, disability leave for six months at full pay and disability benefits at one-half their monthly compensation less any benefits received from worker's compensation. Their disability benefit is converted to a retirement benefit at age 60. Their disability benefit may be reduced by compensation earned through other employment.

Summary of Bill: Full-time commissioned fish and wildlife personnel must be relieved from active duty when they are injured while in-service such that they are incapable of active duty. While on disability, they receive one-half of their salary less worker's compensation.

Full-time commissioned fish and wildlife personnel are eligible for temporary injury leave for a period of six months and receive full pay for injuries occurring while in-service and while performing line duty. The director determines by rule what situations constitute active duty, in-service, line duty, and nonline duty.

When injury occurs while the commissioned personnel is in-service and performing nonline duties, any disability benefit is reduced by other work the commissioned personnel is able to perform. Compensation plus disability benefits must not exceed the compensation the commissioned personnel received when first disabled.

Regular medical reports or examinations are required, and reports of wages earned in other employment are required when appropriate.

Benefits are not allowed for commissioned personnel injured while involved in illegal or tortious conduct. Benefits may be discontinued if the commissioned personnel fails to make the required reports.

A person receiving disability compensation is ineligible to receive this compensation when he or she becomes eligible to receive retirement benefits under the Public Employees Retirement System (PERS).

These provisions do not apply to fishery patrol officers employed prior to March 1, 1994.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: The fish and wildlife agencies were given full police powers in 1985. Personnel receive training similar to other law enforcement officers. They cooperate in the field with other law enforcement officers and they are involved in assisting other in enforcement of all state criminal laws. The only difference between the fish and wildlife personnel and other law enforcement is disability benefits. Only two officers have used the provision in current law for fisheries patrol officers. This provision makes disability benefits the same for all enforcement personnel within the department of fish and wildlife. The rest of the merger that relates to department enforcement personnel is going well.

Testimony Against: None.

Testified: Ron Peregrine, Washington Game Warden's Association; and Dayna Matthews, Washington Department of Fish and Wildlife (both in favor).