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**SUBSTITUTE HOUSE BILL 2178**

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**State of Washington**

**53rd Legislature**

**1994 Regular Session**

**By** House Committee on Local Government (originally sponsored by Representatives H. Myers and Orr)

Read first time 01/28/94.

1 AN ACT Relating to the clarification of employee transfer rights  
2 for fire fighters; amending RCW 35.10.365, 35.10.520, 35.13.225,  
3 52.04.121, and 52.06.120; and declaring an emergency.

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

5 **Sec. 1.** RCW 35.10.365 and 1986 c 254 s 5 are each amended to read  
6 as follows:

7 (1) An eligible employee may transfer into the civil service system  
8 of the annexing city, code city, or town by filing a written request  
9 with the city, code city, or town civil service commission. Upon  
10 receipt of such request by the civil service commission the transfer of  
11 employment shall be made. The employee so transferring will (a) be on  
12 probation for the same period as are new employees in the position  
13 filled, but if the transferring employee has already completed a  
14 probationary period as a fire fighter prior to the transfer, then the  
15 employee may only be terminated during the probationary period for  
16 failure to adequately perform assigned duties, not meeting the minimum  
17 qualifications of the position, or behavior that would otherwise be  
18 subject to disciplinary action, (b) be eligible for promotion no later  
19 than after completion of the probationary period ((as completed)), (c)

1 receive a salary at least equal to that of other new employees in the  
2 position filled, and (d) in all other matters, such as retirement, sick  
3 leave, and vacation, have, within the city, code city, or town civil  
4 service system, all the rights, benefits, and privileges to which he or  
5 she would have been entitled as a member of the annexed city, code  
6 city, or town fire department from the beginning of his or her  
7 employment with the former city or code city fire department:  
8 PROVIDED, That for purposes of layoffs by the annexing city or code  
9 city, only the time of service accrued with the annexing city or code  
10 city shall apply unless an agreement is reached between the collective  
11 bargaining representatives of the employees of the annexing and annexed  
12 fire agencies and the annexing and annexed fire agencies. A record of  
13 the employee's service with the former city or code city fire  
14 department shall be transmitted to the applicable civil service  
15 commission which shall be credited to such employee as a part of the  
16 period of employment in the annexed city, code city, or town fire  
17 department. All accrued benefits are transferable provided that the  
18 recipient agency provides comparable benefits. All benefits shall then  
19 accrue based on the combined seniority of each employee in the  
20 recipient agency.

21 (2) As many of the transferring employees shall be placed upon the  
22 payroll of the annexing city, code city, or town fire department as the  
23 department determines are needed to provide services. These needed  
24 employees shall be taken in order of seniority and the remaining  
25 employees who transfer as provided in this section and RCW 35.10.360  
26 and 35.10.370 shall head the list for employment in the civil service  
27 system in order of their seniority, to the end that they shall be the  
28 first to be reemployed in the city, code city, or town fire department  
29 when appropriate positions become available: PROVIDED, That employees  
30 who are not immediately hired by the city, code city, or town shall be  
31 placed on a reemployment list for a period not to exceed thirty-six  
32 months unless a longer period is authorized by an agreement reached  
33 between the collective bargaining representatives of the employees of  
34 the annexing and annexed fire agencies and the annexing and annexed  
35 fire agencies.

36 **Sec. 2.** RCW 35.10.520 and 1986 c 254 s 2 are each amended to read  
37 as follows:

1 (1) An eligible employee may transfer into the civil service system  
2 of the consolidated city or code city by filing a written request with  
3 the civil service commission of the consolidated city. Upon receipt of  
4 such request by the civil service commission the transfer of employment  
5 shall be made. The employee so transferring will (a) be on probation  
6 for the same period as are new employees in the position filled, but if  
7 the transferring employee has already completed a probationary period  
8 as a fire fighter prior to the transfer, then the employee may only be  
9 terminated during the probationary period for failure to adequately  
10 perform assigned duties, not meeting the minimum qualifications of the  
11 position, or behavior that would otherwise be subject to disciplinary  
12 action, (b) be eligible for promotion no later than after completion of  
13 the probationary period (~~as completed~~), (c) receive a salary at least  
14 equal to that of other new employees in the position filled, and (d) in  
15 all other matters, such as retirement, sick leave, and vacation, have,  
16 within the city or code city civil service system, all the rights,  
17 benefits, and privileges to which he or she would have been entitled as  
18 a member of the consolidated city fire department from the beginning of  
19 his or her employment with the former city or code city fire  
20 department: PROVIDED, That for purposes of layoffs by the consolidated  
21 city or code city, only the time of service accrued with the  
22 consolidated city or code city shall apply unless an agreement is  
23 reached between the collective bargaining representatives of the  
24 employees of the consolidating fire agencies and consolidated agencies  
25 and the consolidating and consolidated fire agencies. A record of the  
26 employee's service with the former city or code city fire department  
27 shall be transmitted to the applicable civil service commission and  
28 shall be credited to such employee as a part of the period of  
29 employment in the consolidated city fire department. All accrued  
30 benefits are transferable provided that the recipient agency provides  
31 comparable benefits. All benefits shall then accrue based on the  
32 combined seniority of each employee in the recipient agency.

33 (2) As many of the transferring employees shall be placed upon the  
34 payroll of the consolidated city or code city fire department as the  
35 department determines are needed to provide services. These needed  
36 employees shall be taken in order of greatest seniority from any of the  
37 seniority lists of the consolidating city or code city and the  
38 remaining employees who transfer as provided in this section and RCW  
39 35.10.510 and 35.10.530 shall head the list for employment in the civil

1 service system in order of their seniority, to the end that they shall  
2 be the first to be reemployed in the fire department when appropriate  
3 positions become available: PROVIDED, That employees who are not  
4 immediately hired by the city, code city, or town shall be placed on a  
5 reemployment list for a period not to exceed thirty-six months unless  
6 a longer period is authorized by an agreement reached between the  
7 collective bargaining representatives of the employees of the  
8 consolidating fire agencies and consolidated fire agency and the  
9 consolidating and consolidated fire agencies.

10 (3) The consolidated city or code city shall retain the right to  
11 select the fire chief and assistant fire chiefs regardless of  
12 seniority.

13 **Sec. 3.** RCW 35.13.225 and 1986 c 254 s 8 are each amended to read  
14 as follows:

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

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

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

28 **Sec. 4.** RCW 52.04.121 and 1986 c 254 s 11 are each amended to read  
29 as follows:

30 (1) An eligible employee may transfer into the fire protection  
31 district civil service system, if any, or if none, then may request  
32 transfer of employment under this section by filing a written request  
33 with the board of fire commissioners of the fire protection district  
34 and by giving written notice to the legislative authority of the city,  
35 code city, or town. Upon receipt of such request by the board of fire  
36 commissioners the transfer of employment shall be made. The employee  
37 so transferring will (a) be on probation for the same period as are new  
38 employees of the fire protection district in the position filled, but

1 if the transferring employee has already completed a probationary  
2 period as a fire fighter prior to the transfer, then the employee may  
3 only be terminated during the probationary period for failure to  
4 adequately perform assigned duties, not meeting the minimum  
5 qualifications of the position, or behavior that would otherwise be  
6 subject to disciplinary action, (b) be eligible for promotion no later  
7 than after completion of the probationary period ((as completed)), (c)  
8 receive a salary at least equal to that of other new employees of the  
9 fire protection district in the position filled, and (d) in all other  
10 matters, such as retirement, vacation, and sick leave, have all the  
11 rights, benefits, and privileges to which he or she would have been  
12 entitled as an employee of the fire protection district from the  
13 beginning of employment with the city, code city, or town fire  
14 department: PROVIDED, That for purposes of layoffs by the annexing  
15 fire agency, only the time of service accrued with the annexing agency  
16 shall apply unless an agreement is reached between the collective  
17 bargaining representatives of the employees of the annexing and annexed  
18 fire agencies and the annexing and annexed fire agencies. The city,  
19 code city, or town shall, upon receipt of such notice, transmit to the  
20 board of fire commissioners a record of the employee's service with the  
21 city, code city, or town which shall be credited to such employee as a  
22 part of the period of employment in the fire protection district. All  
23 accrued benefits are transferable provided that the recipient agency  
24 provides comparable benefits. All benefits shall then accrue based on  
25 the combined seniority of each employee in the recipient agency.

26 (2) As many of the transferring employees shall be placed upon the  
27 payroll of the fire protection district as the district determines are  
28 needed to provide services. These needed employees shall be taken in  
29 order of seniority and the remaining employees who transfer as provided  
30 in this section and RCW 52.04.111 and 52.04.131 shall head the list for  
31 employment in the civil service system in order of their seniority, to  
32 the end that they shall be the first to be reemployed in the fire  
33 protection district when appropriate positions become available:  
34 PROVIDED, That employees who are not immediately hired by the fire  
35 protection district shall be placed on a reemployment list for a period  
36 not to exceed thirty-six months unless a longer period is authorized by  
37 an agreement reached between the collective bargaining representatives  
38 of the employees of the annexing and annexed fire agencies and the  
39 annexing and annexed fire agencies.

1       **Sec. 5.** RCW 52.06.120 and 1986 c 254 s 14 are each amended to read  
2 as follows:

3       (1) An eligible employee may transfer into the merger district by  
4 filing a written request with the board of fire commissioners of the  
5 merger district and by giving written notice to the board of fire  
6 commissioners of the merging district. Upon receipt of such request by  
7 the board of the merger district the transfer of employment shall be  
8 made. The employee so transferring will (a) be on probation for the  
9 same period as are new employees of the merger district in the position  
10 filled, but if the transferring employee has already completed a  
11 probationary period as a fire fighter prior to the transfer, then the  
12 employee may only be terminated during the probationary period for  
13 failure to adequately perform assigned duties, not meeting the minimum  
14 qualifications of the position, or behavior that would otherwise be  
15 subject to disciplinary action, (b) be eligible for promotion no later  
16 than after completion of the probationary period (~~(as completed)~~), (c)  
17 receive a salary at least equal to that of other new employees of the  
18 merger district in the position filled, and (d) in all other matters,  
19 such as retirement, vacation, and sick leave, have, all the rights,  
20 benefits, and privileges to which he or she would have been entitled to  
21 as an employee of the merger district from the beginning of employment  
22 with the merging district: PROVIDED, That for purposes of layoffs by  
23 the merger fire agency, only the time of service accrued with the  
24 merger agency shall apply unless an agreement is reached between the  
25 collective bargaining representatives of the employees of the merging  
26 and merger fire agencies and the merging and merger fire agencies. The  
27 board of the merging district shall, upon receipt of such notice,  
28 transmit to the board of the merger district a record of the employee's  
29 service with the merging district which shall be credited to such  
30 employee as a part of the period of employment in the merger district.  
31 All accrued benefits are transferable provided that the recipient  
32 agency provides comparable benefits. All benefits shall then accrue  
33 based on the combined seniority of each employee in the recipient  
34 agency.

35       (2) As many of the transferring employees shall be placed upon the  
36 payroll of the merger district as the merger district determines are  
37 needed to provide services. These needed employees shall be taken in  
38 order of seniority and the remaining employees who transfer as provided  
39 in this section and RCW 52.06.110 and 52.06.130 shall head the list for

1 employment in order of their seniority, to the end that they shall be  
2 the first to be reemployed in the merger district when appropriate  
3 positions become available: PROVIDED, That employees who are not  
4 immediately hired by the fire protection district shall be placed on a  
5 reemployment list for a period not to exceed thirty-six months unless  
6 a longer period is authorized by an agreement reached between the  
7 collective bargaining representatives of the employees of the merging  
8 and merged fire agencies and the merging and merged fire agencies.

9 NEW SECTION. **Sec. 6.** This act is necessary for the immediate  
10 preservation of the public peace, health, or safety, or support of the  
11 state government and its existing public institutions, and shall take  
12 effect immediately.

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