

# HOUSE BILL REPORT

## HB 1413

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**As Reported by House Committee On:**  
Community Safety, Justice, & Reentry

**Title:** An act relating to flexible work for general and limited authority Washington peace officers.

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

**Sponsors:** Representatives Shavers, Lekanoff, Ramel and Davis.

**Brief History:**

**Committee Activity:**

Community Safety, Justice, & Reentry: 1/30/23, 2/9/23 [DPS].

**Brief Summary of Substitute Bill**

- Authorizes law enforcement agencies to adopt flexible work policies.
- Includes part-time law enforcement officers in the Law Enforcement Officers' and Fire Fighters' Retirement System.

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### HOUSE COMMITTEE ON COMMUNITY SAFETY, JUSTICE, & REENTRY

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Goodman, Chair; Simmons, Vice Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis, Farivar, Fosse, Graham and Ramos.

**Staff:** Jim Morishima (786-7191).

**Background:**

For purposes of the Washington Mutual Aid Peace Officers Powers Act, a general authority

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law enforcement agency is a governmental entity whose primary function is 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 limited authority law enforcement agency, on the other hand, is a governmental entity 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. Limited authority law enforcement agencies include the Gambling Commission, the Lottery Commission, and the Liquor and Cannabis Board.

The Law Enforcement Officers' and Fire Fighters' Retirement System (LEOFF 2) provides retirement benefits to certain law enforcement officers and firefighters employed by the state, cities, counties, and special districts. In order to participate in LEOFF 2, a law enforcement officer must be employed full time.

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### **Summary of Substitute Bill:**

Any general authority or limited authority law enforcement agency may adopt a flexible work policy. The policy may allow peace officers to work at less than full time when feasible. The policy may include alternative shift and work schedules that fit the needs of the law enforcement agency. The policy may also require an officer to have a certain number of years of experience as a full-time officer or have additional training to be eligible for flexible work. The policy does not alter any laws or workplace policies relating to restrictions on secondary employment for peace officers. The policy may not cause a layoff or displacement of a full-time officer.

The authorization for flexible work does not alter any existing collective bargaining agreement or the duty of a law enforcement agency to bargain. Full-time and part-time officers working for the same law enforcement agency who are covered by a collective bargaining agreement must be in the same bargaining unit.

Beginning July 1, 2023, law enforcement officers employed on less than a full-time basis are eligible for the LEOFF 2.

### **Substitute Bill Compared to Original Bill:**

The substitute bill:

- prohibits the policy from causing the layoff or displacement of any full-time officer;
- clarifies that the bill does not alter the duty of a law enforcement agency to bargain;
- clarifies that full-time and part-time officers working in the same law enforcement agency are part of the same bargaining unit; and
- makes the requirement that city police officers participating in the LEOFF 2 be "full time" inapplicable to the extent allowed by the bill.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Staff Summary of Public Testimony:**

(In support) This bill will enhance flexibility, diversity, and productivity. Law enforcement agencies are struggling to maintain adequate staffing levels. The lack of flexibility has resulted in challenges, especially for law enforcement officers who are married to other law enforcement officers. Officer wellness is important. Flexibility will allow more officers to meet child care obligations without jeopardizing efficiency. This bill will improve recruitment efforts. This bill will allow law enforcement agencies to increase the number of female officers and retain senior officers who are unable to work full time. This bill includes reasonable standards and guardrails. The requirements of this bill are permissive. This bill will be a force multiplier, especially for smaller departments.

(Opposed) None.

(Other) Washington has the fewest number of officers per capita in the nation. Law enforcement agencies need help to recruit and retain officers. Law enforcement agencies can do flexible work schedules already. Work schedules are currently bargained. There need to be more protections for collective bargaining rights in this bill. The work schedules of officers on the job need to be protected. It is important not to accidentally accelerate retirements or lateral transfers.

**Persons Testifying:** (In support) Representative Clyde Shavers, prime sponsor; Monica Alexander, Washington State Criminal Justice Training Commission; and James Schrimpsheer, Washington State Fraternal Order of Police.

(Other) Teresa Taylor, Washington Council of Police and Sheriffs; and James McMahan, Washington Association of Sheriffs and Police Chiefs.

**Persons Signed In To Testify But Not Testifying:** None.