WAC 415-104-225 Am I a LEOFF member? If you are employed by an employer as a law enforcement officer or firefighter, you are required to be a LEOFF member.

(1) **Law enforcement officers.**

(a) You are a law enforcement officer if you are commissioned and employed on a fully compensated basis as a:

(i) City police officer;

(ii) Town marshal or deputy marshal;

(iii) County sheriff;

(iv) Deputy sheriff, if you passed a civil service exam for deputy sheriff and you possess all of the powers, and may perform any of the duties, prescribed by law to be performed by the sheriff;

(b) Beginning July 1, 2024, the term "law enforcement officer" also includes any person who is commissioned and employed by an employer on a fully compensated basis to enforce the criminal laws of the state of Washington generally, on a less than full-time basis.

(c) Effective January 1, 1994, "law enforcement officer" also includes commissioned persons employed on a full-time, fully compensated basis as a:

(i) General authority Washington peace officer under RCW 10.93.020(3);

(ii) Port district general authority law enforcement officer and you are commissioned and employed by a port district general authority law enforcement agency;

(iii) State university or college general authority law enforcement officer; or

(d) Effective January 1, 1993, "law enforcement officer" also includes commissioned persons employed on a full-time, fully compensated basis as a public safety officer or director of public safety of a city or town if, at the time you first became employed in this position, the population of the city or town did not exceed 10,000. See RCW 41.26.030(3).

(e) If you meet the requirements of (a), (b), (c) or (d) of this subsection, you qualify as a law enforcement officer regardless of your rank or status as a probationary or permanent employee.

(f) You are not a law enforcement officer if you are employed in either:

(i) A position that is clerical or secretarial in nature and you are not commissioned; or

(ii) A corrections officer position and the only training required by the Washington criminal justice training commission for your position is basic corrections training under WAC 139-10-210.

(2) **Firefighters.**

(a) You are a firefighter if you are employed in a uniformed firefighter position by a fire department of an employer on a full-time, fully compensated basis, and as a consequence of your employment, you have the legal authority and responsibility to direct or perform fire protection activities that are required for and directly concerned with preventing, controlling and extinguishing fires.

(i) "Fire protection activities" may include incidental functions such as housekeeping, equipment maintenance, grounds maintenance, fire safety inspections, lecturing, performing community fire drills, and inspecting homes and schools for fire hazards. These activities qualify as fire protection activities only if the primary duty of your position is preventing, controlling, and extinguishing fires.

(ii) If your employer requires firefighters to pass a civil service examination, you must be actively employed in a position that re-

quires passing such an examination in order to qualify as a firefighter unless you qualify as supervisory firefighter personnel.

(iii) The primary duty of a position is defined by what is expected of the full-time position, not the number of hours or percentage of hours that the duty is performed.

(iv) You are a firefighter if you meet the requirements of this section regardless of your rank or status as a probationary or permanent employee or your particular specialty or job title.

(b) You are a firefighter if your full-time, fully compensated position in a fire department of an employer requires experience as a firefighter. Specifically, if the minimum requirements of a position require an experienced firefighter, the position is presumed to necessitate the experience of a firefighter to perform the essential functions of the position.

(c) You are a firefighter if you qualify as full-time, fully compensated supervisory firefighter personnel.

(i) To qualify as "supervisory firefighter personnel" you must:

(A) Supervise firefighters or other supervisory firefighter personnel;

(B) Be in a position located within a firefighting department or organization whose primary or sole purpose is fire protection activities; and

(C) Direct fire protection activities.

(ii) This includes first line supervisors of firefighters, who typically direct from the scene of a fire, up to and including positions that are administrative in nature when the primary duty is to provide executive leadership for fire protection activities, such as setting strategic priorities for the organization.

(d) You are a firefighter if you are employed on a full-time, fully compensated basis by an employer as an emergency medical technician (EMT). To be an emergency medical technician, you must:

(i) Be certified by the department of health to perform emergency medical services at the level of care of an EMT; and

(ii) Complete the requirements of your employer, if any, to perform the job duties of an EMT.

Example A: A full-time fire marshal position or firefighter trainer position in a fire department of an employer requires that the incumbent be an experienced firefighter. The position is a firefighter.

Example B: A Fire Chief of a large fire department does not respond to fires, but instead works in an office setting providing direction and leadership, such as setting strategic priorities and approving hiring and firing, for the Fire Department. The Fire Chief supervises three battalion chiefs, a Human Resources Director, and a Chief Financial Officer. The Fire Chief is supervisory firefighter personnel because the position supervises firefighters, is located within an organization whose sole purpose is fire protection activities, and the primary purpose of the position is to provide executive leadership to fire protection activities.

Example C: An Administrator of an organization whose primary purpose is fire protection activities does not respond to fires, but instead works in an office setting providing direction and leadership, such as setting strategic priorities and approving hiring and firing, for the organization. The Administrator supervises two Battalion Chiefs, a Human Resources Director, and a Chief Financial Officer. The Administrator is supervisory firefighter personnel because the position supervises firefighters, is located within an organization whose

primary purpose is fire protection activities, and the primary purpose of the position is to provide executive leadership to fire protection activities.

Example D: A position in a fire department of an employer requires that the incumbent have experience as a firefighter. The position is expected to utilize their firefighter experience to procure proper firefighting equipment and to develop and implement policies and procedures for firefighting activities. The position is a firefighter.

Example E: A full-time fire marshal position in a city planning department of an employer requires that the incumbent be an experienced firefighter. The position is not a firefighter because the position is not located within a firefighting department or organization whose primary or sole purpose is fire protection activities.

Example F: A City Administrator supervises various city departments including a fire department. The City Administrator supervises the Fire Chief, who is a firefighter, as well as other department heads. The City Administrator would not be considered supervisory firefighter personnel because, while the duties of the position include oversight of the fire department, it is not the primary duty of the position. Furthermore, the position is not located within a firefighting department or organization whose primary or sole purpose is fire protection activities.

(e) You do not qualify for membership as a firefighter if you are a volunteer firefighter or resident volunteer firefighter.

(3) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

(a) "Commissioned" - WAC 415-104-011.
(b) "Director of public safety" - WAC 415-104-011.
(c) "Employer" - RCW 41.26.030.
(d) "Firefighter" - RCW 41.26.030.
(e) "Full time" - WAC 415-104-011.
(f) "Fully compensated" - WAC 415-104-011.
(g) "Law enforcement officer" - RCW 41.26.030.
(h) "Member" - RCW 41.26.030.
(i) "Public safety officer" - WAC 415-104-011.
(j) "Uniformed firefighter position" - WAC 415-104-011.

[Statutory Authority: RCW 41.50.[0]50 and 2024 c 304. WSR 25-13-061, s 415-104-225, filed 6/12/25, effective 7/1/25. Statutory Authority: RCW 41.50.50 [41.50.050] and 2024 c 319. WSR 24-20-086, s 415-104-225, filed 9/27/24, effective 9/30/24. Statutory Authority: RCW 41.50.050. WSR 20-06-039, § 415-104-225, filed 2/27/20, effective 3/29/20. Statutory Authority: RCW 41.50.050(5). WSR 16-08-007, § 415-104-225, filed 3/24/16, effective 4/24/16. Statutory Authority: RCW 41.50.050(5) and 41.26.030. WSR 09-05-011, § 415-104-225, filed 2/6/09, effective 3/9/09. Statutory Authority: RCW 41.50.050(5) and chapter 41.26 RCW. WSR 02-18-046, § 415-104-225, filed 8/28/02, effective 9/30/02. Statutory Authority: RCW 41.50.050. WSR 96-01-045, § 415-104-225, filed 12/14/95, effective 1/14/96; WSR 95-16-053, § 415-104-225, filed 7/25/95, effective 8/25/95.]