
HOUSE BILL 2178

State of Washington

53rd Legislature

1994 Regular Session

By Representatives H. Myers and Orr

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

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 may only be terminated for good cause during the
14 probationary period, (b) be eligible for promotion no later than after
15 completion of the probationary period (~~as completed~~), (c) receive a
16 salary at least equal to that of other new employees in the position
17 filled, and (d) in all other matters, such as retirement, sick leave,
18 and vacation, have, within the city, code city, or town civil service
19 system, all the rights, benefits, and privileges to which he or she

1 would have been entitled as a member of the annexed city, code city, or
2 town fire department from the beginning of his or her employment with
3 the former city or code city fire department: PROVIDED, That for
4 purposes of layoffs by the annexing city or code city, only the time of
5 service accrued with the annexing city or code city shall apply unless
6 an agreement is reached between the collective bargaining
7 representatives of the employees of the annexing and annexed fire
8 agencies and the annexing and annexed fire agencies. A record of the
9 employee's service with the former city or code city fire department
10 shall be transmitted to the applicable civil service commission which
11 shall be credited to such employee as a part of the period of
12 employment in the annexed city, code city, or town fire department.
13 All accrued benefits are transferable provided that the recipient
14 agency provides comparable benefits. All benefits shall then accrue
15 based on the combined seniority of each employee in the recipient
16 agency.

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

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

34 (1) An eligible employee may transfer into the civil service system
35 of the consolidated city or code city by filing a written request with
36 the civil service commission of the consolidated city. Upon receipt of
37 such request by the civil service commission the transfer of employment
38 shall be made. The employee so transferring will (a) be on probation

1 for the same period as are new employees in the position filled, but
2 may only be terminated for good cause during the probationary period,
3 (b) be eligible for promotion no later than after completion of the
4 probationary period (~~(as completed)~~), (c) receive a salary at least
5 equal to that of other new employees in the position filled, and (d) in
6 all other matters, such as retirement, sick leave, and vacation, have,
7 within the city or code city civil service system, all the rights,
8 benefits, and privileges to which he or she would have been entitled as
9 a member of the consolidated city fire department from the beginning of
10 his or her employment with the former city or code city fire
11 department: PROVIDED, That for purposes of layoffs by the consolidated
12 city or code city, only the time of service accrued with the
13 consolidated city or code city shall apply unless an agreement is
14 reached between the collective bargaining representatives of the
15 employees of the consolidating fire agencies and consolidated agencies
16 and the consolidating and consolidated fire agencies. A record of the
17 employee's service with the former city or code city fire department
18 shall be transmitted to the applicable civil service commission and
19 shall be credited to such employee as a part of the period of
20 employment in the consolidated city fire department. All accrued
21 benefits are transferable provided that the recipient agency provides
22 comparable benefits. All benefits shall then accrue based on the
23 combined seniority of each employee in the recipient agency.

24 (2) As many of the transferring employees shall be placed upon the
25 payroll of the consolidated city or code city fire department as the
26 department determines are needed to provide services. These needed
27 employees shall be taken in order of greatest seniority from any of the
28 seniority lists of the consolidating city or code city and the
29 remaining employees who transfer as provided in this section and RCW
30 35.10.510 and 35.10.530 shall head the list for employment in the civil
31 service system in order of their seniority, to the end that they shall
32 be the first to be reemployed in the fire department when appropriate
33 positions become available: PROVIDED, That employees who are not
34 immediately hired by the city, code city, or town shall be placed on a
35 reemployment list for a period not to exceed thirty-six months unless
36 a longer period is authorized by an agreement reached between the
37 collective bargaining representatives of the employees of the
38 consolidating fire agencies and consolidated fire agency and the
39 consolidating and consolidated fire agencies.

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

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

6 (1) An eligible employee may transfer into the civil service system
7 of the city, code city, or town fire department by filing a written
8 request with the city, code city, or town civil service commission and
9 by giving written notice thereof to the board of commissioners of the
10 fire protection district. Upon receipt of such request by the civil
11 service commission the transfer of employment shall be made. The
12 employee so transferring will (a) be on probation for the same period
13 as are new employees of the city, code city, or town fire department in
14 the position filled, but may only be terminated for good cause during
15 the probationary period, (b) be eligible for promotion no later than
16 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 city, code city, or town fire department in the position filled, and
19 (d) in all other matters, such as retirement, sick leave, and vacation,
20 have, within the city, code city, or town civil service system, all the
21 rights, benefits, and privileges to which he or she would have been
22 entitled as a member of the city, code city, or town fire department
23 from the beginning of employment with the fire protection district:
24 PROVIDED, That for purposes of layoffs by the annexing fire agency,
25 only the time of service accrued with the annexing agency shall apply
26 unless an agreement is reached between the collective bargaining
27 representatives of the employees of the annexing and annexed fire
28 agencies and the annexing and annexed fire agencies. The board of
29 commissioners of the fire protection district shall, upon receipt of
30 such notice, transmit to any applicable civil service commission a
31 record of the employee's service with the fire protection district
32 which shall be credited to such employee as a part of the period of
33 employment in the city, code city, or town fire department. All
34 accrued benefits are transferable provided that the recipient agency
35 provides comparable benefits. All benefits shall then accrue based on
36 the combined seniority of each employee in the recipient agency.

37 (2) As many of the transferring employees shall be placed upon the
38 payroll of the city, code city, or town fire department as the

1 department determines are needed to provide services. These needed
2 employees shall be taken in order of seniority and the remaining
3 employees who transfer as provided in this section and RCW 35.13.215
4 and 35.13.235 shall head the list for employment in the civil service
5 system in order of their seniority, to the end that they shall be the
6 first to be reemployed in the city, code city, or town fire department
7 when appropriate positions become available: PROVIDED, That employees
8 who are not immediately hired by the city, code city, or town shall be
9 placed on a reemployment list for a period not to exceed thirty-six
10 months unless a longer period is authorized by an agreement reached
11 between the collective bargaining representatives of the employees of
12 the annexing and annexed fire agencies and the annexing and annexed
13 fire agencies.

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

16 (1) An eligible employee may transfer into the fire protection
17 district civil service system, if any, or if none, then may request
18 transfer of employment under this section by filing a written request
19 with the board of fire commissioners of the fire protection district
20 and by giving written notice to the legislative authority of the city,
21 code city, or town. Upon receipt of such request by the board of fire
22 commissioners the transfer of employment shall be made. The employee
23 so transferring will (a) be on probation for the same period as are new
24 employees of the fire protection district in the position filled, but
25 may only be terminated for good cause during the probationary period,
26 (b) be eligible for promotion no later than after completion of the
27 probationary period (~~(as completed)~~), (c) receive a salary at least
28 equal to that of other new employees of the fire protection district in
29 the position filled, and (d) in all other matters, such as retirement,
30 vacation, and sick leave, have all the rights, benefits, and privileges
31 to which he or she would have been entitled as an employee of the fire
32 protection district from the beginning of employment with the city,
33 code city, or town fire department: PROVIDED, That for purposes of
34 layoffs by the annexing fire agency, only the time of service accrued
35 with the annexing agency shall apply unless an agreement is reached
36 between the collective bargaining representatives of the employees of
37 the annexing and annexed fire agencies and the annexing and annexed
38 fire agencies. The city, code city, or town shall, upon receipt of

1 such notice, transmit to the board of fire commissioners a record of
2 the employee's service with the city, code city, or town which shall be
3 credited to such employee as a part of the period of employment in the
4 fire protection district. All accrued benefits are transferable
5 provided that the recipient agency provides comparable benefits. All
6 benefits shall then accrue based on the combined seniority of each
7 employee in the recipient agency.

8 (2) As many of the transferring employees shall be placed upon the
9 payroll of the fire protection district as the district determines are
10 needed to provide services. These needed employees shall be taken in
11 order of seniority and the remaining employees who transfer as provided
12 in this section and RCW 52.04.111 and 52.04.131 shall head the list for
13 employment in the civil service system in order of their seniority, to
14 the end that they shall be the first to be reemployed in the fire
15 protection district when appropriate positions become available:
16 PROVIDED, That employees who are not immediately hired by the fire
17 protection district shall be placed on a reemployment list for a period
18 not to exceed thirty-six months unless a longer period is authorized by
19 an agreement reached between the collective bargaining representatives
20 of the employees of the annexing and annexed fire agencies and the
21 annexing and annexed fire agencies.

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

24 (1) An eligible employee may transfer into the merger district by
25 filing a written request with the board of fire commissioners of the
26 merger district and by giving written notice to the board of fire
27 commissioners of the merging district. Upon receipt of such request by
28 the board of the merger district the transfer of employment shall be
29 made. The employee so transferring will (a) be on probation for the
30 same period as are new employees of the merger district in the position
31 filled, but may only be terminated for good cause during the
32 probationary period, (b) be eligible for promotion no later than after
33 completion of the probationary period (~~(as completed)~~), (c) receive a
34 salary at least equal to that of other new employees of the merger
35 district in the position filled, and (d) in all other matters, such as
36 retirement, vacation, and sick leave, have, all the rights, benefits,
37 and privileges to which he or she would have been entitled to as an
38 employee of the merger district from the beginning of employment with

1 the merging district: PROVIDED, That for purposes of layoffs by the
2 merger fire agency, only the time of service accrued with the merger
3 agency shall apply unless an agreement is reached between the
4 collective bargaining representatives of the employees of the merging
5 and merger fire agencies and the merging and merger fire agencies. The
6 board of the merging district shall, upon receipt of such notice,
7 transmit to the board of the merger district a record of the employee's
8 service with the merging district which shall be credited to such
9 employee as a part of the period of employment in the merger district.
10 All accrued benefits are transferable provided that the recipient
11 agency provides comparable benefits. All benefits shall then accrue
12 based on the combined seniority of each employee in the recipient
13 agency.

14 (2) As many of the transferring employees shall be placed upon the
15 payroll of the merger district as the merger district determines are
16 needed to provide services. These needed employees shall be taken in
17 order of seniority and the remaining employees who transfer as provided
18 in this section and RCW 52.06.110 and 52.06.130 shall head the list for
19 employment in order of their seniority, to the end that they shall be
20 the first to be reemployed in the merger district when appropriate
21 positions become available: PROVIDED, That employees who are not
22 immediately hired by the fire protection district shall be placed on a
23 reemployment list for a period not to exceed thirty-six months unless
24 a longer period is authorized by an agreement reached between the
25 collective bargaining representatives of the employees of the merging
26 and merged fire agencies and the merging and merged fire agencies.

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