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SENATE BILL 6374

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State of Washington                      53rd Legislature                      1994 Regular Session

By Senators Sutherland, Vognild and Winsley

Read first time 01/20/94. Referred to Committee on Labor & Commerce.

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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