

HOUSE BILL REPORT

HB 2134

As Passed House:

February 15, 2008

Title: An act relating to port district fire fighter membership in the law enforcement officers' and fire fighters' retirement system plan 2.

Brief Description: Authorizing port district fire fighter membership in the law enforcement officers' and fire fighters' retirement system plan 2.

Sponsors: By Representatives VanDeWege, Linville, Grant, Walsh, Kenney, Curtis, Moeller, Conway, Fromhold, Seaquist, Sullivan, Hinkle, Ericks, Upthegrove, Schual-Berke, Hurst, Sells, Lovick, Williams, Campbell, Chase, Quall, Simpson, Hasegawa, Santos, Goodman, Haler, Ormsby and Kelley.

Brief History:

Committee Activity:

Appropriations: 2/11/08 [DP].

Floor Activity:

Passed House: 2/15/08, 94-0.

Brief Summary of Bill

- Adds full-time employees of port districts whose duties include the suppression of fires, and who are trained in firefighting skills, to the fire fighter membership definition of the Law Enforcement Officers' and Fire Fighters' Retirement System Plan 2 (LEOFF 2).
- Adds similar supervisory port district firefighting personnel to the fire fighter membership definition of the LEOFF 2.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass. Signed by 32 members: Representatives Sommers, Chair; Dunshee, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Haler, Assistant Ranking Minority Member; Anderson, Chandler, Cody, Conway, Darneille, Ericks, Fromhold, Grant, Green, Haigh, Hinkle, Hunt, Kagi, Kenney,

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Kessler, Kretz, Linville, McIntire, Morrell, Pettigrew, Priest, Ross, Schmick, Schual-Berke, Seaquist, Sullivan and Walsh.

Staff: David Pringle (786-7310).

Background:

The Law Enforcement Officers' and Fire Fighters' Retirement System (LEOFF 2) provides retirement benefits to full-time general authority law enforcement officers and firefighters throughout Washington. To be eligible for LEOFF 2 as a fire fighter, employees must be full-time, fully-compensated fire fighters employed by fire departments or emergency medical technicians employed by fire departments or other divisions of local government.

An employee who has firefighting as one of their duties, but primarily does other activities such as general maintenance and operations, is not eligible for membership in LEOFF 2 as a fire fighter. For example, an employee of a port district whose job consisted of 40 percent fire suppression activities and 60 percent general port operations activities would probably not be eligible for membership in LEOFF 2.

The LEOFF 2 offers significantly lower retirement ages than the Public Employees' Retirement System Plans 2 or 3 (PERS 2/3), which cover most general employees of state and local governments, as well as a number of other additional benefits in comparison to PERS 2/3. Members of LEOFF 2 are eligible for a retirement allowance of 2 percent of average final salary for each year of service credit earned at age 53. Members of LEOFF 2 may apply for early retirement beginning at age 50; however, the member's benefit is reduced by 3 percent per year below age 53 if the member has 20 or more years of service, and fully actuarially reduced if the member has less than 20 years of service. Members of PERS 2/3 are eligible for an unreduced retirement allowance at age 65, and early retirement benefits beginning at age 55. Members of PERS 2/3 retiring before age 65 must earn 30 years of service before being eligible for a 3 percent per year reduction in benefits; with fewer than 30 years of service, a retiring member's benefit is actuarially reduced.

Under state collective bargaining law, employees who fall within the definition of "uniformed personnel," including firefighters as defined in LEOFF 2, are entitled to arbitration if a collective bargaining agreement has not been reached following a reasonable period of negotiations and mediation. The determination of an arbitration panel in a uniformed personnel contract dispute is final and binding, subject to review by the superior court solely upon the question of whether the decision of the panel was arbitrary or capricious.

Summary of Bill:

Full-time employees of port districts whose duties include the suppression of fires, and who are trained in rescue and firefighting skills both prior to assuming fire suppression duties and annually thereafter, are added to the fire fighter membership definition of the Law

Enforcement Officers' and Fire Fighters' Retirement System Plan 2 (LEOFF 2). The annual training must include live fire drills.

Supervisory port district firefighting personnel who are trained in rescue and firefighting duties are also added to the fire fighter membership definition of the LEOFF 2.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed, except for section 2, which, because of prior double amendments, takes effect July 1, 2013.

Staff Summary of Public Testimony:

(In support) This bill was before the committee and voted out last year. Please support this bill again. The Federal Aviation Administration says that these airports must have firefighters - but the Department of Retirement System says otherwise. Being in LEOFF 2 gives these firefighters arbitration rights, which has been an issue for some employers. As a firefighter at the Bellingham airport, if there is a crash, my main duty is to respond to the fire. We are there 24/7 starting at 5:30 in the morning when flights begin landing. Our members require initial and continuing training, including live fire training and aircraft rescue drills.

(Opposed) None.

Persons Testifying: Kelly Fox, Washington State Council of Fire Fighters; and Scott Fischer, Bellingham Airport Fire Fighters.

Persons Signed In To Testify But Not Testifying: None.