

# HOUSE BILL REPORT

## HB 2872

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### As Reported by House Committee On:

Labor & Workplace Standards  
Transportation  
Appropriations

**Title:** An act relating to the recruitment and retention of Washington state patrol commissioned officers.

**Brief Description:** Concerning the recruitment and retention of Washington state patrol commissioned officers.

**Sponsors:** Representatives Fey, Hayes, Clibborn, Moscoso, Rodne, Tarleton, Kilduff, Muri, Fitzgibbon, Appleton, Stokesbary, Stanford, Griffey, Senn, Bergquist, S. Hunt, Ortiz-Self, Gregerson and Ormsby.

### Brief History:

#### Committee Activity:

Labor & Workplace Standards: 2/2/16 [DP];

Transportation: 2/8/16, 2/9/16 [DPS];

Appropriations: 2/18/16, 2/29/16 [DP2S(w/o sub TR)].

### Brief Summary of Second Substitute Bill

- Directs the Office of Financial Management (OFM), the Washington State Patrol (WSP), the Select Committee on Pension Policy, and the Legislature to take various steps with respect to implementing the recommendations of the Joint Transportation Committee's WSP Recruitment and Retention Study.
- Specifies that the minimum monthly salary paid to the WSP officers must be competitive with law enforcement agencies within the boundaries of the State of Washington effective July 1, 2016.
- Specifies that salary levels on July 1, 2016, must be the average of compensation paid to the corresponding rank from the Seattle Police Department, King County Sheriff's Office, Tacoma Police Department, Snohomish County Sheriff's Office, Spokane Police Department, and Vancouver Police Department.

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*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.*

- Directs that the collective bargaining units of the WSP and the OFM must open up collective bargaining on the effective date of this section and agree upon an addendum to the existing contract.

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## HOUSE COMMITTEE ON LABOR & WORKPLACE STANDARDS

**Majority Report:** Do pass. Signed by 6 members: Representatives Sells, Chair; Gregerson, Vice Chair; Manweller, Ranking Minority Member; McCabe, Assistant Ranking Minority Member; Moeller and Ormsby.

**Staff:** Joan Elgee (786-7106).

**Background:**

The Washington State Patrol (WSP) Field Force is authorized for 690 commissioned officer positions, of which approximately 580 are filled. In 2015 106 commissioned personnel left the agency through retirement and voluntary resignation and approximately 40 percent of the commissioned staff are eligible to retire within the next 10 years. Through 2015, Academy classes were filling at lower than normal historical levels. The last class graduated 25 officers.

The 2015 transportation budget directed the Joint Transportation Committee (JTC) to study WSP recruitment and retention. The JTC engaged a consultant who completed the WSP Recruitment and Retention Study (Study) in January 2016. The Study made recommendations regarding employee satisfaction, compensation, retirement, and recruitment.

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**Summary of Bill:**

Legislative intent is stated to retain the highest qualified commissioned officers of the WSP.

The Office of Financial Management (OFM) must perform an organization study through an independent consultant to implement the changes in the Study. The WSP management must work actively with the consultant to implement the recommended changes. The OFM must deliver an implementation report to the House and Senate Transportation Committees by September 1, 2016.

The WSP must develop an action plan and implementation strategy for each Study recommendation and report to the Transportation Committees by November 15, 2016.

The Select Committee on Pension Policy must review the pension related items in the Study and make recommendations to the Governor and the Legislature by November 1, 2016.

The Legislature must provide different funding options to start implementing the Study recommendations.

The OFM must conduct a survey of the estimated average total compensation for each WSP corresponding rank from the:

- Seattle Police Department;
- King County Sheriff's Office;
- Tacoma Police Department;
- Snohomish County Sheriff's Office;
- Spokane Police Department; and
- Vancouver Police Department.

Compensation includes base salary, educational incentive pay, seniority pay, physical performance pay, post education incentives, and officer contributions to retirement. The OFM must publish the results by June 1 of the year in which collective bargaining will take place. The Washington Association of Sheriffs and Police Chiefs must work with OFM on the survey.

The WSP collective bargaining units and OFM must consider the survey results and the dedicated compensation funding in the WSP highway account during negotiations.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.

**Staff Summary of Public Testimony:**

(In support) The WSP is in dire straits. The WSP is losing nine troopers a month to other jurisdictions, who are boldly recruiting. The issue is not just compensation. There are internal issues. It is telling that 64 percent of troopers would not recommend becoming a trooper to friends or family. Graduating classes are at an all-time low. Management needs to pay attention. The WSP needs to be made more attractive. The consultant's report validates what troopers have been saying. Highway safety is at risk. The number of fatal collisions is up about 19 percent. Freight mobility is affected. There are not enough funds in the highway account. The Legislature changed the distribution when it implemented the \$30 car tabs. Funds need to be identified by reappropriating existing funds, changing the formula, or finding new funds, to show the Legislature is serious. The collective bargaining piece is still a work in progress.

(Opposed) None.

**Persons Testifying:** Representative Fey, prime sponsor; and Davor Gjurasic and Jeff Merrill, Washington State Patrol Troopers Association.

**Persons Signed In To Testify But Not Testifying:** EJ Swainson, Washington State Patrol Lieutenant's Association and Shelly Baldwin, Washington Traffic Safety Commission.

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## HOUSE COMMITTEE ON TRANSPORTATION

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 21 members: Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Moscoso, Vice Chair; Harmsworth, Assistant Ranking Minority Member; Bergquist, Gregerson, Hayes, Hickel, Kochmar, McBride, Moeller, Morris, Ortiz-Self, Pike, Riccelli, Rodne, Rossetti, Sells, Stambaugh and Tarleton.

**Minority Report:** Do not pass. Signed by 4 members: Representatives Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Shea and Young.

**Staff:** Jerry Long (786-7306).

### **Summary of Recommendation of Committee On Transportation Compared to Recommendation of Committee On Labor & Workplace Standards:**

The substitute bill specifies that the minimum monthly salary paid to the Washington State Patrol (WSP) officers must be competitive with law enforcement agencies within the boundaries of the State of Washington effective July 1, 2016.

The substitute bill specifies that salary levels on July 1, 2016, must be the average of compensation paid to the corresponding rank from the Seattle Police Department, King County Sheriff's Office, Tacoma Police Department, Snohomish County Sheriff's Office, Spokane Police Department, and Vancouver Police Department. Compensation must be calculated using base salary, premium pay (a pay received by more than a majority of employees), education pay, and longevity pay.

The substitute bill directs that the collective bargaining units of the WSP and the Office of Financial Management (OFM) must open up collective bargaining on the effective date of this section and agree upon an addendum to the existing contract to implement this section with funds provided by the Legislature in the 2016 Omnibus Transportation Appropriations Act solely for the implementation of this section.

**Appropriation:** None.

**Fiscal Note:** Available. New fiscal note requested on February 9, 2016.

**Effective Date of Substitute Bill:** The bill contains an emergency clause and takes effect immediately.

### **Staff Summary of Public Testimony:**

(In support) There is a great deal of concern about the decrease in the number of troopers and the problems in retention and recruitment. There are higher than the past average of resignations. Forty percent of the existing troopers are eligible to retire. The WSP is

experiencing trouble getting new troopers. Sixty-three percent of troopers in the Joint Transportation Committee (JTC) survey stated that they would not recommend employment with the WSP to others. Compensation is just one of many concerns and recommendations in the JTC Study. There are provisions in this legislation for the OFM to perform an organization study and the Pension Policy Committee to study the pension recommendations. House Bill 1581 provides funding to the State Patrol Highway Account to provide funds for salary increases to bring the salaries to comparable levels with competing agencies. This provides long-term funding.

The JTC Study validates what the WSP Trooper's Association has been communicating; the WSP is having trouble retaining and recruiting new troopers. Class size is far below historical levels. Troopers are leaving to go to other law enforcement agencies in Washington with higher pay. It costs the state \$153,000 to train a trooper, not counting the expense to run the WSP training academy. The WSP pay is lower than 99 percent of other law enforcement agencies. Funds going into the State Patrol Highway Account are not enough to pay the needed salaries. In the short-term, the Legislature needs to acknowledge the problem and, in the long-term, the Legislature needs to be competitive on salaries.

The WSP has invested money in all troopers for education and leadership. The WSP is at critical crossroads. There are too many troopers that could be future WSP leaders leaving. Other law enforcement agencies are actively recruiting troopers away. The state is growing in population and experiencing an increased level of accidents. Accidents increase congestion and impact safety on the roadways. Troopers exhibit professionalism, expertise, and provide great public service. One trooper's father works as a Seattle Police Officer. His salary is higher and his hours are shorter than his daughter, who works for the WSP. A pay increase will help to even the playing field and stop troopers from leaving for other law enforcement agencies.

The Washington Traffic Safety Commission relies heavily on the WSP. In 2015 there were 105 more fatalities than in 2014, which was higher than 2013. Drug-impaired driving has increased. Driving Under the Influence citations are the lowest since 2014, but fatal accidents are up. The lack of WSP troopers affects outcomes.

The trooper recruitment and retention problem needs to be recognized. It compromises the public's safety when the WSP is understaffed by 106 troopers. This issue needs help immediately to turn the situation around.

(Opposed) None.

**Persons Testifying:** Representative Fey, prime sponsor; Davor Gjurasic, Courtney Stewart and Jeff Merrill, Washington State Troopers Association; Shelly Baldwin, Washington Traffic Safety Commission; and E.J. Swainson, Washington State Patrol Lieutenants Association.

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

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## HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Transportation. Signed by 32 members: Representatives Dunshee, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys, Cody, Condotta, Dent, Fitzgibbon, Haler, Hansen, Harris, Hudgins, S. Hunt, Jinkins, Kagi, Lytton, MacEwen, Magendanz, Manweller, Pettigrew, Robinson, Sawyer, Schmick, Senn, Springer, Stokesbary, Sullivan, Tharinger, Van Werven and Walkinshaw.

**Minority Report:** Do not pass. Signed by 1 member: Representative Taylor.

**Staff:** David Pringle (786-7310).

**Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Transportation:**

The Appropriations Committee substitute bill eliminates the requirement that in future collective bargaining with units of the Washington State Patrol (WSP), the state must consider the same comparisons of salary as used in the salary adjustments that are made by July 1, 2016. The requirement that the Office of Financial Management must conduct a survey every two years for purposes of bargaining of those law enforcement agencies deemed comparable for the July 1, 2016, salary increase is also removed.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Second Substitute Bill:** The bill contains an emergency clause and takes effect immediately.

**Staff Summary of Public Testimony:**

(In support) For several years it has become clear that there are issues about maintaining a qualified and fully-staffed state patrol. The Joint Transportation Committee study has highlighted particular problems—many are soon eligible to retire and, there are problems retaining expensive-to-train troopers, many of whom are leaving for higher-paid local law enforcement jobs. Fully 63 percent of the troopers interviewed said they would not encourage others to join the state patrol. Although this is partly a salary issue it is also a management issue. A historic number, almost nine troopers per month, are leaving the state patrol right now. It costs about \$100,000 to bring a trooper through the academy, and these state funds end up being given away to local governments. Pay is low because there are insufficient funds in the Highway Safety Account. The \$30 car tabs eliminated a lot of revenue that the fund used to receive. A long-term solution is needed to keep troopers' salaries competitive. The California Highway Patrol enacted similar measures years ago when faced with similar problems. A supervisor in the Seattle area noticed his troopers are being constantly recruited by local law enforcement. The WSP is a premier law enforcement agency that provides the very best service to the public. The next wave of departures may be the veteran supervisors and sergeants. Fatal accidents on the highways are up, and WSP crew

strength is down. Simply by changing uniforms, many troopers are able to earn \$2,000 per month more. Without help, trooper numbers are going to fall even further.

(Opposed) None.

**Persons Testifying:** Representative Fey, prime sponsor; Davor Gjurasic, Courtney Stewart, and Jeff Merrill, Washington State Patrol Troopers Association; and E.J. Swainson, Washington State Patrol Lieutenants Association.

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