

SENATE BILL REPORT

SHB 2357

As Reported by Senate Committee On:
Transportation, February 26, 2024

Title: An act relating to establishment of a state patrol longevity bonus.

Brief Description: Establishing a state patrol longevity bonus.

Sponsors: House Committee on Transportation (originally sponsored by Representatives Fey, Barkis, Hutchins, Robertson, Leavitt, Schmidt, Shavers, Nance, Bronoske, Paul, Timmons and Caldier).

Brief History: Passed House: 2/12/24, 97-0.

Committee Activity: Transportation: 2/20/24, 2/26/24 [DPA].

Brief Summary of Amended Bill

- Establishes the Washington State Patrol (WSP) temporary longevity bonus program with a bonus of \$10,000 paid to employees achieving 26 or more years of service.
- Expires the temporary longevity bonus program the earlier of when full field force staffing levels are achieved or June 30, 2029.
- Places conditions on the recipients of the bonus in fiscal year 2025.
- Excludes the bonus from the calculation of salary for the purposes of determining pension benefits.
- Requires the Joint Legislative Audit and Review Committee to conduct a performance review of the WSP longevity bonus pilot program by November 1, 2028.

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass as amended.

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

Signed by Senators Lias, Chair; Lovick, Vice Chair; Shewmake, Vice Chair; King, Ranking Member; Holy, Assistant Ranking Member; Cleveland, Fortunato, Hansen, Hawkins, Kauffman, Lovelett, MacEwen, Nobles, Padden, Valdez, Wilson, C. and Wilson, J..

Staff: Bryon Moore (786-7726)

Background: The Washington State Patrol (WSP) is responsible for traffic law enforcement, collision investigation, criminal interdiction, terrorism prevention, and motorist assistance on the interstate and state highway systems. Commissioned staff include a field force of 683 trooper positions and an estimated 250 commissioned non-field force positions supported by the transportation budget. As of November 2023 vacancy rates are estimated at about 23 percent.

The Washington State Patrol Retirement System (WSPRS) is the retirement plan available to commissioned WSP employees. Members can retire at age 55 with five years of service or at any age with 25 years of service. Members are subject to mandatory retirement at age 65 unless they are serving as the chief. In 2024, 122 commissioned staff will be eligible for retirement.

Compensation and personnel matters for troopers, sergeants, lieutenants, and captains are collectively bargained between their exclusive bargaining representatives and the state.

Summary of Amended Bill: The temporary state patrol longevity bonus pilot program is established. Beginning on July 1, 2024, WSP is directed to issue \$10,000 annual longevity bonuses to eligible employees completing 26 or more years of service, on the employee's anniversary date of state employment.

For any longevity bonuses awarded between July 1, 2024, and June 30, 2025, as a condition of receiving the bonus, the employee must agree that the employee will stay employed in a commissioned position with WSP in the succeeding 12-month period following receiving the bonus. If the employee fails to stay employed in a commissioned position with WSP for the full 12-month period following receiving the bonus amount, the employee will be required to pay back the portion of the bonus at \$833 per month for each month the employee failed to stay employed. This amount must be deducted from the final paycheck of the employee including sick leave buyout, vacation leave buyout, and other separation compensation.

Thirty days following any fiscal quarter in which WSP's average filled positions in field force trooper positions is equal to or exceeds the 683 total authorized field force trooper positions, the temporary state patrol longevity bonus pilot program must be terminated and no further bonuses can be awarded. The decision to terminate the program must be made by the Office of Financial Management (OFM) based on newly established WSP quarterly reporting requirements on the average filled positions in field force trooper positions in

comparison to the 683 total authorized field force trooper positions in the prior fiscal quarter. The quarterly reports must be submitted to OFM and the transportation committees of the Legislature. The authorized field force trooper level as the basis for this comparison may be adjusted as specified in the omnibus transportation appropriations act.

Intent language is included that states that the bonus is time-limited and targeted at retaining senior personnel. If not terminated by the full field staffing level provisions, the temporary longevity bonus program expires on June 30, 2029.

The benefits provided by the temporary state patrol longevity bonus pilot program are not provided to employees as a matter of contractual right. The Legislature retains the right to alter or abolish these benefits at any time or if WSP achieves full field force staffing levels.

Within the WSPRS authorizing statutes, the definition of salary is amended to exclude earnings from the longevity bonus.

By November 1, 2028, the Joint Legislative Audit and Review Committee must conduct a performance review of the WSP longevity bonus program. The performance review must evaluate, at minimum:

- the impact on retention of senior commissioned staff at the WSP;
- the change in vacancies in each of the commissioned staff categories over time;
- an evaluation of optimal commissioned staffing levels at the WSP, including comparisons to other states' field force staffing levels;
- a description of other factors that may be impacting retention and vacancy rates; and
- recommendations for addressing WSP staffing levels, which must include whether to continue the WSP longevity bonus program.

EFFECT OF TRANSPORTATION COMMITTEE AMENDMENT(S):

- Lowers the annual state trooper longevity bonus from \$15,000 to \$10,000.
- Requires individuals receiving the longevity bonuses in fiscal year 2025 to stay employed in a commissioned position with the Washington State Patrol for the 12-month period after receiving the bonus.
- Specifies the recoupment process if an individual fails to stay for the subsequent 12-month period after receiving the longevity bonus in fiscal year 2025.
- Terminates the temporary state patrol longevity bonus pilot program 30 days following any quarter in which the field force trooper staffing levels are at or exceed the 683 authorized positions.
- Directs the Office of Financial Management to make the termination decision based on specified quarterly field force trooper staffing reports.
- Adds additional language clarifying the temporary nature of longevity bonus pilot program.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Substitute House Bill: *The committee recommended a different version of the bill than what was heard.* PRO: We have serious problems on our highways with people behaving poorly and putting others at risk. Due to the vacancies in the State Patrol ranks, we do not have the troopers to adequately address this problem. This is a temporary policy, but it builds off of previous efforts. There have been past efforts to improve the competitiveness of State Patrol salaries compared to local governments designed to improve retention. Recently, the state took a variety of actions including bonuses for cadet hires, establishing lateral hiring bonuses, and providing retention bonuses for current commissioned staff. However, this still hasn't solved the problem and we still have a long way to go. With the high number of retirement eligible staff, if not addressed, additional turnover could make the problem worse. Recruitment and retention is an on-going challenge. Retention of senior staff is another area worthy of focus. This new bonus will allow us to retain staff that mentor, train, and instill the traditions of the State Patrol in the younger troopers.

Persons Testifying: PRO: Representative Jake Fey, Prime Sponsor; Jason Linn, Washington State Patrol Lieutenants and Captains Association (WSPLCA); Spike Unruh, Washington State Patrol Troopers Association.

Persons Signed In To Testify But Not Testifying: No one.