
Community Safety, Justice, & Reentry Committee

SSB 5424

Brief Description: Concerning flexible work for general and limited authority Washington peace officers.

Sponsors: Senate Committee on Labor & Commerce (originally sponsored by Senators Lovick, Holy, Dhingra, Frame, Keiser, Kuderer, Shewmake, Stanford, Valdez, Warnick and Wellman).

Brief Summary of Substitute Bill

- Authorizes law enforcement agencies to adopt flexible work policies.
- Allows part time officers to be general or limited authority peace officers.
- Includes part time officers in the Law Enforcement Officers' and Fire Fighters' Retirement System.

Hearing Date: 3/13/23

Staff: Martha Wehling (786-7067).

Background:

Law Enforcement Personnel and Peace Officers.

For purposes of the Washington Mutual Aid Peace Officers Powers Act, a general authority law enforcement agency is a state or local governmental entity with the primary purpose of detecting and apprehending persons committing infractions or violating the traffic or criminal laws. The Washington State Patrol and the Department of Fish and Wildlife are general authority law enforcement agencies.

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.

A limited authority law enforcement agency is a state or local government entity that apprehends or detects persons committing infractions or violating traffic or criminal laws related to limited subject areas. These entities include: the Departments of Natural Resources, Social and Health Services, and Corrections; the Gambling Commission, Lottery Commission, Parks and Recreation Commission, and Utilities and Transportation Commission; the Liquor and Cannabis Board; and the Office of the Insurance Commissioner, and Office of Independent Investigations.

There are multiple definitions of peace officers in Washington laws. Law enforcement personnel include any general authority peace officers. A general authority peace officer is a full-time officer of a state or local government or agency whose primary function is violations of traffic or criminal laws. The Washington State Patrol and the Washington Department of Fish and Wildlife are general authority law enforcement agencies. Corrections personnel, corrections officers, criminal justice personnel, federal peace officers, specially commissioned peace officers, sworn peace officers, reserve peace officers, and tribal police officers are separately defined. A reserve peace officer is not employed full time, but may be called by an agency into active service to enforce criminal laws.

Collective Bargaining and Retirement Plan.

The Public Employees' Collective Bargaining Act (PECBA) allows collective bargaining of wages, hours, and working conditions with employees of cities, counties, and other political subdivisions. Law enforcement officers have the authority to collectively bargain under PECBA, which is administered by the Public Employment Relations Commission.

The Law Enforcement Officers' and Fire Fighters' Retirement System Plan 2 (LEOFF 2) is one of the public employee retirement systems managed by the Department of Retirement Services. It provides retirement benefits to certain law enforcement officers and firefighters employed by the state, cities, counties, and special districts. In order to participate in the LEOFF 2, a law enforcement officer must be employed full time, fully compensated, and commissioned and employed to enforce Washington's criminal laws.

For purposes of the LEOFF 2, a law enforcement officers includes:

- a deputy sheriff who has completed a civil service exam, or certain unclassified staff;
- a public safety officer whose duties include police or fire duties in a city or town with a population less than 10,000, when the person's employment began after January 1, 1993;
- an executive secretary of a labor guild, associations, or organization if the secretary has five years of membership in a retirement system for police pensions in first-class cities; and
- a city police officer when appointed to a position created by a city charter provision or local legislative body.

A person whose position is clerical or secretarial, and not commissioned, is not a law enforcement officer.

Summary of Bill:

Flexible Work Policies.

Any general authority or limited authority law enforcement agency may adopt a flexible work policy that fits the needs of the employing agency. The policy may:

- allow a peace officer to work less than full time or an alternative schedule;
- allow a peace officer to work less than full time when feasible;
- include alternative shift and work schedules;
- supplement work during peak hours with part time officers; and
- require its officers to have a certain number of years of experience or additional training to be eligible for flexible work.

The flexible work policy may not alter any laws or workplace policies relating to restrictions on secondary employment. If a flexible work policy is adopted, it may not cause a reduction in full-time officers.

The authorization for flexible work does not alter any existing collective bargaining agreement or the duty of a law enforcement agency to bargain. A law enforcement agency that employs both full-time and part-time officers must include those officers in the same bargaining unit for any collective bargaining agreement.

Part-Time Law Enforcement Officers.

The definition of a general or limited authority peace officer under the Washington Mutual Aid Peace Officer Powers Act is amended to remove the requirement that an officer be employed full time.

Beginning July 1, 2023, a person who is employed part time, and who meets the existing criteria, is included in the definition of a law enforcement officer eligible for the LEOFF 2.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.