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McNeil Island Fire Fighters Pension Membership

PRELIMINARY REPORT

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ISSUE STATEMENT

Fire fighters serving the McNeil Island Civil Commitment Center are members of the Public Employees' Retirement System (PERS) rather than LEOFF.

OVERVIEW

A fire fighter must work for a defined LEOFF employer to qualify for LEOFF membership. Only local government entities meet that definition, with one exception: Washington State University fire fighters.

While performing all the defined duties of a LEOFF eligible fire fighter, McNeil Island fire fighters do not qualify for LEOFF because they work for the Department of Social and Health Services (DSHS) which runs the civil commitment center on the island.

This report reviews the history of McNeil Island fire fighters pension participation through the present day.

BACKGROUND AND POLICY ISSUES

A Brief History of McNeil Island

McNeil Island was originally established as a Federal Territorial Prison in 1875. The Island provided secure incarceration but also required a full time population of workers and their families. These families required the same infrastructure as any permanent community, including a school and a fire department. There is, however, no municipality because the entire operation was first federally, and then state, operated.

The fire department originally maintained fire safety for the community, including 55 island resident homes, a school, church, and community center. Fire dangers unique to prison life

included diversionary fires set by inmates inside the prison and some large external arson including setting fire to the saw mill, the island store, and King Hall at the commitment center. The McNeil Island fire department also operated two fire boats, which were available to assist with mainland fires such as a fire at the Gig Harbor marina in 2005.

The federal government transferred the island prison to state control in 1981 under the Department of Corrections (DOC). Persons employed by the DOC on or after that date became members of PERS. In 2011 the state prison closed. The prison transitioned to a civil commitment center for violent sex offenders who served out their prison time but are civilly committed to mental health treatment because they are deemed likely to offend again. DSHS took over as employer to the remaining staff, including the fire fighters, continuing PERS membership.

McNeil Island has maintained a fire department throughout its history. It currently employs 7 career fire fighters and 8 volunteer inmate fire fighters.

Pension Participation

McNeil Island fire fighters are state employees in PERS, first with DOC prior to 2011, thereafter with DSHS. They meet some but not all the current legal qualifications for LEOFF. Those requirements are: 1) Work for a LEOFF employer; 2) Full time fully compensated employment; 3) Fire combat or supervisory fire fighter duties; 4) Member of an employer's fire department.

The Department of Retirement Systems (DRS) is the final decision maker on LEOFF eligibility. This report's conclusions on that subject are, therefore, subject to DRS review.

McNeil Island Fire Fighters do not work for a LEOFF Employer

The original LEOFF definition of "employer" was limited to political subdivisions. That is, it excluded state agencies such as DSHS. The definition was amended in 1996 to include: "A four-year institution of higher education having a fully operational fire department as of January 1, 1996." §2, Ch. 38, laws of 1996. This was specific to Washington State University, which, like McNeil Island, maintained its own fire department. Bringing McNeil Island fire fighters into LEOFF would require a similar amendment.

McNeil Fire Fighters Meet LEOFF Duty and Compensation Requirements

McNeil Island fire fighters are salaried workers who work 24 hours on and 24 hours off for 3 shifts, with the next 4 days off. This equates to 192 hours every 27 days, exceeding the LEOFF requirement of at least 160 hours per month. McNeil Island fire fighters are full time fully compensated fire fighters.

They also meet fire fighter duty requirements to qualify as fire fighters, defined as having:

“...the legal authority and responsibility to direct or perform fire protection activities that are required for and directly concerned with preventing, controlling and extinguishing fires”

WAC 415-104-225. The definition also includes supervisory fire personnel.

McNeil Island fire fighters have two job classifications: Assistant Fire Chief or Fire Chief. Both classification descriptions appear to satisfy the LEOFF duty requirements:

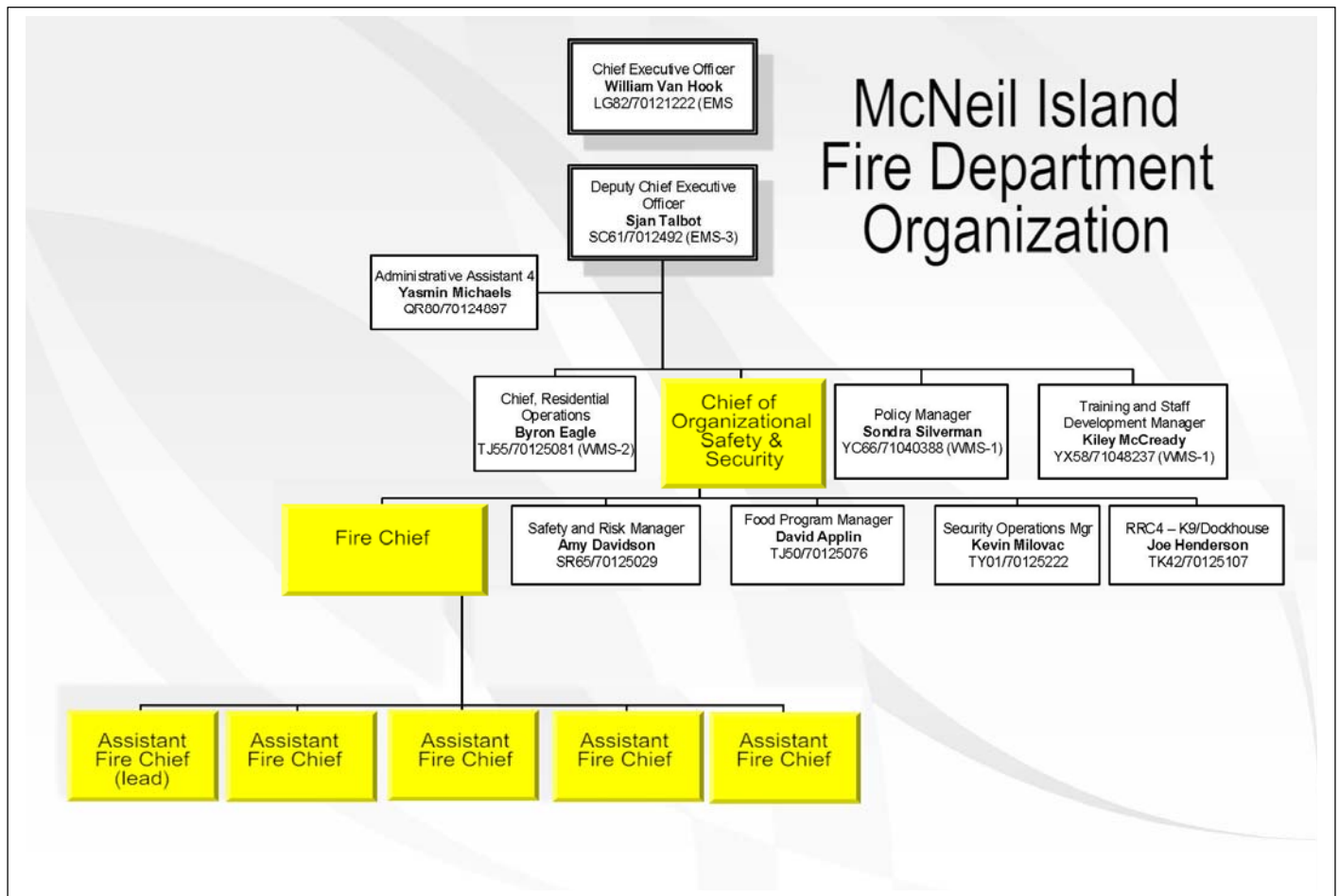
- Assistant Fire Chief:
 - “These positions exercise independent judgment and assist the Fire Chief in the emergency response program for fire, medical aid, and hazardous materials emergencies on McNeil Island, 24-hours a day, seven days a week. Develops, monitors and administers a fire suppression training program that meets or exceeds state and local requirements. This position will assume command and act for the Fire Chief in their absence.”
 - “Directs fire, medical aid, and hazardous materials response emergencies on McNeil Island. ...Maintains all fire suppression equipment, i.e., fire engines, ambulances, HAZ-MAT response van, SCBAS fire extinguishers, fire alarm and sprinkler systems; ...Respond to fire and ambulance calls and lead the operation of fire suppression, hazardous material, and emergency medical equipment;”
- Fire Chief:
 - “...directs the emergency response program for fire, medical aid, and hazardous materials emergencies on McNeil Island, 24-hours a day, seven days a week, protecting life and safety of McNeil Island staff, inmates and island residents.”

Both positions require Emergency Medical Technician certification prior to employment. See Appendix A: Fire Chief and Assistant Fire Chief Class Specifications.

While subject to final review by DRS, it is likely that the McNeil Island fire fighter positions meet the duty requirements of the LEOFF fire fighter definition.

Do McNeil Island fire fighters work for a fire department?

A qualifying fire fighter must “work for the fire department of an employer.” A review of the McNeil Island organizational structure shows the fire fighters probably work for a fire department within DSHS:



The organization chart shows a separate fire chief reporting to the Chief of organizational safety and security. The job classification shows an absence of non-fire duties. This appears to be a fire department although not identified as such in the organization chart. Subject to review and approval from DRS, it appears McNeil Island fire fighters meet all LEOFF qualifications except for the requirement of working for a LEOFF employer.

POLICY OPTIONS

Option 1: Expand Definition of Employer for Prospective Service Only

Passage of such legislation would bring all current McNeil Island fire fighters into LEOFF, making them dual members.

Option 2: Expand Definition of Employer with Option to Transfer Prior Service

Similar provisions were included in the 2007 bill bringing EMTs into LEOFF and last year's bill bringing hospital district EMTs into LEOFF. These provisions allow affected members the option to transfer their past PERS fire fighter service into LEOFF. The member and employer would have to pay difference between PERS contributions and LEOFF contributions for the covered period.

Option 3: Further Study

This would allow DRS an opportunity to review the positions and confirm that they would be LEOFF eligible if the employer was a political subdivision. Would also allow for more detailed fiscal analysis.

Option 4: No Further Action at This Time

SUPPORTING INFORMATION

Appendix A: Fire Chief and Assistant Fire Chief class descriptions.

APPENDIX A: MCNEIL ISLAND FIRE FIGHTERS CLASS DESCRIPTIONS

State of Washington Class Specification

FIRE CHIEF

396F

Salary Range: 59

Category: Protective Services

Definition

This is the senior, specialist, or leadworker level of the series. Within the Department of Corrections, directs the emergency response program for fire, medical aid, and hazardous materials emergencies on McNeil Island, 24-hours a day, seven days a week, protecting life and safety of McNeil Island staff, inmates and island residents. Monitors a fire suppression-training program that meets or exceeds state and local requirements;

OR

In higher education, directs a shift of fire department personnel and functional operations. May supervise fire officers and student fire fighters.

Typical Work

Assists in interviewing and making recommendations on appointments and with disciplinary actions;

Plans, schedules and assigns staff and student fire personnel to shifts and duty assignments;

Reviews and analyzes operational data and initiate or recommend corrective action;

Assists in the development of departmental operating policies and procedures;

Organizes and conducts lectures on fire safety, life safety, occupational safety and related subjects;

Coordinates and performs safety and fire inspections to ensure compliance with applicable codes;

Develops and directs training programs for campus and other area emergency personnel;

Devises and conducts pre-fire planning surveys to enhance fire suppression capability;

Conducts investigations of fires and hazardous material incidents to determine origin and cause;

Assumes responsibility for Fire Department operations in absence of supervisor;

Conducts classroom and high-risk field training in accordance with lesson plans, assuring all current applicable standards are met, assisting with planning and curriculum development as needed;

Participates in the development of statewide fire service training goals and objectives;

Identifies customer training needs, provides customer assistance with training related problems, which may include off-site visits, needs analyses, evaluations, and recommendations;

Develops recommendations for firefighting training props and classroom instruction;

May schedule and evaluate on-call and guest instructors as needed;

May supervise lower level staff.

Legal Requirement(s)

Certification as an Emergency Medical Technician is required prior to employment.

Desirable Qualifications

Four years of experience as a lieutenant or above at a fire department involved in fire suppression activities

OR

Two years of experience as a lieutenant or above at a fire department involved in fire suppression activities which includes at least one year as a fire codes enforcement officer.

Class Specification History

New class consolidates 2677 Fire Officer II, 41940 Fire Chief – DOC; adopted May 10, 2007, effective July 1, 2007.

State of Washington Class Specification

ASSISTANT FIRE CHIEF

396E

Salary Range: 53

Category: Protective Services

Definition

This is the journey level of the series. These positions exercise independent judgment and assist the Fire Chief in the emergency response program for fire, medical aid, and hazardous materials emergencies on McNeil Island, 24-hours a day, seven days a week. Develops, monitors and administers a fire suppression training program that meets or exceeds state and local requirements. This position will assume command and act for the Fire Chief in their absence.

OR

In higher education, under general supervision, lead student fire fighters in fire prevention, suppression, emergency medical treatment and maintenance of equipment.

Typical Work

Develops, monitors and administers a training program for inmate fire fighters and fire department staff that meets or exceeds state, local, and NFPA standards; provides ongoing training classes to ensure all annual and quarterly training requirements are met; maintains training records for the department and on an individual basis;

Inspects all occupancies of compliance with state and federal fire and life safety requirements, i.e., MICC's main facility, the DSGS Special Commitment Center, manufacturing facilities, power generation station, sewer and water treatment facilities, gas station, auto and marine repair shops, an elementary school, a bowling alley, a community of 52 family residences, and 4,400 acres of wild lands;

Supervises fire drills and provides instruction pertaining to the handling of emergency situations; inspects and tests fire fighting equipment and alarm systems for proper operation; interprets and explains national, state, and city fire codes to staff; provides technical advice to individuals as requested;

Investigates fires on McNeil Island relative to fire plan and systems operation; prepares reports on fires occurring on McNeil Island under the direction of the State Fire Marshall; develops and updates policies pertaining to fire prevention, suppression and hazardous materials containment spills;

Provides technical assistance to local jurisdictions, coordinates compliance of state and federal regulations and requirements; maintains liaison with local jurisdiction concerning fire hazards on construction projects;

Directs fire, medical aid, and hazardous materials response emergencies on McNeil Island.

Maintains all fire suppression equipment, i.e., fire engines, ambulances, HAZ-MAT response van, SCBAS fire extinguishers, fire alarm and sprinkler systems;

Respond to fire and ambulance calls and lead the operation of fire suppression, hazardous material, and emergency medical equipment;

Assist with safety and fire inspections, testing of fire protection systems, pre-fire planning surveys, campus fire-life safety education, fire investigations, etc.;

Lead and perform maintenance on emergency fire and ambulance apparatus and related equipment;

Prepare reports such as public assist, medical and fire incident, pre-fire survey, and safety and fire inspection;

Attend public events to ensure compliance with safety and fire codes;

Conduct periodic fire drills;

Lead custodial maintenance of fire station;

Performs other work as required.

Legal Requirement(s)

Certification as an Emergency Medical Technician is required prior to employment.

Desirable Qualifications

Four years of experience as a structural firefighter or above at a fire department involved in fire suppression activities.

OR

One year of experience as a lieutenant or above at a fire department involved in fire suppression activities which includes experience as a training officer.

OR

A two year degree in Fire Science.

Class Specification History

New class consolidates 2676 Fire Officer I, 41950 Assistant Fire Chief – DOC, adopted May 10, 2007, effective July 1, 2007.

Revise definition; adopted 5/9/2013, effective 5/10/2013



McNeil Island Fire Fighters Pension Membership

December 20, 2017

McNeil Island Fire Fighters are PERS Members

- McNeil Island Fire Fighters work for a state agency:
 - DOC: 1981- 2011
 - DSHS: 2011- present
- State agencies are not LEOFF employers, so McNeil Island Fire Fighters are in PERS
- Unique status of McNeil Island led to current situation

**Isolated
Location for
Incarceration**



McNeil

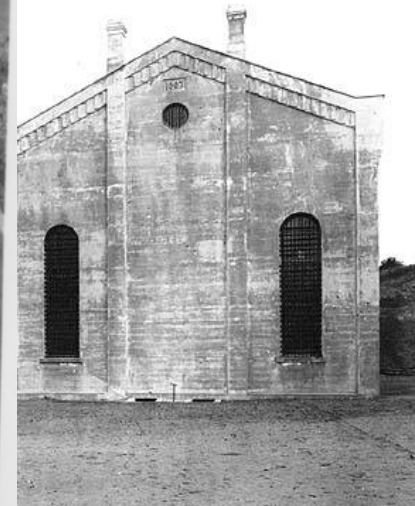


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with a chur
school, sto
and comm
center



Community without a
municipality.

al Penitentiary
5



McNeil Island Fire Department

- Fire department needed to protect community, plus prison specific fire dangers:
 - Diversionary fires set inside
 - Arson on external buildings including:
 - Saw Mill
 - Island Store
 - Civil Commitment Center Hall



State Takes Over in 1981

- Initially operated by Department of Corrections (DOC) as a prison – Commitment Center added later



- Prison closed in 2011
 - Kept Civil Commitment Center for Violent Sex Offenders operated by DSHS



- From 1981 to present, fire fighters have been in PERS
- Fire fighters would probably qualify for LEOFF if employed by a municipality

McNeil Island Fire Fighters Not Eligible for LEOFF

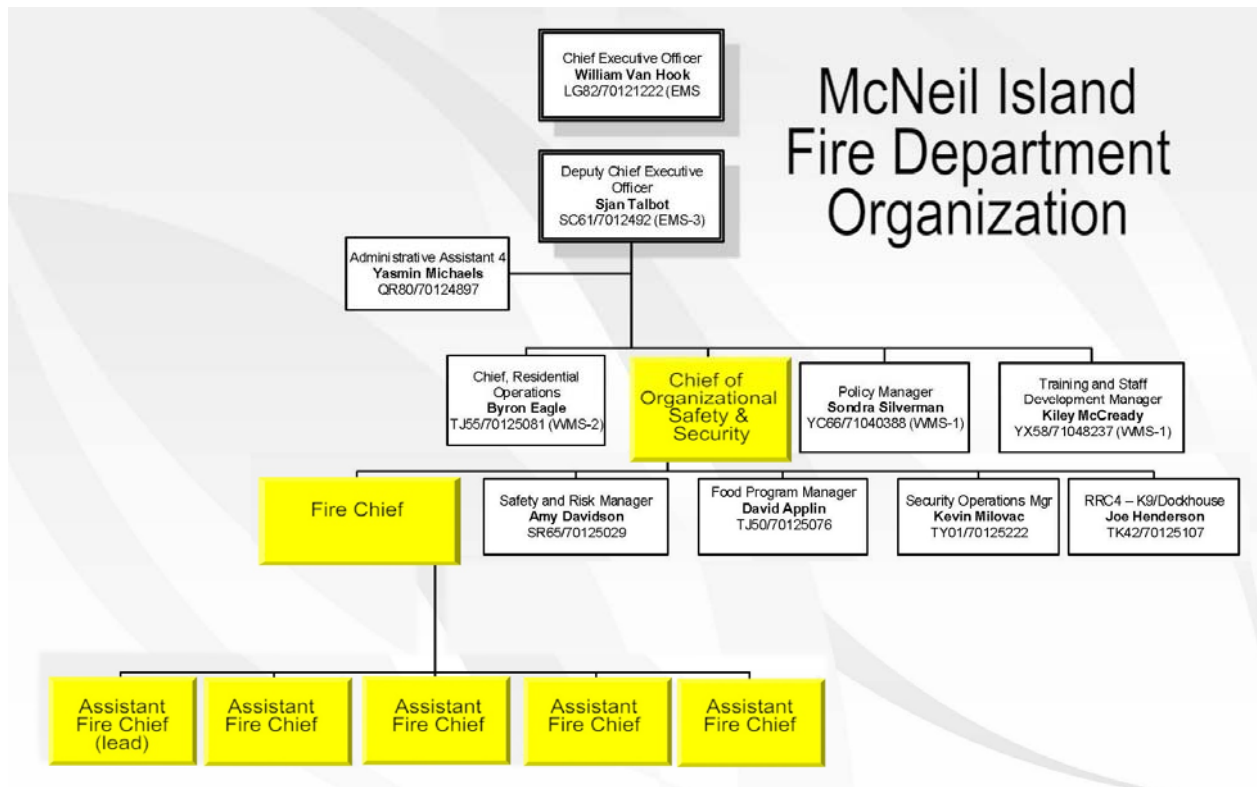
- Only employees of defined LEOFF employer qualify for LEOFF
- Most State Agencies are not LEOFF employers
 - Original definition limited to political subdivision employers
 - Higher education fire fighters (WSU) added in 1996
 - Bringing McNeil Island fire fighters into LEOFF would require similar amendment

McNeil Island Fire Fighters Meet LEOFF Duty Requirements

- Full time fully compensated – full time salaried employees working 192 hours every 27 days
- Fire combat or fire supervisory duties – Fire Chief and Assistant Fire Chief positions provide fire, EMT, and HazMat protection:
 - Fire Chief – “directs the emergency response program for fire, medical aid, and hazardous materials emergencies on McNeil Island, 24-hours a day, seven days a week, protecting life and safety of McNeil Island staff, inmates and island residents.”
 - Assistant Fire Chief – “These positions exercise independent judgment and assist the Fire Chief in the emergency response program for fire, medical aid, and hazardous materials emergencies on McNeil Island, 24-hours a day, seven days a week.”
 - Both positions require prior EMT certification. Fire fighting experience and/or education

McNeil Island Fire Fighters Probably Work for Fire Department

- Employee must work for “fire department of an employer” to be in LEOFF



Policy Options

- **Option 1:** Expand Definition of Employer for Prospective Service Only
- **Option 2:** Expand Definition of Employer with Option to Transfer Prior Service
- **Option 3:** Further Study in 2018 interim
- **Option 4:** No Further Action at This Time



Thank You

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