



September 27, 2023

## Part-Time LEOFF Members

### INITIAL CONSIDERATION

By Jacob White

Senior Research & Policy Manager

360-586-2327

[jacob.white@leoff.wa.gov](mailto:jacob.white@leoff.wa.gov)

### ISSUE STATEMENT

Law enforcement agencies adopting flexible work policies may help address hiring and retention issues in law enforcement, however, part-time law enforcement officers are not eligible for membership in LEOFF Plan 2.

### OVERVIEW

LEOFF Plan 2 requires law enforcement officers to be full-time and commissioned to be eligible for membership in the plan. During the 2023 legislative session HB 1413/SB 5424 - *Concerning flexible work for general and limited authority Washington peace officers*, was proposed. These bills would have impacted LEOFF Plan 2 by allowing part-time law enforcement officers to be eligible for membership in LEOFF Plan 2. In addition to these changes, the bills made other changes outside the scope of the LEOFF Plan 2 Board. These bills were not endorsed by the LEOFF 2 Board and failed to pass through their respective fiscal committees.

### BACKGROUND AND POLICY ISSUES

Current law requires LEOFF Plan 2 covered law enforcement officers to be full-time and commissioned.<sup>1</sup> Full-Time is defined in WAC by the Department of Retirement Systems (DRS) as “an employee who is normally expected to earn basic salary from an employer for a minimum of one hundred sixty hours in a calendar month.”<sup>2</sup> Commissioned is defined by DRS in WAC as “an employee is employed as an officer of a general authority Washington law enforcement agency and is empowered by that employer to enforce the criminal laws of the state of Washington.”<sup>3</sup>

Under current law “full-time” and “commissioned” are intertwined because for an officer to have general authority as required by the definition of commissioned they must be full-time.

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<sup>1</sup> RCW 41.26.030 (19)

<sup>2</sup> WAC 415-104-011(4)

<sup>3</sup> WAC 415-104-011(1)

However, it is possible for a commissioned officer to not be full-time for a limited amount of time before losing their commission.<sup>4</sup> Therefore, it is currently possible for an officer to be a LEOFF 2 member and work part-time for a limited number of months, so long as they retain their commission, and they are “normally expected” to work full-time. “Normally expected” is not currently defined in law or WAC.

During the 2023 legislative session HB 1413, *Concerning flexible work for general and limited authority Washington peace officers*, and a companion bill, SB 5424, were proposed. These bills both passed out of their respective policy committees with amendments but failed to pass out of their fiscal committees.

These bills made multiple changes with no direct impact to LEOFF Plan 2, including making it so that flexible work policies may be adopted by an employer to:

- 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;
- require its officers to have a certain number of years of experience or additional training to be eligible for flexible work.

These bills also restricted the flexible work polices from:

- altering any laws or workplace policies relating to restrictions on secondary employment;
- causing a reduction in full-time officers;
- altering any existing collective bargaining agreement or the duty of a law enforcement agency to bargain; and,
- 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.

In addition to the changes above, these bills would have made the following direct impacts to LEOFF Plan 2:

- 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; and,

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<sup>4</sup> RCW 10.93.020

- 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 LEOFF 2.

After receiving initial hearings in the policies committees, both the House and Senate passed substitute versions of the bills, which were referred to the fiscal committees; SHB 1413 had the following amendments:

- prohibits the policy from causing the layoff or displacement of any full-time officer
- clarifies that the bill does not alter the duty of a law enforcement agency to bargain
- clarifies that full-time and part-time officers working in the same law enforcement agency are part of the same bargaining unit.
- makes the requirement that city police officers participating in LEOFF 2 be "full time" inapplicable to the extent allowed by the bill

Meanwhile, SSB 5424 was amended to clarify the category of city police officers in the definition of law enforcement officers in the LEOFF 2 retirement system to allow part-time city police officers to participate in the retirement system.

The Office of the State Actuary (OSA) completed actuarial fiscal notes on SHB 1413 and SSB 5424 (see Appendix A and B). OSA found the costs impacts to the pension systems to be indeterminate due to a lack of data. They found that these bills could increase the number of law enforcement officers in the retirement systems. However, they did not know the current number (or their demographics) of officers who would be eligible to join the retirement systems because of this bill. Furthermore, OSA did not know the number of future positions, if any, that would be added due to staffing needs from current members choosing to work a reduced schedule.

While OSA was not able to identify the costs of the bills, they did state that the following factors could impact the cost/savings from this bill:

**Behavioral Assumptions:** We use behavioral assumptions primarily to model the rate at which members leave their retirement systems (most commonly via retirement or termination). Removing the "full time" requirement may result in members remaining active in the retirement system longer. As an example, they may work fewer hours as they approach retirement.

**Change in Plan Demographics:** The average plan demographics may change depending on the number of members that become eligible to participate in the retirement

systems under this bill. In addition, this bill could result in current full-time members choosing to work fewer hours while remaining eligible to participate in their retirement plan. Should this occur then there may be a need for additional law enforcement positions to fill the reduction in hours.

## **SUPPORTING INFORMATION**

Appendix A: Fiscal Note – SHB 1413

Appendix B: Fiscal Note – SSB 5424

# Multiple Agency Fiscal Note Summary

# APPENDIX A

<b>Bill Number:</b> 1413 S HB	<b>Title:</b> Flexible work/peace officers
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## Estimated Cash Receipts

NONE

## Estimated Operating Expenditures

Agency Name	2023-25				2025-27				2027-29			
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
State Lottery	.0	0	0	0	.0	0	0	0	.0	0	0	0
Washington State Gambling Commission	.0	0	0	0	.0	0	0	0	.0	0	0	0
Office of Insurance Commissioner	.0	0	0	0	.0	0	0	0	.0	0	0	0
Liquor and Cannabis Board	.0	0	0	0	.0	0	0	0	.0	0	0	0
Utilities and Transportation Commission	.0	0	0	0	.0	0	0	0	.0	0	0	0
Washington State Patrol	Non-zero but indeterminate cost and/or savings. Please see discussion.											
Department of Social and Health Services	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Corrections	.0	0	0	0	.0	0	0	0	.0	0	0	0
University of Washington	.0	0	0	0	.0	0	0	0	.0	0	0	0
Washington State University	.0	0	0	0	.0	0	0	0	.0	0	0	0
Eastern Washington University	.0	0	0	0	.0	0	0	0	.0	0	0	0
Central Washington University	.0	0	0	0	.0	0	0	0	.0	0	0	0
The Evergreen State College	.0	0	0	0	.0	0	0	0	.0	0	0	0
Western Washington University	.0	0	0	0	.0	0	0	0	.0	0	0	0
State Parks and Recreation Commission	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Fish and Wildlife	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Natural Resources	.0	0	0	0	.0	0	0	0	.0	0	0	0
Actuarial Fiscal Note - State Actuary	Non-zero but indeterminate cost and/or savings. Please see discussion.											
<b>Total \$</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0</b>

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts									
Loc School dist-SPI									
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Total									

## Estimated Capital Budget Expenditures

Agency Name	2023-25			2025-27			2027-29		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
State Lottery	.0	0	0	.0	0	0	.0	0	0
Washington State Gambling Commission	.0	0	0	.0	0	0	.0	0	0
Office of Insurance Commissioner	.0	0	0	.0	0	0	.0	0	0
Liquor and Cannabis Board	.0	0	0	.0	0	0	.0	0	0
Utilities and Transportation Commission	.0	0	0	.0	0	0	.0	0	0
Washington State Patrol	.0	0	0	.0	0	0	.0	0	0
Department of Social and Health Services	.0	0	0	.0	0	0	.0	0	0
Department of Corrections	.0	0	0	.0	0	0	.0	0	0
University of Washington	.0	0	0	.0	0	0	.0	0	0
Washington State University	.0	0	0	.0	0	0	.0	0	0
Eastern Washington University	.0	0	0	.0	0	0	.0	0	0
Central Washington University	.0	0	0	.0	0	0	.0	0	0
The Evergreen State College	.0	0	0	.0	0	0	.0	0	0
Western Washington University	.0	0	0	.0	0	0	.0	0	0
State Parks and Recreation Commission	.0	0	0	.0	0	0	.0	0	0
Department of Fish and Wildlife	.0	0	0	.0	0	0	.0	0	0
Department of Natural Resources	.0	0	0	.0	0	0	.0	0	0
Actuarial Fiscal Note - State Actuary	.0	0	0	.0	0	0	.0	0	0
<b>Total \$</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts									
Loc School dist-SPI									
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Total									

## Estimated Capital Budget Breakout

<b>Prepared by:</b> Tiffany West, OFM	<b>Phone:</b> (360) 890-2653	<b>Date Published:</b> Final 2/28/2023
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# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1413 S HB	<b>Title:</b> Flexible work/peace officers	<b>Agency:</b> 116-State Lottery
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

<b>Legislative Contact:</b>	<b>Phone:</b>	<b>Date:</b> 02/20/2023
<b>Agency Preparation:</b> John Iyall	360-810-2870	<b>Date:</b> 02/22/2023
<b>Agency Approval:</b> Josh Johnston	360-810-2878	<b>Date:</b> 02/22/2023
<b>OFM Review:</b> Gwen Stamey	(360) 790-1166	<b>Date:</b> 02/23/2023



## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

Washington's Lottery is a limited authority Washington law enforcement agency pursuant to RCW 67.70.330. S HB 1413 specifically authorizes law enforcement agencies to adopt a flexible work policy. All Lottery personnel are currently eligible for flexible work schedules subject to agency needs.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

NONE

### III. B - Expenditures by Object Or Purpose

NONE

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

### III. D - Expenditures By Program (optional)

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

### IV. B - Expenditures by Object Or Purpose

NONE

### IV. C - Capital Budget Breakout

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1413 S HB	<b>Title:</b> Flexible work/peace officers	<b>Agency:</b> 117-Washington State Gambling Commission
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact:	Phone:	Date: 02/20/2023
Agency Preparation: Kriscinda Hansen	Phone: 360-486-3489	Date: 02/21/2023
Agency Approval: Kriscinda Hansen	Phone: 360-486-3489	Date: 02/21/2023
OFM Review: Gwen Stamey	Phone: (360) 790-1166	Date: 02/23/2023

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

There is no change to this fiscal note from the previous version.

The Gambling Commission does not anticipate hiring part-time officers.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

NONE

### III. B - Expenditures by Object Or Purpose

NONE

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

### III. D - Expenditures By Program (optional)

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

### IV. B - Expenditures by Object Or Purpose

NONE

### IV. C - Capital Budget Breakout

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1413 S HB	<b>Title:</b> Flexible work/peace officers	<b>Agency:</b> 160-Office of Insurance Commissioner
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

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- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

<b>Legislative Contact:</b>	<b>Phone:</b>	<b>Date:</b> 02/20/2023
Agency Preparation: Michael Walker	Phone: 360-725-7036	Date: 02/21/2023
Agency Approval: Michael Wood	Phone: 360-725-7007	Date: 02/21/2023
OFM Review: Jason Brown	Phone: (360) 742-7277	Date: 02/27/2023

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

Section 1 allows general authority and limited authority law enforcement agencies to adopt a flexible work policy to allow officers to work at less than full time when feasible. The Office of Insurance Commissioner (OIC) does not plan on utilizing part-time limited authority officers. Therefore, this bill has no fiscal impact on the OIC.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

NONE

### III. B - Expenditures by Object Or Purpose

NONE

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

### III. D - Expenditures By Program (optional)

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

### IV. B - Expenditures by Object Or Purpose

NONE

### IV. C - Capital Budget Breakout

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*



# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1413 S HB	<b>Title:</b> Flexible work/peace officers	<b>Agency:</b> 195-Liquor and Cannabis Board
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

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- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

<b>Legislative Contact:</b>	<b>Phone:</b>	<b>Date:</b> 02/20/2023
Agency Preparation: Colin O Neill	Phone: (360) 664-4552	Date: 02/21/2023
Agency Approval: Aaron Hanson	Phone: 360-664-1701	Date: 02/21/2023
OFM Review: Amy Hatfield	Phone: (360) 280-7584	Date: 02/21/2023

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

Section 1(1): Every general authority and limited authority Washington law enforcement agency may adopt a flexible work policy. The policy may allow for general authority and limited authority Washington peace officers to work at less than full time when feasible, such as supplementing work during peak hours with part-time officers. The flexible work policy may include alternative shift and work schedules that fit the needs of the law enforcement agency.

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#### CHANGES MADE BY THE SUBSTITUTE:

- Prohibits the flexible work policy from causing the layoff or displacement of any full-time officer.
- Clarifies that the bill does not alter the duty of a law enforcement agency to meet their duty to collectively bargain.
- Clarifies that full-time and part-time officers working for the same law enforcement agency who are covered by a collective bargaining agreement must be in the same bargaining unit.
- Clarifies that the requirement that a city police officer participating in LEOFF be “full time” does not apply to the extent allowed by the bill.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

No fiscal impact. The agency's enforcement officers currently have flexible schedules, and no additional FTEs or overtime will be needed to continue to offer flexible schedules. The agency also does not have any part time officers nor does it plan to offer that option in the future.

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

NONE

### III. B - Expenditures by Object Or Purpose

NONE

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

### III. D - Expenditures By Program (optional)

NONE

## **Part IV: Capital Budget Impact**

### **IV. A - Capital Budget Expenditures**

NONE

### **IV. B - Expenditures by Object Or Purpose**

NONE

### **IV. C - Capital Budget Breakout**

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

### **IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

## **Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1413 S HB	<b>Title:</b> Flexible work/peace officers	<b>Agency:</b> 215-Utilities and Transportation Commission
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact:	Phone:	Date: 02/20/2023
Agency Preparation: Amy Andrews	Phone: 360-481-1335	Date: 02/21/2023
Agency Approval: Amy Andrews	Phone: 360-481-1335	Date: 02/21/2023
OFM Review: Tiffany West	Phone: (360) 890-2653	Date: 02/21/2023

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

Section 1 is a new section that states that general and limited authority law enforcement agencies may adopt flexible work polices.

Section 2 says the flexible policies may be conditioned by a certain number of years of experience an officer has.

Section 3 amends RCW 41.26.030 in section 19 (c) regarding the requirement that a commissioned law enforcement officer be full time and that it does not apply in subsection (f) which is another amendment that creates an effective date.

UTC already allows its investigators to work flexible schedules and therefore assumes no fiscal impact.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

None.

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

NONE

### III. B - Expenditures by Object Or Purpose

NONE

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

### III. D - Expenditures By Program (optional)

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

### IV. B - Expenditures by Object Or Purpose

NONE

### IV. C - Capital Budget Breakout

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

## **Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1413 S HB	<b>Title:</b> Flexible work/peace officers	<b>Agency:</b> 225-Washington State Patrol
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## Part I: Estimates

No Fiscal Impact

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

**Non-zero but indeterminate cost and/or savings. Please see discussion.**

### Estimated Capital Budget Impact:

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact:	Phone:	Date: 02/20/2023
Agency Preparation: Kendra Sanford	Phone: 360-596-4080	Date: 02/21/2023
Agency Approval: Shawn Eckhart	Phone: 360-596-4083	Date: 02/21/2023
OFM Review: Tiffany West	Phone: (360) 890-2653	Date: 02/21/2023

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

The substitute version of the proposed legislation clarifies that flexible work schedules may not cause layoff or displacement of full-time officers, specifies that an agency authorizing flexible work policies does not affect their duty to bargain under chapter 41.56 or 41.8 RCW, and all officers working for the same law enforcement agency regardless of work schedule, must be covered in the same bargaining unit.

These changes do not change our described fiscal impact in the initial proposed legislation.

The proposed legislation creates an indeterminate fiscal impact to the Washington State Patrol (WSP).

Section 1 allows for general authority and limited authority Washington peace officers to work at less than full-time when feasible, such as supplementing work during peak hours with part-time officers.

Section 2 amends the definition of "general authority" and "limited authority" Washington peace officers from full-time to include any fully compensated officer.

Section 3 amends the definition of "law enforcement officer" to include any fully compensated officer on a less than full-time basis beginning July 1, 2023.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

NONE

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

There is an indeterminate fiscal impact as we are unable to identify how many officers will want to become part-time if we adopt a flexible work policy. If officers become part-time, we may need to hire additional officers or incur additional overtime costs to meet workload demands.

If there is an increase in officers, regardless of hours worked, this may require additional staff in support divisions, to include but not limited to Training Division, Supply, Fleet, Human Resources, and Payroll.

Also, compared to one full-time officer, part-time officers working an equivalent number of hours may have an increase or decrease in cost depending on if they are eligible for benefits.

All officers, regardless of hours worked, will need to be completely outfitted (uniform, vehicle, mobile phone, radio, etc...). We estimate this at \$136,000 for initial outfitting and up to \$56,000 in subsequent years per officer.

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

**Non-zero but indeterminate cost and/or savings. Please see discussion.**



**III. B - Expenditures by Object Or Purpose**

Non-zero but indeterminate cost and/or savings. Please see discussion.

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

**III. D - Expenditures By Program (optional)**

NONE

**Part IV: Capital Budget Impact**

**IV. A - Capital Budget Expenditures**

NONE

**IV. B - Expenditures by Object Or Purpose**

NONE

**IV. C - Capital Budget Breakout**

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1413 S HB	<b>Title:</b> Flexible work/peace officers	<b>Agency:</b> 300-Department of Social and Health Services
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

<b>Legislative Contact:</b>	<b>Phone:</b>	<b>Date:</b> 02/20/2023
Agency Preparation: Bill Jordan	Phone: 360-902-8183	Date: 02/20/2023
Agency Approval: Dan Winkley	Phone: 360-902-8236	Date: 02/20/2023
OFM Review: Robyn Williams	Phone: (360) 704-0525	Date: 02/21/2023

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

The Department of Social and Health Services (DSHS), Office of Fraud and Accountability (OFA) is designated as a Limited Authority Washington Law Enforcement Agency. OFA is not fully commissioned. This bill allows for agencies to adopt a flexible work policy that allows for peace officers to work less than full time. There is no fiscal impact to DSHS for this bill.

The difference from the original HB 1413 is the substitute bill prohibits the policy from causing the layoff or displacement of any full-time officer; clarifies that the bill does not alter the duty of a law enforcement agency to bargain; clarifies that full-time and part-time officers working in the same law enforcement agency are part of the same bargaining unit; and makes the requirement that city police officers participating in the LEOFF 2 be "full time" inapplicable to the extent allowed by the bill.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

NONE

### III. B - Expenditures by Object Or Purpose

NONE

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

### III. D - Expenditures By Program (optional)

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

### IV. B - Expenditures by Object Or Purpose

NONE

### IV. C - Capital Budget Breakout

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

## **Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1413 S HB	<b>Title:</b> Flexible work/peace officers	<b>Agency:</b> 310-Department of Corrections
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

<b>Legislative Contact:</b>	<b>Phone:</b>	<b>Date:</b> 02/20/2023
Agency Preparation: James Killough	Phone: (360) 725-8428	Date: 02/22/2023
Agency Approval: Ronell Witt	Phone: (360) 725-8428	Date: 02/22/2023
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 02/22/2023

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

1413 SHB is the newest version of 1413 HB and allows law enforcement agencies to adopt a flexible work policy. The policy may allow for general authority and limited authority Washington peace officers to work, and be hired, at less than full time when feasible. This could be used to supplement work during peak hours with part-time officers. The flexible work policy may include alternative shift and work schedules that fit the needs of the law enforcement agency. However, this bill states that it does not modify existing collective bargaining agreements.

Effective date is assumed 90 days after adjournment of session in which this bill is passed

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

None.

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

We assume this bill will have no fiscal impact to Department of Corrections (DOC).

The changes in this new version of the bill do not alter the impacts to DOC. The DOC does not have any part-time job classifications that meet those defined in the bill, at this time, so it is assumed this bill will have no fiscal impact. However, should DOC choose to pursue part-time staff or positions, for the applicable job classes, there would be potential future fiscal impacts and DOC will submit a corresponding decision package.

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

NONE

### III. B - Expenditures by Object Or Purpose

NONE

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

### III. D - Expenditures By Program (optional)

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

**IV. B - Expenditures by Object Or Purpose**

NONE

**IV. C - Capital Budget Breakout**

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

None.

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1413 S HB	<b>Title:</b> Flexible work/peace officers	<b>Agency:</b> 360-University of Washington
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact:	Phone:	Date: 02/20/2023
Agency Preparation: Michael Lantz	Phone: 2065437466	Date: 02/22/2023
Agency Approval: Charlotte Shannon	Phone: 2066858868	Date: 02/22/2023
OFM Review: Ramona Nabors	Phone: (360) 742-8948	Date: 02/27/2023



## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

Substitute House Bill 1413 concerns flexible work policies for law enforcement officers. Compared with the original bill, the substitute makes the following changes:

- Provides that an adopted flexible work policy may not cause the layoff or otherwise displace any full-time officer.
- Specifies that the section authorizing flexible work policies does not affect the duty of a LEA to bargain under PECBA or the Personnel System Reform Act.
- Requires full-time and part-time officers working for the same LEA who are covered by a collective bargaining agreement to be in the same bargaining unit.
- Makes the requirement that city police officers participating in the LEOFF 2 be "full time" inapplicable to the extent allowed by the bill.

These changes would not result in an additional fiscal impact to the University of Washington and therefore we are submitting the same fiscal note.

Section 1 allows, but does not require, each general authority and limited authority law enforcement agency to adopt a flexible work policy. Options that can be outlined in the policy include allowing officers to work less than full-time when feasible as well as alternative shift and work schedules to meet the needs of the law enforcement agency. The University of Washington Police Department (UWPD) currently offers flexible work schedules for officers and may consider allowing certain officers to work less than full-time should the bill pass. While a new policy would require staff time to develop and review, any associated costs can be absorbed using existing resources. Therefore, there is no fiscal impact to UWPD from this section.

Section 2 removes references to "full-time" in the definitions of "General authority Washington peace officer" and "Limited authority Washington peace officer" to allow these officers to work less than full time. There is not fiscal impact to the UWPD from this section.

Section 3 adds to the definition of "law enforcement officer" to includes officers working less than full-time in the Law Enforcement Officers' and Firefighter' Retirement System statutes. There is no fiscal impact to UWPD from this section.

Overall, there is no fiscal impact to UWPD, or the University as a whole, from SHB 1413.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

NONE

### III. B - Expenditures by Object Or Purpose

NONE

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

**III. D - Expenditures By Program (optional)**

NONE

**Part IV: Capital Budget Impact**

**IV. A - Capital Budget Expenditures**

NONE

**IV. B - Expenditures by Object Or Purpose**

NONE

**IV. C - Capital Budget Breakout**

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1413 S HB	<b>Title:</b> Flexible work/peace officers	<b>Agency:</b> 365-Washington State University
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact:	Phone:	Date: 02/20/2023
Agency Preparation: Anne-Lise Brooks	Phone: 509-335-8815	Date: 02/23/2023
Agency Approval: Chris Jones	Phone: 509-335-9682	Date: 02/23/2023
OFM Review: Ramona Nabors	Phone: (360) 742-8948	Date: 02/27/2023

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

Senate House Bill 1413 - Flexible work/ peace officers states that an agency may adopt a flexible work policy and further describes the policy. It also indicates that "agency with primary territorial jurisdiction" includes university police.

Washington State University does not anticipate any fiscal impact from this bill.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

NONE

### III. B - Expenditures by Object Or Purpose

NONE

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

### III. D - Expenditures By Program (optional)

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

### IV. B - Expenditures by Object Or Purpose

NONE

### IV. C - Capital Budget Breakout

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1413 S HB	<b>Title:</b> Flexible work/peace officers	<b>Agency:</b> 370-Eastern Washington University
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact:	Phone:	Date: 02/20/2023
Agency Preparation: Keith Tyler	Phone: 509 359-2480	Date: 02/21/2023
Agency Approval: Alexandra Rosebrook	Phone: (509) 359-7364	Date: 02/21/2023
OFM Review: Ramona Nabors	Phone: (360) 742-8948	Date: 02/27/2023

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

Proposed SHB 1413 adds a new section to RCW 49.28; Section 1 allows law enforcement agencies to adopt flexible work policies allowing officers to work at less than full time when feasible. (2) The flexible work policy adopted in subsection (1) may require an officer have a certain number of years of experience as a full-time officer or additional training to work part time or be eligible for any other types of flexible work. (3) indicates this statute does not supersede existing collective bargaining units or the provisions of any existing agreement. (4) indicates this section does not alter any laws or workplace policies to restrictions on secondary employment for general authority and limited authority Washington peace officers.

Section 2 amends RCW 10.93.020 and removes the reference to "full-time".

Section 3 amends RCW 41.26.030 and adds 19(f) Beginning July 1, 2023, the term "law enforcement officer" also includes any person who is commissioned and employed by an employer on a fully compensated basis to enforce the criminal laws of the state of Washington generally, on a less than full-time basis, with the qualifications in (a) through (e) of this subsection.

Eastern has not decided whether this policy would be implemented or not but either way we don't anticipate a fiscal impact.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

NONE

### III. B - Expenditures by Object Or Purpose

NONE

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

### III. D - Expenditures By Program (optional)

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

**IV. B - Expenditures by Object Or Purpose**

NONE

**IV. C - Capital Budget Breakout**

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*



# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1413 S HB	<b>Title:</b> Flexible work/peace officers	<b>Agency:</b> 375-Central Washington University
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

<b>Legislative Contact:</b>	<b>Phone:</b>	<b>Date:</b> 02/20/2023
Agency Preparation: Erin Sargent	Phone: 509-963-2395	Date: 02/23/2023
Agency Approval: Lisa Plesha	Phone: (509) 963-1233	Date: 02/23/2023
OFM Review: Ramona Nabors	Phone: (360) 742-8948	Date: 02/27/2023

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

The substitute bill makes the following changes, which do not create a fiscal impact.

- Section 1(3) states that the flexible work policy may not cause layoff or displace any full-time officer.
- Section 1(4) expands the application of the bill regarding collective bargaining.
- Section 3(19)(c) adds clarification regarding full time requirement as it applies to this section.

Previous Versions:

Section 1: New Section – allows every general authority and limited authority WA Law Enforcement Agency to adopt a flexible work policy, that may allow peace officers to work less than full time when feasible. Policies may have requirements related to length of service or training. No existing CBAs or laws are to be altered because of this bill.

Section 2 amends the definition of general and limited “authority Washington peace officer” to remove the full-time classification.

Section 3 adds (f) that states beginning July 1, 2023 the term “law enforcement officer” also includes less than full time employees.

Any costs associate with this legislation would be allocated among existing resources.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

NONE

### III. B - Expenditures by Object Or Purpose

NONE

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

### III. D - Expenditures By Program (optional)

NONE

## **Part IV: Capital Budget Impact**

### **IV. A - Capital Budget Expenditures**

NONE

### **IV. B - Expenditures by Object Or Purpose**

NONE

### **IV. C - Capital Budget Breakout**

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

### **IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

## **Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1413 S HB	<b>Title:</b> Flexible work/peace officers	<b>Agency:</b> 376-The Evergreen State College
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact:	Phone:	Date: 02/20/2023
Agency Preparation: Daniel Ralph	Phone: 360-867-6500	Date: 02/21/2023
Agency Approval: Dane Apalategui	Phone: 360-867-6517	Date: 02/21/2023
OFM Review: Ramona Nabors	Phone: (360) 742-8948	Date: 02/27/2023

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

SHB 1413 relates to flexible work for general and limited authority peace officers.

Section 1 (3) adds that the flexible work policy adopted in subsection 1 of this section may not cause the layoff or otherwise displace any full-time officer.

Section 1 (4) states that full time and part time officers working for the same agency who are covered by a collective bargaining agreement must be in the same collective bargaining unit.

The changes to 1413 do not change our assessment of no fiscal impact since neither version of the bill should negatively affect staffing.

\*\*\*\*\*

HB 1413 concerns flexible work for general and limited authority peace officers.

Section 1 (1) states that any law enforcement agency in Washington State may adopt a flexible work policy.

Section 1 (2) allows for the creation of a years of experience requirement or training requirement for allowing officers to participate in flexible work schedules.

Section 1 (3) states that this act does not affect any existing collective bargaining agreement.

Section 1 (4) states that this section does not alter any laws or workplaces policies regarding secondary employment.

Section 2 (4) removes the full-time designation from the definition of “general authority peace officer.”

Section 2 (6) removes the full-time designation from the definition of “limited authority peace officer.”

HB 1413 has no fiscal impact for The Evergreen State College since creating more opportunities for flexible work should not negatively impact staffing.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

NONE

### III. B - Expenditures by Object Or Purpose

NONE

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

**III. D - Expenditures By Program (optional)**

NONE

**Part IV: Capital Budget Impact**

**IV. A - Capital Budget Expenditures**

NONE

**IV. B - Expenditures by Object Or Purpose**

NONE

**IV. C - Capital Budget Breakout**

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1413 S HB	<b>Title:</b> Flexible work/peace officers	<b>Agency:</b> 380-Western Washington University
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact:	Phone:	Date: 02/20/2023
Agency Preparation: Timothy Davenport	Phone: 3606503257	Date: 02/21/2023
Agency Approval: Faye Gallant	Phone: 3606504762	Date: 02/21/2023
OFM Review: Ramona Nabors	Phone: (360) 742-8948	Date: 02/27/2023

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

Here is what's different in this substitute bill compared to the original bill:

Section?1(3): A new condition was added stating that the flexible work policy may not cause the layoff or otherwise displace any full-time officer.

Section?1(4): Added clarification about the impact to collective bargaining agreements.

Section?(3)(19)(c): Added clarification to the requirement that the commissioned law enforcement personnel be full time does not apply to the extent allowed under (f) of this subsection.

Response to original bill: No Fiscal Impact because it does not change our current staffing or require additional resources.

Response to substitute bill: Same as above (no fiscal impact).

Original bill summary:

Sec. 1. A new section is added to chapter 49.28 RCW to read as follows:

(1) Every general authority and limited authority Washington law enforcement agency may adopt a flexible work policy. The policy may allow for general authority and limited authority Washington peace officers to work at less than full time when feasible, such as supplementing work during peak hours with part-time officers. The flexible work policy may include alternative shifts and work schedules that fit the needs of the law enforcement agency.

(2) The flexible work policy adopted in subsection (1) of this section may require an officer have a certain number of years of experience as a full-time officer or have additional training for the officer to work part time or be eligible for any other types of flexible work.

(3) This section does not alter any existing collective bargaining unit or the provisions of any existing agreement.

Sec. 3 (19)(f) is amended to add: Beginning July 1, 2023, the term "law enforcement officer" also includes any person who is commissioned and employed by an employer on a fully compensated basis to enforce the criminal laws of the state of Washington generally, on a less than full-time basis, with the qualifications in (a) through (e) of this subsection.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

NONE



**III. B - Expenditures by Object Or Purpose**

NONE

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

**III. D - Expenditures By Program (optional)**

NONE

**Part IV: Capital Budget Impact**

**IV. A - Capital Budget Expenditures**

NONE

**IV. B - Expenditures by Object Or Purpose**

NONE

**IV. C - Capital Budget Breakout**

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1413 S HB	<b>Title:</b> Flexible work/peace officers	<b>Agency:</b> 465-State Parks and Recreation Commission
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact:	Phone:	Date: 02/20/2023
Agency Preparation: Frank Gillis	Phone: (360) 902-8538	Date: 02/22/2023
Agency Approval: Frank Gillis	Phone: (360) 902-8538	Date: 02/22/2023
OFM Review: Matthew Hunter	Phone: (360) 529-7078	Date: 02/22/2023

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

This substitute bill allows for general and limited authority Washington peace officers to work at less than full time.

This legislation would have no fiscal impact on State Parks. Although the bill would allow for less than full-time officers to be employed by Parks, the agency would not move to this type of staffing strategy.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

None.

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

This legislation would have no fiscal impact on State Parks. Although the bill would allow for less than full-time officers to be employed by Parks, the agency would not move to this type of staffing strategy.

Employing commissioned officers working at less than full-time would require backfilling to provide necessary enforcement, inflating costs for training, uniforms, equipment, benefits, etc.

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

NONE

### III. B - Expenditures by Object Or Purpose

NONE

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

### III. D - Expenditures By Program (optional)

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

### IV. B - Expenditures by Object Or Purpose

NONE

**IV. C - Capital Budget Breakout**

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

None.

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1413 S HB	<b>Title:</b> Flexible work/peace officers	<b>Agency:</b> 477-Department of Fish and Wildlife
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact:	Phone:	Date: 02/20/2023
Agency Preparation: David Hoeveler	Phone: (360) 970-1638	Date: 02/22/2023
Agency Approval: David Hoeveler	Phone: (360) 970-1638	Date: 02/22/2023
OFM Review: Matthew Hunter	Phone: (360) 529-7078	Date: 02/22/2023

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

No change from previous fiscal note.

No fiscal impact. The proposed legislation changes the term “law enforcement officer” to include any person who is commissioned and employed by an employer on a fully compensated basis, or on a less than full time basis. The nature of WDFW law enforcement work already accommodates flexible schedules, however the Department does not have part time officers.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

NONE

### III. B - Expenditures by Object Or Purpose

NONE

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

### III. D - Expenditures By Program (optional)

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

### IV. B - Expenditures by Object Or Purpose

NONE

### IV. C - Capital Budget Breakout

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

## **Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1413 S HB	<b>Title:</b> Flexible work/peace officers	<b>Agency:</b> 490-Department of Natural Resources
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact:	Phone:	Date: 02/20/2023
Agency Preparation: Collin Ashley	Phone: 360-688-3128	Date: 02/21/2023
Agency Approval: Collin Ashley	Phone: 360-688-3128	Date: 02/21/2023
OFM Review: Lisa Borkowski	Phone: (360) 742-2239	Date: 02/22/2023



## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

No change from previous fiscal note.

No fiscal impact, the Department of Natural Resources anticipates updates to flexible work policy would be included in our current union negotiations process.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

NONE

### III. B - Expenditures by Object Or Purpose

NONE

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

### III. D - Expenditures By Program (optional)

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

### IV. B - Expenditures by Object Or Purpose

NONE

### IV. C - Capital Budget Breakout

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1413 S HB	<b>Title:</b> Flexible work/peace officers	<b>Agency:</b> AFN-Actuarial Fiscal Note - State Actuary
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

**Non-zero but indeterminate cost and/or savings. Please see discussion.**

**Estimated Capital Budget Impact:**

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact:	Phone:	Date: 02/20/2023
Agency Preparation: Melinda Aslakson	Phone: 360-786-6161	Date: 02/21/2023
Agency Approval: Kyle Stineman	Phone: 3607866153	Date: 02/21/2023
OFM Review: Marcus Ehrlander	Phone: (360) 489-4327	Date: 02/22/2023

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

### II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

### II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

Non-zero but indeterminate cost and/or savings. Please see discussion.

### III. B - Expenditures by Object Or Purpose

Non-zero but indeterminate cost and/or savings. Please see discussion.

**III. C - Operating FTE Detail:** FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.

NONE

### III. D - Expenditures By Program (optional)

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

### IV. B - Expenditures by Object Or Purpose

NONE

### IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

**IV. D - Capital FTE Detail:** FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.

NONE

## Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.

## SUMMARY OF RESULTS

**BRIEF SUMMARY OF BILL:** This bill allows law enforcement agencies to adopt flexible schedule policies and may allow for law enforcement officers to work less than full time while still earning benefit service in the state retirement systems.

### COST/SAVINGS SUMMARY

The amount of cost/savings that may arise from this bill is **indeterminate** due to a lack of data. Please see **Highlights of Actuarial Analysis** for additional details.

### HIGHLIGHTS OF ACTUARIAL ANALYSIS

- ❖ This bill removes the full-time employment requirement for law enforcement officers to participate in the Washington State retirement systems which could lead to an increase in the number of plan members. Based on our understanding of the bill, increases in plan membership could occur in the following scenarios:
  - Officers electing to reduce their hours which may in turn require additional positions to meet staffing needs.
  - Officers previously ineligible to participate in a plan, e.g., LEOFF 2, as a result of working less than full time, may now become eligible to participate.
    - ◇ We do not expect retired LEOFF 2 officers who changed careers would be impacted under this bill. For more information, please see the **Who Is Impacted and How** section.
- ❖ We expect the majority of increases in plan membership, as a result of this bill, would be seen in LEOFF 2 due to its larger number of law enforcement officers, relative to other Washington State retirement systems.
- ❖ Costs/savings that may arise from this bill are indeterminate due to a lack of data. It is uncertain how current members would change their work schedules or the number of new officers that would become eligible for the retirement plans under this bill.
- ❖ For illustration purposes, we estimate the impact to LEOFF 2 for a hypothetical group being added to the retirement plan.
- ❖ Policy changes made to the substitute version of this bill do not impact our actuarial analysis from the original bill.

*See the remainder of this fiscal note for additional details on the summary and highlights presented here.*

## WHAT IS THE PROPOSED CHANGE?

### Summary of Bill

Based on our understanding of the bill, flexible schedules may impact the following systems:

- ❖ Public Safety Employees' Retirement System (PSERS).
- ❖ Law Enforcement Officers' and Fire Fighters' Retirement System (LEOFF).
- ❖ Washington State Patrol Retirement System (WSPRS).

This bill allows law enforcement agencies to adopt flexible schedule policies and may allow for law enforcement officers to work less than full time. In doing so, the bill strikes the term "full time" from the definitions of general authority Washington peace officers, limited authority Washington peace officers, and law enforcement officers covered by the LEOFF retirement statute.

Under this bill, removing "full time" criteria from the definition of law enforcement officer could expand retirement plan membership to include members that satisfy job requirements but previously did not work enough hours.

Effective Date: 90 days after session.

In this summary, we only include changes pertinent to our Actuarial Fiscal Note (AFN). See the legislative bill report for a complete summary of the bill.

### How SHB 1413 Differs from the Original HB 1413

The substitute bill makes three changes:

- ❖ Adds language that a flexible work policy adopted by a Washington law enforcement agency may not cause the layoff or displacement of any full-time law enforcement officer.
- ❖ Ensures an employer's duty to bargain under current law remains and requires full-time and part-time law enforcement officers working for the same agency to be in the same bargaining unit.
- ❖ Clarifies the less than full-time employment criteria applies to law enforcement personnel expressly appointed to offices, positions, or ranks in city police departments based upon a city charter provision or enacted city ordinance.

Policy changes made to the substitute version of this bill do not impact our actuarial analysis from the original bill.

For a complete list of changes to the current version of the bill, please refer to the bill reports prepared by legislative staff.

## What Is the Current Situation?

Currently, most law enforcement officers are required to work full time to be eligible for membership in state retirement systems. LEOFF and PSERS retirement systems require members to work a minimum of 160 hours in a calendar month, according to the [Revised Code of Washington \(RCW\) 41.26.030 \(19\)](#), [Washington Administrative Code \(WAC\) 415-104-011](#) and [RCW 41.37.010 \(19\)](#), [WAC 415-106-010](#), respectively. Washington State Patrol does not limit retirement system membership in WSPRS to full time, fully compensated law enforcement officers, according to [RCW 43.43.120](#) and [WAC 415-103-010](#).

[Chapter 10.93](#) covers general authority Washington peace officers and limited authority peace officers which includes members eligible for LEOFF, PSERS and WSPRS. According to [RCW 10.93.020](#), general and limited authority peace officers are required to be full time, fully compensated.

The number of hours to earn pension service credit, in each month, is less than the defined full-time work requirement. As an example, if a LEOFF 2 member works at least [90 hours](#) in a month, then they will earn the full amount of service credit for that month.

## Who Is Impacted and How?

This bill removes the full-time employment requirement for current (and future) law enforcement officers which could allow officers the option to work fewer hours, relative to current law, and remain eligible to participate in their current retirement plan with the full amount of service credit earned each month. We do not expect this bill would change the total number of hours required by employers for staffing so employers may require additional positions to meet staffing needs.

This bill could also expand the number of retirement plan members to include officers who satisfy job requirements but are not currently eligible to participate in the plan as a result of working less than full time.

LEOFF 2 members who retired, started collecting their retirement benefit, and then became an employee in another retirement system could be impacted under this bill. However, we expect these approximately [500 members](#) changed their careers and have job responsibilities that differ from law enforcement officers. LEOFF 2 Board staff confirmed this bill is not expected to impact these retirees who had a career change.

We assume Washington State retirement systems, other than those mentioned in the **Summary of Bill** section, do not employ law enforcement officers that work less than full time under current law. If there are impacted officers that work less than full time in another retirement plan, e.g., PERS 2, then these members could become eligible to transfer membership to another retirement plan.

**WHY THIS BILL IS INDETERMINATE**

As discussed in the **Who Is Impacted and How** section, this bill could increase the number of law enforcement officers in the Washington State retirement systems. However, expanding the eligibility of the retirement systems results in an indeterminate cost/savings due to a lack of data. At the time of publishing this fiscal note, we are not aware of the current number (or their demographics) of officers who would be eligible to join the retirement systems as a result of this bill. In addition, we do not know the number of future positions, if any, that would be added due to staffing needs from current members choosing to work a reduced schedule.

The bill could impact officers in the retirement systems noted in the **Summary of Bill** section, but we expect the majority of the impact may be seen in LEOFF 2 due to its larger number of law enforcement officers, relative to other systems. Please see the next section for a hypothetical impact to LEOFF 2.

**HYPOTHETICAL EXAMPLE OF COST/SAVINGS UNDER BILL**

For illustrative purposes, we considered a hypothetical example where 100 law enforcement officers become eligible to participate in LEOFF 2 and earn the maximum amount of service credit monthly. We assumed the demographics of these members would be consistent with that of an average LEOFF 2 member, except that their annual salaries would be 25 percent less since they are expected to work fewer hours than an average LEOFF 2 member. We used 14 years of experience in our example to reflect these hypothetical members being mid-career employees.

The table below shows the key demographics we used for this hypothetical example. Please see the **Appendix** for additional details on how this hypothetical example was priced.

Hypothetical Members Joining LEOFF 2	
	LEOFF
New Members	100
Average Age	42
Average Compensation	\$92,000
Years of Experience*	14

*\*We used Years of Experience to approximate career advancement. It is not used to determine retirement eligibility or benefits.*

This hypothetical example would increase plan obligations and future payroll in LEOFF 2 and would be expected to increase member (and total employer) contribution rates by one basis point, or 0.01 percent. However, this is only an example of potential impacts to LEOFF 2, and actual impacts to the plan could result in higher or lower, and potentially negative, rate impacts dependent upon factors such as the number of members who join LEOFF 2 as well as their age, salary, and years of experience.



The contribution rate impact to the various impacted systems could vary. The following factors could impact the cost/savings from this bill:

- ❖ **Behavioral Assumptions:** We use behavioral assumptions primarily to model the rate at which members leave their retirement systems (most commonly via retirement or termination). Removing the “full time” requirement may result in members remaining active in the retirement system longer. As an example, they may work fewer hours as they approach retirement.
- ❖ **Change in Plan Demographics:** The average plan demographics may change depending on the number of members that become eligible to participate in the retirement systems under this bill.

In addition, this bill could result in current full-time members choosing to work fewer hours while remaining eligible to participate in their retirement plan. Should this occur then there may be a need for additional law enforcement positions to fill the reduction in hours.

**ACTUARY'S CERTIFICATION**

The undersigned certifies that:

1. The actuarial assumptions, methods, and data used are reasonable for the purposes of this pricing exercise. The use of another set of assumptions, methods, and data may also be reasonable and might produce different results.
2. We prepared this AFN based on our current understanding of the bill as of the date shown in the footer. If the bill or our understanding of the bill changes, the results of a future AFN based on those changes may vary from this AFN. Additionally, the results of this AFN may change after our next annual update of the underlying actuarial measurements.
3. We prepared this AFN and provided opinions in accordance with Washington State law and accepted actuarial standards of practice as of the date shown in the footer of this AFN.

We prepared this AFN to support legislative deliberations during the 2023 Legislative Session. This AFN may not be appropriate for other purposes.

We advise readers of this AFN to seek professional guidance as to its content and interpretation, and not to rely on this communication without such guidance. Please read the analysis shown in this AFN as a whole. Distribution of, or reliance on, only parts of this AFN could result in its misuse and may mislead others.

The undersigned, with actuarial credentials, meets the Qualification Standards of the American Academy of Actuaries to render the actuarial opinions contained herein.

While this AFN is meant to be complete, the undersigned is available to provide extra advice and explanations as needed.



Kyle Stineman, ASA, MAAA  
Actuary

*O:\Fiscal Notes\2023\1413.SHB.docx*

## APPENDIX

### How We Estimated Example Contribution Rate Impacts

To estimate the contribution rate impact of the hypothetical example, we added 100 records (see the **Hypothetical Example of Cost/Savings under Bill** section) to our LEOFF 2 valuation data. We used our valuation software to estimate the added pension plan obligations and payroll from these additional records. We then estimated the change in contribution rates from current law.

Unless noted otherwise, we used data, assets, assumptions, and methods consistent with our most recent actuarial valuation report ([June 30, 2021, Actuarial Valuation Report](#)).

### Who Will Pay For/Receive Costs/Savings That Arise from This Bill?

#### **LEOFF 2**

Any costs/savings that arise from this bill will be divided according to the standard funding method for LEOFF Plan 2: 50 percent member, 30 percent employer, and 20 percent state.

#### **PSERS**

Any costs/savings that arise from this bill will be divided according to the standard funding method for PSERS: 50 percent member and 50 percent employer.

#### **WSPRS**

Any costs/savings that arise from this bill will be divided according to the standard funding method of 50 percent member and 50 percent employer, subject to the member maximum contribution rate. The current member maximum contribution rate is 8.61 percent. This maximum member contribution rate will not increase as a result of this bill since the cost/savings of this bill are indeterminate. Any costs/savings above the member maximum contribution rate are fully assumed by the employer.

# LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

Bill Number: 1413 S HB

Title: Flexible work/peace officers

## Part I: Jurisdiction-Location, type or status of political subdivision defines range of fiscal impacts.

### Legislation Impacts:

- Cities: Indeterminate expenditure impact resulting from additional administrative time, employer LEOFF 2 contributions necessary if local law enforcement agencies adopt flexible work policies
- Counties: Same as above, but for counties
- Special Districts:
- Specific jurisdictions only:
- Variance occurs due to:

## Part II: Estimates

- No fiscal impacts.
- Expenditures represent one-time costs:
- Legislation provides local option: Local law enforcement agencies could adopt flexible work policies, per section 1 of the proposed legislation
- Key variables cannot be estimated with certainty at this time: Number of local law enforcement agencies that may adopt flexible work policies; details of such policies

### Estimated revenue impacts to:

None

### Estimated expenditure impacts to:

Non-zero but indeterminate cost and/or savings. Please see discussion.

## Part III: Preparation and Approval

Fiscal Note Analyst: James Vogl	Phone: 360-480-9429	Date: 02/21/2023
Leg. Committee Contact:	Phone:	Date: 02/20/2023
Agency Approval: Alice Zillah	Phone: 360-725-5035	Date: 02/21/2023
OFM Review: Tiffany West	Phone: (360) 890-2653	Date: 02/21/2023

## **Part IV: Analysis**

### **A. SUMMARY OF BILL**

*Description of the bill with an emphasis on how it impacts local government.*

#### **CHANGES BETWEEN THIS VERSION AND ORIGINAL BILL VERSION:**

The proposed substitute bill would specify that flexible work policies cannot cause the displacement of any full-time law enforcement officers, and would specify that the bill “does not alter any existing collective bargaining unit, the provisions of any existing collective bargaining agreement, or the duty of a law enforcement agency to meet their duty to bargain under chapter 41.56 or 41.80 RCW.”

Full-time and part-time officers working for the same law enforcement agency who are covered by a collective bargaining agreement would be required to be in the same bargaining unit.

The substitute bill would also specify that “the requirement that the commissioned law enforcement personnel be full time does not apply to the extent allowed” under the requirements of section 3, for the purposes of being considered a city police officer.”

#### **SUMMARY OF CURRENT BILL:**

The proposed legislation would allow law enforcement officers in Washington to have flexible work arrangements.

Section 1 would create a new section in chapter 49.28 RCW, allowing law enforcement agencies in Washington to adopt flexible work policies that would allow general and limited authority peace officers “to work at less than full time when feasible.” These policies could also include “alternative shift and work schedules that fit the needs of the law enforcement agency.”

This section would also specify that flexible work policies cannot cause the displacement of any full-time law enforcement officers, and would specify that the bill “does not alter any existing collective bargaining unit, the provisions of any existing collective bargaining agreement, or the duty of a law enforcement agency to meet their duty to bargain under chapter 41.56 or 41.80 RCW.”

Full-time and part-time officers working for the same law enforcement agency who are covered by a collective bargaining agreement would be required to be in the same bargaining unit.

Section 2 would reenact and amend RCW 10.93.020, removing the specification that an officer work full time from the definitions of general and limited authority Washington peace officers.

Section 3 would amend RCW 41.26.030 (19), specifying that for the purposes of chapter 41.26 RCW, “beginning July 1, 2023, the term ‘law enforcement officer’ also includes any person who is commissioned and employed by an employer on a fully compensated basis to enforce the criminal laws of the state of Washington generally, on a less than full-time basis” and meets the other requirements of this subsection.

The amendments in this section would also specify that “the requirement that the commissioned law enforcement personnel be full time does not apply to the extent allowed” under the above requirements in this section, for the purposes of being considered a city police officer.”

### **B. SUMMARY OF EXPENDITURE IMPACTS**

*Expenditure impacts of the legislation on local governments with the expenditure provisions identified by section number and when appropriate, the detail of expenditures. Delineated between city, county and special district impacts.*

#### **CHANGES IN EXPENDITURE IMPACT BETWEEN THIS VERSION AND PREVIOUS BILL VERSION:**

According to the Association of Washington Cities (AWC), the Washington State Association of Counties (WSAC) and the Washington Association of Sheriffs and Police Chiefs (WASPC), the additions in the proposed substitute bill would not

change the local government expenditure impact of the original bill.

#### EXPENDITURE IMPACT OF CURRENT BILL:

The proposed legislation could result in an indeterminate increase in local government expenditures.

WASPC indicates that some local law enforcement agencies have already adopted flexible work policies like those that section 1 of this bill references, and does not anticipate that law enforcement agencies taking advantage of this local option would incur any additional costs. WASPC does anticipate, however, that cities and counties could incur administrative costs if their local law enforcement agency does adopt a flexible work policy.

Both AWC and WSAC indicate that local government expenditures could increase as a result of additional staff time needed for human resources, accounting and other administrative needs if a local law enforcement agency chooses to implement a flexible work policy. AWC also indicates that because of the definitional changes that section 3 of the proposed legislation would make, additional employer contributions to LEOFF 2 pensions for part-time officers covered by flexible work arrangements could be another source of local government expenditure impact.

Since it is unknown, however, how many local law enforcement agencies may choose to take advantage of the local option to adopt flexible work policies, as well as what the details of those arrangements may be, the expenditure impact on local governments resulting from additional administrative time is indeterminate. WSAC anticipates that apart from the largest counties, this indeterminate impact is likely to be small.

### **C. SUMMARY OF REVENUE IMPACTS**

*Revenue impacts of the legislation on local governments, with the revenue provisions identified by section number, and when appropriate, the detail of revenue sources. Delineated between city, county and special district impacts.*

The proposed legislation would have no impact on local government revenues.

#### SOURCES:

Association of Washington Cities

Washington Association of Sheriffs and Police Chiefs

Washington State Association of Counties

# Multiple Agency Fiscal Note Summary

<b>Bill Number:</b> 5424 S SB	<b>Title:</b> Flexible work/peace officers
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## Estimated Cash Receipts

NONE

## Estimated Operating Expenditures

Agency Name	2023-25				2025-27				2027-29			
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
State Lottery	.0	0	0	0	.0	0	0	0	.0	0	0	0
Washington State Gambling Commission	.0	0	0	0	.0	0	0	0	.0	0	0	0
Office of Insurance Commissioner	.0	0	0	0	.0	0	0	0	.0	0	0	0
Liquor and Cannabis Board	.0	0	0	0	.0	0	0	0	.0	0	0	0
Utilities and Transportation Commission	.0	0	0	0	.0	0	0	0	.0	0	0	0
Washington State Patrol	Non-zero but indeterminate cost and/or savings. Please see discussion.											
Department of Social and Health Services	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Corrections	.0	0	0	0	.0	0	0	0	.0	0	0	0
University of Washington	.0	0	0	0	.0	0	0	0	.0	0	0	0
Washington State University	.0	0	0	0	.0	0	0	0	.0	0	0	0
Eastern Washington University	.0	0	0	0	.0	0	0	0	.0	0	0	0
Central Washington University	.0	0	0	0	.0	0	0	0	.0	0	0	0
The Evergreen State College	.0	0	0	0	.0	0	0	0	.0	0	0	0
Western Washington University	.0	0	0	0	.0	0	0	0	.0	0	0	0
State Parks and Recreation Commission	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Fish and Wildlife	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Natural Resources	.0	0	0	0	.0	0	0	0	.0	0	0	0
Actuarial Fiscal Note - State Actuary	Non-zero but indeterminate cost and/or savings. Please see discussion.											
Total \$	0.0	0	0	0	0.0	0	0	0	0.0	0	0	0

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts									
Loc School dist-SPI									
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Total									

## Estimated Capital Budget Expenditures

Agency Name	2023-25			2025-27			2027-29		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
State Lottery	.0	0	0	.0	0	0	.0	0	0
Washington State Gambling Commission	.0	0	0	.0	0	0	.0	0	0
Office of Insurance Commissioner	.0	0	0	.0	0	0	.0	0	0
Liquor and Cannabis Board	.0	0	0	.0	0	0	.0	0	0
Utilities and Transportation Commission	.0	0	0	.0	0	0	.0	0	0
Washington State Patrol	.0	0	0	.0	0	0	.0	0	0
Department of Social and Health Services	.0	0	0	.0	0	0	.0	0	0
Department of Corrections	.0	0	0	.0	0	0	.0	0	0
University of Washington	.0	0	0	.0	0	0	.0	0	0
Washington State University	.0	0	0	.0	0	0	.0	0	0
Eastern Washington University	.0	0	0	.0	0	0	.0	0	0
Central Washington University	.0	0	0	.0	0	0	.0	0	0
The Evergreen State College	.0	0	0	.0	0	0	.0	0	0
Western Washington University	.0	0	0	.0	0	0	.0	0	0
State Parks and Recreation Commission	.0	0	0	.0	0	0	.0	0	0
Department of Fish and Wildlife	.0	0	0	.0	0	0	.0	0	0
Department of Natural Resources	.0	0	0	.0	0	0	.0	0	0
Actuarial Fiscal Note - State Actuary	.0	0	0	.0	0	0	.0	0	0
<b>Total \$</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>



Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts									
Loc School dist-SPI									
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Total									

## Estimated Capital Budget Breakout

<b>Prepared by:</b> Tiffany West, OFM	<b>Phone:</b> (360) 890-2653	<b>Date Published:</b> Revised 2/22/2023
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# Individual State Agency Fiscal Note

# APPENDIX B

<b>Bill Number:</b> 5424 S SB	<b>Title:</b> Flexible work/peace officers	<b>Agency:</b> 116-State Lottery
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## Part I: Estimates

No Fiscal Impact

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

NONE

### Estimated Capital Budget Impact:

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

<b>Legislative Contact:</b> Matthew Shepard-Koningsor	<b>Phone:</b> 360-786-7627	<b>Date:</b> 01/31/2023
<b>Agency Preparation:</b> John Iyall	<b>Phone:</b> 360-810-2870	<b>Date:</b> 02/02/2023
<b>Agency Approval:</b> Josh Johnston	<b>Phone:</b> 360-810-2878	<b>Date:</b> 02/02/2023
<b>OFM Review:</b> Gwen Stamey	<b>Phone:</b> (360) 790-1166	<b>Date:</b> 02/03/2023

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

SB 5424 specifically authorizes general and limited authority law enforcement agencies to adopt a flexible work policy. SSB 5424 adds a provision in Section 1(3) stating that any flexible work policy may not cause the layoff or displacement of a full-time employee. Washington's Lottery is a limited authority Washington law enforcement agency pursuant to RCW 67.70.330. All Lottery personnel, including those designated as law enforcement, are currently eligible for flexible work schedules subject to agency needs.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

NONE

### III. B - Expenditures by Object Or Purpose

NONE

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

### III. D - Expenditures By Program (optional)

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

### IV. B - Expenditures by Object Or Purpose

NONE

### IV. C - Capital Budget Breakout

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5424 S SB	<b>Title:</b> Flexible work/peace officers	<b>Agency:</b> 117-Washington State Gambling Commission
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Matthew Shepard-Koningsor	Phone: 360-786-7627	Date: 01/31/2023
Agency Preparation: Kriscinda Hansen	Phone: 360-486-3489	Date: 02/06/2023
Agency Approval: Kriscinda Hansen	Phone: 360-486-3489	Date: 02/06/2023
OFM Review: Gwen Stamey	Phone: (360) 790-1166	Date: 02/07/2023

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

The Gambling Commission does not anticipate hiring part-time officers.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

NONE

### III. B - Expenditures by Object Or Purpose

NONE

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

### III. D - Expenditures By Program (optional)

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

### IV. B - Expenditures by Object Or Purpose

NONE

### IV. C - Capital Budget Breakout

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5424 S SB	<b>Title:</b> Flexible work/peace officers	<b>Agency:</b> 160-Office of Insurance Commissioner
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

<b>Legislative Contact:</b> Matthew Shepard-Koningsor	<b>Phone:</b> 360-786-7627	<b>Date:</b> 01/31/2023
<b>Agency Preparation:</b> Michael Walker	<b>Phone:</b> 360-725-7036	<b>Date:</b> 02/02/2023
<b>Agency Approval:</b> Michael Wood	<b>Phone:</b> 360-725-7007	<b>Date:</b> 02/02/2023
<b>OFM Review:</b> Jason Brown	<b>Phone:</b> (360) 742-7277	<b>Date:</b> 02/06/2023



## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

Section 1 allows general authority and limited authority law enforcement agencies to adopt a flexible work policy to allow officers to work at less than full time when feasible. The Office of Insurance Commissioner (OIC) does not plan on utilizing part-time limited authority officers. Therefore, this bill has no fiscal impact on the OIC.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

NONE

### III. B - Expenditures by Object Or Purpose

NONE

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

### III. D - Expenditures By Program (optional)

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

### IV. B - Expenditures by Object Or Purpose

NONE

### IV. C - Capital Budget Breakout

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5424 S SB	<b>Title:</b> Flexible work/peace officers	<b>Agency:</b> 195-Liquor and Cannabis Board
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

<b>Legislative Contact:</b> Matthew Shepard-Koningsor	<b>Phone:</b> 360-786-7627	<b>Date:</b> 01/31/2023
<b>Agency Preparation:</b> Colin O Neill	<b>Phone:</b> (360) 664-4552	<b>Date:</b> 02/01/2023
<b>Agency Approval:</b> Aaron Hanson	<b>Phone:</b> 360-664-1701	<b>Date:</b> 02/01/2023
<b>OFM Review:</b> Amy Hatfield	<b>Phone:</b> (360) 280-7584	<b>Date:</b> 02/01/2023

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

Section 1(1): Every general authority and limited authority Washington law enforcement agency may adopt a flexible work policy. The policy may allow for general authority and limited authority Washington peace officers to work at less than full time when feasible, such as supplementing work during peak hours with part-time officers. The flexible work policy may include alternative shift and work schedules that fit the needs of the law enforcement agency.

#### CHANGES MADE BY THE SUBSITUTE VERSION:

Section 1(3) Provides that an adopted flexible work policy may not cause the layoff or otherwise displace any full-time officer.

Section 1(4) Specifies that the section authorizing flexible work policies does not affect the duty of a law enforcement agency (LEA) to meet their duty to bargain under the Public Employees' Collective Bargaining Act or the Personnel System Reform Act. Requires full-time and part-time officers working for the same LEA to be in the same bargaining unit.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

No fiscal impact. The agency's enforcement officers currently have flexible schedules, and no additional FTEs or overtime will be needed to continue to offer flexible schedules. The agency also does not have any part time officers nor does it plan to offer that option in the future.

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

NONE

### III. B - Expenditures by Object Or Purpose

NONE

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

### III. D - Expenditures By Program (optional)

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

**IV. B - Expenditures by Object Or Purpose**

NONE

**IV. C - Capital Budget Breakout**

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5424 S SB	<b>Title:</b> Flexible work/peace officers	<b>Agency:</b> 215-Utilities and Transportation Commission
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Matthew Shepard-Koningsor	Phone: 360-786-7627	Date: 01/31/2023
Agency Preparation: Amy Andrews	Phone: 360-481-1335	Date: 02/01/2023
Agency Approval: Amy Andrews	Phone: 360-481-1335	Date: 02/01/2023
OFM Review: Tiffany West	Phone: (360) 890-2653	Date: 02/01/2023

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

UTC assumes this bill has no significant provisions that will result in a fiscal impact to the UTC. The bill allows law enforcement agencies including limited law enforcement agencies to adopt flexible work policies. Allows for less than full time officers to be considered a law enforcement officer and eligible for retirement. UTC already allows its investigators to work flexible schedules.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

None

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

NONE

### III. B - Expenditures by Object Or Purpose

NONE

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

### III. D - Expenditures By Program (optional)

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

### IV. B - Expenditures by Object Or Purpose

NONE

### IV. C - Capital Budget Breakout

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

## **Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*



# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5424 S SB	<b>Title:</b> Flexible work/peace officers	<b>Agency:</b> 225-Washington State Patrol
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## Part I: Estimates

No Fiscal Impact

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

**Non-zero but indeterminate cost and/or savings. Please see discussion.**

### Estimated Capital Budget Impact:

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Matthew Shepard-Koningsor	Phone: 360-786-7627	Date: 01/31/2023
Agency Preparation: Kendra Sanford	Phone: 360-596-4080	Date: 02/02/2023
Agency Approval: Mario Buono	Phone: (360) 596-4046	Date: 02/02/2023
OFM Review: Tiffany West	Phone: (360) 890-2653	Date: 02/09/2023

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

The substitute version of the proposed legislation clarifies that flexible work schedules may not cause layoff or displacement of full-time officers, specifies that an agency authorizing flexible work policies does not affect their duty to bargain under chapter 41.56 or 41.8 RCW, and all officers working for the same law enforcement agency regardless of work schedule, must be covered in the same bargaining unit.

These changes do not change our described fiscal impact in the initial proposed legislation.

The proposed legislation creates an indeterminate fiscal impact to the Washington State Patrol (WSP).

Section 1 allows for general authority and limited authority Washington peace officers to work at less than full-time when feasible, such as supplementing work during peak hours with part-time officers.

Section 2 amends the definition of "general authority" and "limited authority" Washington peace officers from full-time to include any fully compensated officer.

Section 3 amends the definition of "law enforcement officer" to include any fully compensated officer on a less than full-time basis beginning July 1, 2023.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

NONE

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

There is an indeterminate fiscal impact as we are unable to identify how many officers will want to become part-time if we adopt a flexible work policy. If officers become part-time, we may need to hire additional officers or incur additional overtime costs to meet workload demands.

If there is an increase in officers, regardless of hours worked, this may require additional staff in support divisions, to include but not limited to Training Division, Supply, Fleet, Human Resources, and Payroll.

Also, compared to one full-time officer, part-time officers working an equivalent number of hours may have an increase or decrease in cost depending on if they are eligible for benefits.

All officers, regardless of hours worked, will need to be completely outfitted (uniform, vehicle, mobile phone, radio, etc...). We estimate this at \$136,000 for initial outfitting and up to \$56,000 in subsequent years per officer.

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

Non-zero but indeterminate cost and/or savings. Please see discussion.

**III. B - Expenditures by Object Or Purpose**

Non-zero but indeterminate cost and/or savings. Please see discussion.

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

**III. D - Expenditures By Program (optional)**

NONE

**Part IV: Capital Budget Impact**

**IV. A - Capital Budget Expenditures**

NONE

**IV. B - Expenditures by Object Or Purpose**

NONE

**IV. C - Capital Budget Breakout**

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5424 S SB	<b>Title:</b> Flexible work/peace officers	<b>Agency:</b> 300-Department of Social and Health Services
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

<b>Legislative Contact:</b> Matthew Shepard-Koningsor	<b>Phone:</b> 360-786-7627	<b>Date:</b> 01/31/2023
<b>Agency Preparation:</b> Bill Jordan	<b>Phone:</b> 360-902-8183	<b>Date:</b> 02/01/2023
<b>Agency Approval:</b> Dan Winkley	<b>Phone:</b> 360-902-8236	<b>Date:</b> 02/01/2023
<b>OFM Review:</b> Robyn Williams	<b>Phone:</b> (360) 704-0525	<b>Date:</b> 02/02/2023

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

There is no fiscal impact to the Department of Social and Health Services (DSHS). This bill allows for agencies to adopt a flexible work policy that allows for peace officers to work less than full time. DSHS does not have peace officers.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

NONE

### III. B - Expenditures by Object Or Purpose

NONE

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

### III. D - Expenditures By Program (optional)

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

### IV. B - Expenditures by Object Or Purpose

NONE

### IV. C - Capital Budget Breakout

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5424 S SB	<b>Title:</b> Flexible work/peace officers	<b>Agency:</b> 310-Department of Corrections
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Matthew Shepard-Koningsor	Phone: 360-786-7627	Date: 01/31/2023
Agency Preparation: Jaysanna Wang	Phone: (360) 725-8428	Date: 02/03/2023
Agency Approval: Ronell Witt	Phone: (360) 725-8428	Date: 02/03/2023
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 02/03/2023

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

5424 SSB allows law enforcement agencies to adopt a flexible work policy. The policy may allow for general authority and limited authority Washington peace officers to work, and be hired, at less than full time when feasible. This could be used to supplement work during peak hours with part-time officers. The flexible work policy may include alternative shift and work schedules that fit the needs of the law enforcement agency. However, this bill states that it does not modify existing collective bargaining agreements.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

None.

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

We assume this bill will have no fiscal impact to Department of Corrections (DOC).

DOC does not have any part-time job classifications that meet those defined in the bill, at this time, so it is assumed this bill will have no fiscal impact. However, should DOC choose to pursue part-time staff or positions, for the applicable job classes, there would be potential future fiscal impacts and DOC will submit a corresponding decision package.

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

NONE

### III. B - Expenditures by Object Or Purpose

NONE

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

### III. D - Expenditures By Program (optional)

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

### IV. B - Expenditures by Object Or Purpose

NONE



**IV. C - Capital Budget Breakout**

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

None.

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5424 S SB	<b>Title:</b> Flexible work/peace officers	<b>Agency:</b> 360-University of Washington
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

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- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Matthew Shepard-Koningsor	Phone: 360-786-7627	Date: 01/31/2023
Agency Preparation: Michael Lantz	Phone: 2065437466	Date: 02/06/2023
Agency Approval: Jed Bradley	Phone: 2066164684	Date: 02/06/2023
OFM Review: Ramona Nabors	Phone: (360) 742-8948	Date: 02/08/2023

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

Substitute Senate Bill 5424 concerns flexible work policies for law enforcement officers. Compared with the original bill, the substitute makes the following changes:

- Provides that an adopted flexible work policy may not cause the layoff or otherwise displace any full-time officer. (Section 1(3))
- Specifies that the section authorizing flexible work policies does not affect the duty of a LEA to meet their duty to bargain under PECBA or the Personnel System Reform Act. (Section 1(4))
- Requires full-time and part-time officers working for the same LEA who are covered by a collective bargaining agreement to be in the same bargaining unit. (Section 1(4))

These changes would not change the fiscal impact to the University of Washington and therefore we are submitting the same fiscal note.

Section 1 allows, but does not require, each general authority and limited authority law enforcement agency to adopt a flexible work policy. Options that can be outlined in the policy include allowing officers to work less than full time when feasible as well as alternative shift and work schedules to meet the needs of the law enforcement agency. The University of Washington Police Department (UWPD) currently offers flexible work schedules for officers and may consider allowing certain officers to work less than full time should the bill pass. While a new policy would require staff time to develop and review, any associated costs can be absorbed using existing resources. Therefore, there is no fiscal impact to UWPD from this section.

Section 2 removes references to “full time” in the definitions of “General authority Washington peace officer” and “Limited authority Washington peace officer” to allow these officers to work less than full time. There is no fiscal impact to the UWPD from this section.

Section 3 adds to the definition of “law enforcement officer” to includes officers working less than full-time in the Law Enforcement Officers’ and Firefighter’ Retirement System statutes. There is no fiscal impact to UWPD from this section.

Overall, there is no fiscal impact to UWPD, or the University as a whole, from SSB 5424.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

NONE

### III. B - Expenditures by Object Or Purpose

NONE

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

**III. D - Expenditures By Program (optional)**

NONE

**Part IV: Capital Budget Impact**

**IV. A - Capital Budget Expenditures**

NONE

**IV. B - Expenditures by Object Or Purpose**

NONE

**IV. C - Capital Budget Breakout**

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5424 S SB	<b>Title:</b> Flexible work/peace officers	<b>Agency:</b> 365-Washington State University
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

<b>Legislative Contact:</b> Matthew Shepard-Koningsor	<b>Phone:</b> 360-786-7627	<b>Date:</b> 01/31/2023
<b>Agency Preparation:</b> Anne-Lise Brooks	<b>Phone:</b> 509-335-8815	<b>Date:</b> 02/06/2023
<b>Agency Approval:</b> Chris Jones	<b>Phone:</b> 509-335-9682	<b>Date:</b> 02/06/2023
<b>OFM Review:</b> Ramona Nabors	<b>Phone:</b> (360) 742-8948	<b>Date:</b> 02/08/2023

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

S SB 5424 – Flexible work / peace officers states that an agency may adopt a flexible work policy and further describes the policy. It also indicates that “agency with primary territorial jurisdiction” includes university police.

Washington State University does not anticipate any fiscal impact from this bill.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

NONE

### III. B - Expenditures by Object Or Purpose

NONE

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

### III. D - Expenditures By Program (optional)

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

### IV. B - Expenditures by Object Or Purpose

NONE

### IV. C - Capital Budget Breakout

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5424 S SB	<b>Title:</b> Flexible work/peace officers	<b>Agency:</b> 370-Eastern Washington University
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Matthew Shepard-Koningsor	Phone: 360-786-7627	Date: 01/31/2023
Agency Preparation: Keith Tyler	Phone: 509 359-2480	Date: 02/06/2023
Agency Approval: Alexandra Rosebrook	Phone: (509) 359-7364	Date: 02/06/2023
OFM Review: Ramona Nabors	Phone: (360) 742-8948	Date: 02/08/2023



## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

SSB 5424 – Provides for flexible work arrangements for general and limited authority Washington peace officers. General authority and limited authority Washington law enforcement agencies may adopt a flexible work policy. This bill differs from SB 5424 requested earlier in the following ways:

- New section 1(3) of chapter 49.28 RCW specifies that the flexible work policy may not cause the layoff or displacement of any full-time officer
- New section 1(4) is amended to specify that this section does not alter existing collective bargaining agreements, collective bargaining units, or duty of a law enforcement agency to meet duty to bargain. Officers working in the same law enforcement agency covered by a collective bargaining agreement must be in the same bargaining unit.

Eastern has not decided whether this policy would be implemented or not but either way we don't anticipate a fiscal impact.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

NONE

### III. B - Expenditures by Object Or Purpose

NONE

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

### III. D - Expenditures By Program (optional)

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

### IV. B - Expenditures by Object Or Purpose

NONE

### IV. C - Capital Budget Breakout

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

## **Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5424 S SB	<b>Title:</b> Flexible work/peace officers	<b>Agency:</b> 375-Central Washington University
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Matthew Shepard-Koningsor	Phone: 360-786-7627	Date: 01/31/2023
Agency Preparation: Erin Sargent	Phone: 509-963-2395	Date: 02/06/2023
Agency Approval: Lisa Plesha	Phone: (509) 963-1233	Date: 02/06/2023
OFM Review: Ramona Nabors	Phone: (360) 742-8948	Date: 02/08/2023

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

Section 1: New Section – allows every general authority and limited authority WA Law Enforcement Agency to adopt a flexible work policy, that may allow peace officers to work less than full time when feasible. Policies may have requirements related to length of service or training. No existing CBAs or laws are to be altered because of this bill.

Section 2 amends the definition of general and limited “authority Washington peace officer” to remove the full-time classification.

Section 3 adds (f) that states beginning July 1, 2023 the term “law enforcement officer” also includes less than full time employees.

Any costs associated with this legislation would be allocated among existing resources.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

NONE

### III. B - Expenditures by Object Or Purpose

NONE

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

### III. D - Expenditures By Program (optional)

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

### IV. B - Expenditures by Object Or Purpose

NONE

**IV. C - Capital Budget Breakout**

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5424 S SB	<b>Title:</b> Flexible work/peace officers	<b>Agency:</b> 376-The Evergreen State College
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Matthew Shepard-Koningsor	Phone: 360-786-7627	Date: 01/31/2023
Agency Preparation: Daniel Ralph	Phone: 360-867-6500	Date: 02/02/2023
Agency Approval: Dane Apalategui	Phone: 360-867-6517	Date: 02/02/2023
OFM Review: Ramona Nabors	Phone: (360) 742-8948	Date: 02/08/2023

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

SB 5424-S concerns flexible work for general and limited authority peace officers.

Section 1 (1) states that any law enforcement agency in Washington State may adopt a flexible work policy.

Section 1 (2) allows for the creation of a years of experience requirement or training requirement for allowing officers to participate in flexible work schedules.

Section 1 (3) states that this act does not affect any existing collective bargaining agreement.

Section 1 (4) states that this section does not alter any laws or workplaces policies regarding secondary employment.

Section 2 (4) removes the full-time designation from the definition of “general authority peace officer.”

Section 2 (6) removes the full-time designation from the definition of “limited authority peace officer.”

SB 5424-S has no fiscal impact for The Evergreen State College.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

NONE

### III. B - Expenditures by Object Or Purpose

NONE

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

### III. D - Expenditures By Program (optional)

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

**IV. B - Expenditures by Object Or Purpose**

NONE

**IV. C - Capital Budget Breakout**

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*



# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5424 S SB	<b>Title:</b> Flexible work/peace officers	<b>Agency:</b> 380-Western Washington University
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

<b>Legislative Contact:</b> Matthew Shepard-Koningsor	<b>Phone:</b> 360-786-7627	<b>Date:</b> 01/31/2023
<b>Agency Preparation:</b> Gena Mikkelsen	<b>Phone:</b> 3606507412	<b>Date:</b> 02/02/2023
<b>Agency Approval:</b> Faye Gallant	<b>Phone:</b> 3606504762	<b>Date:</b> 02/02/2023
<b>OFM Review:</b> Ramona Nabors	<b>Phone:</b> (360) 742-8948	<b>Date:</b> 02/08/2023

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

The updated bill will have no fiscal impact on WWU.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

NONE

### III. B - Expenditures by Object Or Purpose

NONE

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

### III. D - Expenditures By Program (optional)

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

### IV. B - Expenditures by Object Or Purpose

NONE

### IV. C - Capital Budget Breakout

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5424 S SB	<b>Title:</b> Flexible work/peace officers	<b>Agency:</b> 465-State Parks and Recreation Commission
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Matthew Shepard-Koningsor	Phone: 360-786-7627	Date: 01/31/2023
Agency Preparation: Robert Ingram	Phone: (360) 902-8615	Date: 02/01/2023
Agency Approval: Frank Gillis	Phone: (360) 902-8538	Date: 02/01/2023
OFM Review: Matthew Hunter	Phone: (360) 529-7078	Date: 02/01/2023

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

This legislation would have no fiscal impact on State Parks. Although the substitute bill would allow for less than full-time officers to be employed by Parks, the agency would not move to this type of staffing strategy.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

None.

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

This legislation would have no fiscal impact on State Parks. Although the bill would allow for less than full-time officers to be employed by Parks, the agency would not move to this type of staffing strategy.

Employing commissioned officers working at less than full-time would require backfilling to provide necessary enforcement, inflating costs for training, uniforms, equipment, benefits, etc.

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

NONE

### III. B - Expenditures by Object Or Purpose

NONE

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

### III. D - Expenditures By Program (optional)

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

### IV. B - Expenditures by Object Or Purpose

NONE

### IV. C - Capital Budget Breakout

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

None.

## **Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5424 S SB	<b>Title:</b> Flexible work/peace officers	<b>Agency:</b> 477-Department of Fish and Wildlife
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Matthew Shepard-Koningsor	Phone: 360-786-7627	Date: 01/31/2023
Agency Preparation: David Hoeveler	Phone: 3609701638	Date: 02/03/2023
Agency Approval: David Hoeveler	Phone: 3609701638	Date: 02/03/2023
OFM Review: Matthew Hunter	Phone: (360) 529-7078	Date: 02/03/2023

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

NO CHANGE FROM PREVIOUS FISCAL NOTE: Differences in this bill version do not change the fiscal impact for WDFW.

Section 1 clarifies that full time officers may not be displaced as a consequence of this legislation, and that this bill does not impact any existing collective bargaining agreements. The nature of WDFW law enforcement work already accommodates flexible schedules, however the Department does not have part time officers. No fiscal impact.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

NONE

### III. B - Expenditures by Object Or Purpose

NONE

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

### III. D - Expenditures By Program (optional)

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

### IV. B - Expenditures by Object Or Purpose

NONE

### IV. C - Capital Budget Breakout

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE



**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

## **Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5424 S SB	<b>Title:</b> Flexible work/peace officers	<b>Agency:</b> 490-Department of Natural Resources
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Matthew Shepard-Koningsor	Phone: 360-786-7627	Date: 01/31/2023
Agency Preparation: Collin Ashley	Phone: 360-688-3128	Date: 02/02/2023
Agency Approval: Collin Ashley	Phone: 360-688-3128	Date: 02/02/2023
OFM Review: Lisa Borkowski	Phone: (360) 742-2239	Date: 02/03/2023

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

No change from previous fiscal note.

No fiscal impact, the Department of Natural Resources anticipates updates to flexible work policy would be included in our current union negotiations process.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

NONE

### III. B - Expenditures by Object Or Purpose

NONE

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

### III. D - Expenditures By Program (optional)

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

### IV. B - Expenditures by Object Or Purpose

NONE

### IV. C - Capital Budget Breakout

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5424 S SB	<b>Title:</b> Flexible work/peace officers	<b>Agency:</b> AFN-Actuarial Fiscal Note - State Actuary
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

**Non-zero but indeterminate cost and/or savings. Please see discussion.**

**Estimated Capital Budget Impact:**

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Matthew Shepard-Koningsor	Phone: 360-786-7627	Date: 01/31/2023
Agency Preparation: Melinda Aslakson	Phone: 360-786-6161	Date: 02/21/2023
Agency Approval: Kyle Stineman	Phone: 3607866153	Date: 02/21/2023
OFM Review: Marcus Ehrlander	Phone: (360) 489-4327	Date: 02/22/2023

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

### II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

### II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

Non-zero but indeterminate cost and/or savings. Please see discussion.

### III. B - Expenditures by Object Or Purpose

Non-zero but indeterminate cost and/or savings. Please see discussion.

**III. C - Operating FTE Detail:** FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.

NONE

### III. D - Expenditures By Program (optional)

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

### IV. B - Expenditures by Object Or Purpose

NONE

### IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

**IV. D - Capital FTE Detail:** FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.

NONE

## Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.

## SUMMARY OF RESULTS

**BRIEF SUMMARY OF BILL:** This bill allows law enforcement agencies to adopt flexible schedule policies and may allow for law enforcement officers to work less than full time while still earning benefit service in the state retirement systems.

### COST/SAVINGS SUMMARY

The amount of cost/savings that may arise from this bill is **indeterminate** due to a lack of data. Please see **Highlights of Actuarial Analysis** for additional details.

### HIGHLIGHTS OF ACTUARIAL ANALYSIS

- ❖ This bill removes the full-time employment requirement for law enforcement officers to participate in the Washington State retirement systems which could lead to an increase in the number of plan members. Based on our understanding of the bill, increases in plan membership could occur in the following scenarios:
  - Officers electing to reduce their hours which may in turn require additional positions to meet staffing needs.
  - Officers previously ineligible to participate in a plan, e.g., LEOFF 2, as a result of working less than full time, may now become eligible to participate.
    - ◇ We do not expect retired LEOFF 2 officers who changed careers would be impacted under this bill. For more information, please see the **Who Is Impacted and How** section.
- ❖ We expect the majority of increases in plan membership, as a result of this bill, would be seen in LEOFF 2 due to its larger number of law enforcement officers, relative to other Washington State retirement systems.
- ❖ Costs/savings that may arise from this bill are indeterminate due to a lack of data. It is uncertain how current members would change their work schedules or the number of new officers that would become eligible for the retirement plans under this bill.
- ❖ For illustration purposes, we estimate the impact to LEOFF 2 for a hypothetical group being added to the retirement plan.
- ❖ Policy changes made to the substitute version of this bill do not impact our actuarial analysis from the original bill.

*See the remainder of this fiscal note for additional details on the summary and highlights presented here.*

## WHAT IS THE PROPOSED CHANGE?

### Summary of Bill

Based on our understanding of the bill, flexible schedules may impact the following systems:

- ❖ Public Safety Employees' Retirement System (PSERS).
- ❖ Law Enforcement Officers' and Fire Fighters' Retirement System (LEOFF).
- ❖ Washington State Patrol Retirement System (WSPRS).

This bill allows law enforcement agencies to adopt flexible schedule policies and may allow for law enforcement officers to work less than full time. In doing so, the bill strikes the term "full time" from the definitions of general authority Washington peace officers, limited authority Washington peace officers, and law enforcement officers covered by the LEOFF retirement statute.

Under this bill, removing "full time" criteria from the definition of law enforcement officer could expand retirement plan membership to include members that satisfy job requirements but previously did not work enough hours.

Effective Date: 90 days after session.

In this summary, we only include changes pertinent to our Actuarial Fiscal Note (AFN). See the legislative bill report for a complete summary of the bill.

### How SSB 5424 Differs from the Original SB 5424

The substitute bill makes two changes:

- ❖ Adds language that a flexible work policy adopted by a Washington law enforcement agency may not cause the layoff or displacement of any full-time law enforcement officer.
- ❖ Ensures an employer's duty to bargain under current law remains and requires full-time and part-time law enforcement officers working for the same agency to be in the same bargaining unit.

Policy changes made to the substitute version of this bill do not impact our actuarial analysis from the original bill.

For a complete list of changes to the current version of the bill, please refer to the bill reports prepared by legislative staff.

### What Is the Current Situation?

Currently, most law enforcement officers are required to work full time to be eligible for membership in state retirement systems. LEOFF and PSERS retirement systems require members to work a minimum of 160 hours in a calendar month, according to the [Revised Code of Washington \(RCW\)](#)



[41.26.030 \(19\)](#), [Washington Administrative Code \(WAC\) 415-104-011](#) and [RCW 41.37.010 \(19\)](#), [WAC 415-106-010](#), respectively. Washington State Patrol does not limit retirement system membership in WSPRS to full time, fully compensated law enforcement officers, according to [RCW 43.43.120](#) and [WAC 415-103-010](#).

[Chapter 10.93](#) covers general authority Washington peace officers and limited authority peace officers which includes members eligible for LEOFF, PSERS and WSPRS. According to [RCW 10.93.020](#), general and limited authority peace officers are required to be full time, fully compensated.

The number of hours to earn pension service credit, in each month, is less than the defined full-time work requirement. As an example, if a LEOFF 2 member works at least [90 hours](#) in a month, then they will earn the full amount of service credit for that month.

### **Who Is Impacted and How?**

This bill removes the full-time employment requirement for current (and future) law enforcement officers which could allow officers the option to work fewer hours, relative to current law, and remain eligible to participate in their current retirement plan with the full amount of service credit earned each month. We do not expect this bill would change the total number of hours required by employers for staffing so employers may require additional positions to meet staffing needs.

This bill could also expand the number of retirement plan members to include officers who satisfy job requirements but are not currently eligible to participate in the plan as a result of working less than full time.

LEOFF 2 members who retired, started collecting their retirement benefit, and then became an employee in another retirement system could be impacted under this bill. However, we expect these approximately [500 members](#) changed their careers and have job responsibilities that differ from law enforcement officers. LEOFF 2 Board staff confirmed this bill is not expected to impact these retirees who had a career change.

We assume Washington State retirement systems, other than those mentioned in the **Summary of Bill** section, do not employ law enforcement officers that work less than full time under current law. If there are impacted officers that work less than full time in another retirement plan, e.g., PERS 2, then these members could become eligible to transfer membership to another retirement plan.

### **WHY THIS BILL IS INDETERMINATE**

As discussed in the **Who Is Impacted and How** section, this bill could increase the number of law enforcement officers in the Washington State retirement systems. However, expanding the eligibility of the retirement systems results in an indeterminate cost/savings due to a lack of data. At the time of publishing this fiscal note, we are not aware of the current number (or their

demographics) of officers who would be eligible to join the retirement systems as a result of this bill. In addition, we do not know the number of future positions, if any, that would be added due to staffing needs from current members choosing to work a reduced schedule.

The bill could impact officers in the retirement systems noted in the **Summary of Bill** section, but we expect the majority of the impact may be seen in LEOFF 2 due to its larger number of law enforcement officers, relative to other systems. Please see the next section for a hypothetical impact to LEOFF 2.

**HYPOTHETICAL EXAMPLE OF COST/SAVINGS UNDER BILL**

For illustrative purposes, we considered a hypothetical example where 100 law enforcement officers become eligible to participate in LEOFF 2 and earn the maximum amount of service credit monthly. We assumed the demographics of these members would be consistent with that of an average LEOFF 2 member, except that their annual salaries would be 25 percent less since they are expected to work fewer hours than an average LEOFF 2 member. We used 14 years of experience in our example to reflect these hypothetical members being mid-career employees.

The table below shows the key demographics we used for this hypothetical example. Please see the **Appendix** for additional details on how this hypothetical example was priced.

Hypothetical Members Joining LEOFF 2	
	LEOFF
New Members	100
Average Age	42
Average Compensation	\$92,000
Years of Experience*	14

*\*We used Years of Experience to approximate career advancement. It is not used to determine retirement eligibility or benefits.*

This hypothetical example would increase plan obligations and future payroll in LEOFF 2 and would be expected to increase member (and total employer) contribution rates by one basis point, or 0.01 percent. However, this is only an example of potential impacts to LEOFF 2, and actual impacts to the plan could result in higher or lower, and potentially negative, rate impacts dependent upon factors such as the number of members who join LEOFF 2 as well as their age, salary, and years of experience.

The contribution rate impact to the various impacted systems could vary. The following factors could impact the cost/savings from this bill:

- ❖ **Behavioral Assumptions:** We use behavioral assumptions primarily to model the rate at which members leave their retirement systems (most commonly via retirement or termination). Removing the “full time” requirement may result in

members remaining active in the retirement system longer. As an example, they may work fewer hours as they approach retirement.

- ❖ **Change in Plan Demographics:** The average plan demographics may change depending on the number of members that become eligible to participate in the retirement systems under this bill.

In addition, this bill could result in current full-time members choosing to work fewer hours while remaining eligible to participate in their retirement plan. Should this occur then there may be a need for additional law enforcement positions to fill the reduction in hours.

**ACTUARY'S CERTIFICATION**

The undersigned certifies that:

1. The actuarial assumptions, methods, and data used are reasonable for the purposes of this pricing exercise. The use of another set of assumptions, methods, and data may also be reasonable and might produce different results.
2. We prepared this AFN based on our current understanding of the bill as of the date shown in the footer. If the bill or our understanding of the bill changes, the results of a future AFN based on those changes may vary from this AFN. Additionally, the results of this AFN may change after our next annual update of the underlying actuarial measurements.
3. We prepared this AFN and provided opinions in accordance with Washington State law and accepted actuarial standards of practice as of the date shown in the footer of this AFN.

We prepared this AFN to support legislative deliberations during the 2023 Legislative Session. This AFN may not be appropriate for other purposes.

We advise readers of this AFN to seek professional guidance as to its content and interpretation, and not to rely on this communication without such guidance. Please read the analysis shown in this AFN as a whole. Distribution of, or reliance on, only parts of this AFN could result in its misuse and may mislead others.

The undersigned, with actuarial credentials, meets the Qualification Standards of the American Academy of Actuaries to render the actuarial opinions contained herein.

While this AFN is meant to be complete, the undersigned is available to provide extra advice and explanations as needed.



Kyle Stineman, ASA, MAAA  
Actuary

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## APPENDIX

### How We Estimated Example Contribution Rate Impacts

To estimate the contribution rate impact of the hypothetical example, we added 100 records (see the **Hypothetical Example of Cost/Savings under Bill** section) to our LEOFF 2 valuation data. We used our valuation software to estimate the added pension plan obligations and payroll from these additional records. We then estimated the change in contribution rates from current law.

Unless noted otherwise, we used data, assets, assumptions, and methods consistent with our most recent actuarial valuation report ([June 30, 2021, Actuarial Valuation Report](#)).

### Who Will Pay For/Receive Costs/Savings That Arise from This Bill?

#### **LEOFF 2**

Any costs/savings that arise from this bill will be divided according to the standard funding method for LEOFF Plan 2: 50 percent member, 30 percent employer, and 20 percent state.

#### **PSERS**

Any costs/savings that arise from this bill will be divided according to the standard funding method for PSERS: 50 percent member and 50 percent employer.

#### **WSPRS**

Any costs/savings that arise from this bill will be divided according to the standard funding method of 50 percent member and 50 percent employer, subject to the member maximum contribution rate. The current member maximum contribution rate is 8.61 percent. This maximum member contribution rate will not increase as a result of this bill since the cost/savings of this bill are indeterminate. Any costs/savings above the member maximum contribution rate are fully assumed by the employer.

# LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

Bill Number: 5424 S SB

Title: Flexible work/peace officers

## Part I: Jurisdiction-Location, type or status of political subdivision defines range of fiscal impacts.

### Legislation Impacts:

- Cities: Indeterminate expenditure impact resulting from additional administrative time, employer LEOFF 2 contributions necessary if local law enforcement agencies adopt flexible work policies
- Counties: Same as above, but for counties
- Special Districts:
- Specific jurisdictions only:
- Variance occurs due to:

## Part II: Estimates

- No fiscal impacts.
- Expenditures represent one-time costs:
- Legislation provides local option: Local law enforcement agencies could adopt flexible work policies, per section 1 of the proposed legislation
- Key variables cannot be estimated with certainty at this time: Number of local law enforcement agencies that may adopt flexible work policies; details of such policies

### Estimated revenue impacts to:

None

### Estimated expenditure impacts to:

Non-zero but indeterminate cost and/or savings. Please see discussion.

## Part III: Preparation and Approval

Fiscal Note Analyst: James Vogl	Phone: 360-480-9429	Date: 02/08/2023
Leg. Committee Contact: Matthew Shepard-Koningsor	Phone: 360-786-7627	Date: 01/31/2023
Agency Approval: Alice Zillah	Phone: 360-725-5035	Date: 02/08/2023
OFM Review: Tiffany West	Phone: (360) 890-2653	Date: 02/08/2023

## **Part IV: Analysis**

### **A. SUMMARY OF BILL**

*Description of the bill with an emphasis on how it impacts local government.*

#### **CHANGES BETWEEN THIS VERSION AND ORIGINAL BILL VERSION:**

The proposed substitute bill would specify that flexible work policies cannot cause the displacement of any full-time law enforcement officers, and would specify that the bill “does not alter any existing collective bargaining unit, the provisions of any existing collective bargaining agreement, or the duty of a law enforcement agency to meet their duty to bargain under chapter 41.56 or 41.80 RCW.”

Full-time and part-time officers working for the same law enforcement agency who are covered by a collective bargaining agreement would be required to be in the same bargaining unit.

#### **SUMMARY OF CURRENT BILL:**

The proposed legislation would allow law enforcement officers in Washington to have flexible work arrangements.

Section 1 would create a new section in chapter 49.28 RCW, allowing law enforcement agencies in Washington to adopt flexible work policies that would allow general and limited authority peace officers “to work at less than full time when feasible.” These policies could also include “alternative shift and work schedules that fit the needs of the law enforcement agency.”

This section would also specify that flexible work policies cannot cause the displacement of any full-time law enforcement officers, and would specify that the bill “does not alter any existing collective bargaining unit, the provisions of any existing collective bargaining agreement, or the duty of a law enforcement agency to meet their duty to bargain under chapter 41.56 or 41.80 RCW.”

Full-time and part-time officers working for the same law enforcement agency who are covered by a collective bargaining agreement would be required to be in the same bargaining unit.

Section 2 would reenact and amend RCW 10.93.020, removing the specification that an officer work full time from the definitions of general and limited authority Washington peace officers.

Section 3 would amend RCW 41.26.030 (19), specifying that for the purposes of chapter 41.26 RCW, “beginning July 1, 2023, the term ‘law enforcement officer’ also includes any person who is commissioned and employed by an employer on a fully compensated basis to enforce the criminal laws of the state of Washington generally, on a less than full-time basis” and meets the other requirements of this subsection.

### **B. SUMMARY OF EXPENDITURE IMPACTS**

*Expenditure impacts of the legislation on local governments with the expenditure provisions identified by section number and when appropriate, the detail of expenditures. Delineated between city, county and special district impacts.*

#### **CHANGES IN EXPENDITURE IMPACT BETWEEN THIS VERSION AND PREVIOUS BILL VERSION:**

According to the Association of Washington Cities (AWC), the Washington State Association of Counties (WSAC) and the Washington Association of Sheriffs and Police Chiefs (WASPC), the additions in the proposed substitute bill would not change the local government expenditure impact of the original bill.

#### **EXPENDITURE IMPACT OF CURRENT BILL:**

The proposed legislation could result in an indeterminate increase in local government expenditures.

WASPC indicates that some local law enforcement agencies have already adopted flexible work policies like those that section 1 of this bill references, and does not anticipate that law enforcement agencies taking advantage of this local option would incur any additional costs. WASPC does anticipate, however, that cities and counties could incur

administrative costs if their local law enforcement agency does adopt a flexible work policy.

Both AWC and WSAC indicate that local government expenditures could increase as a result of additional staff time needed for human resources, accounting and other administrative needs if a local law enforcement agency chooses to implement a flexible work policy. AWC also indicates that because of the definitional changes that section 3 of the proposed legislation would make, additional employer contributions to LEOFF 2 pensions for part-time officers covered by flexible work arrangements could be another source of local government expenditure impact.

Since it is unknown, however, how many local law enforcement agencies may choose to take advantage of the local option to adopt flexible work policies, as well as what the details of those arrangements may be, the expenditure impact on local governments resulting from additional administrative time is indeterminate. WSAC anticipates that apart from the largest counties, this indeterminate impact is likely to be small.

### **C. SUMMARY OF REVENUE IMPACTS**

*Revenue impacts of the legislation on local governments, with the revenue provisions identified by section number, and when appropriate, the detail of revenue sources. Delineated between city, county and special district impacts.*

The proposed legislation would have no impact on local government revenues.

#### **SOURCES:**

Association of Washington Cities

Washington Association of Sheriffs and Police Chiefs

Washington State Association of Counties





# Part-Time LEOFF Members

Initial Consideration  
September 27, 2023

# Issue

- Law enforcement agencies adopting flexible work policies may help address hiring and retention issues in law enforcement, however, part-time law enforcement officers are not eligible for membership in LEOFF 2

# Current Law

- **LEOFF 2 requires law enforcement officers to be full-time and commissioned**
- **Full-Time defined as “an employee who is normally expected to earn basic salary from an employer for a minimum of one hundred sixty hours in a calendar month.”**
- **Commissioned is defined as “an employee is employed as an officer of a general authority Washington law enforcement agency and is empowered by that employer to enforce the criminal laws of the state of Washington.”**

# **HB 1413/SB 5424 – Flexible Work Policies 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**
- **Require its officers to have a certain number of years of experience or additional training to be eligible for flexible work**

# HB 1413/SB 5424 – Flexible Work Policy May Not

- Alter any laws or workplace policies relating to restrictions on secondary employment
- Cause a reduction in full-time officers
- 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

# HB 1413/SB 5424 – Impacts to L2

- The definition of a general or limited authority peace officer 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 LEOFF 2

# HB 1413/SB 5424 – Legislative History

- Both bills were amended in policy committee, but did not receive hearing in fiscal committee
  - The House substitute bill:
    - Prohibits the policy from causing the layoff or displacement of any full-time officer
    - Clarifies that the bill does not alter the duty of a law enforcement agency to bargain
    - Clarifies that full-time and part-time officers working in the same law enforcement agency are part of the same bargaining unit
    - Makes the requirement that city police officers participating in LEOFF 2 be "full time" inapplicable to the extent allowed by the bill
  - The Senate substitute bill:
    - Clarifies the category of city police officers in the definition of law enforcement officers in the LEOFF 2 retirement system to allow part-time city police officers to participate in the retirement system

# HB 1413/SB 5424- Actuarial Fiscal Note

- Indeterminate costs due to lack of data
- Behavioral assumptions
  - May result in members remaining active in the retirement system longer
- Changes to plan demographics
  - May result in hiring more LEOs to fill the reduction in hours



# Next Steps

1. Motion for Comprehensive Report
2. No further action at this time



**Thank You**

**Jacob White**

**Senior Research and Policy Manager**

**(564) 999-0738**

**[jacob.white@leoff.wa.gov](mailto:jacob.white@leoff.wa.gov)**