

Multiple Agency Fiscal Note Summary

Bill Number: 5424 E S SB	Title: 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	Fiscal note not available											
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	Fiscal note not available											
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	Fiscal note not available								
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	Fiscal note not available								
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
Total \$	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 Breakout

Prepared by: Tiffany West, OFM	Phone: (360) 890-2653	Date Published: Preliminary 2/16/2024
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Individual State Agency Fiscal Note

Bill Number: 5424 E S SB	Title: Flexible work/peace officers	Agency: 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.

Legislative Contact: Lena Langer	Phone: 360-786-7192	Date: 02/06/2024
Agency Preparation: John Iyall	Phone: 360-810-2870	Date: 02/09/2024
Agency Approval: Josh Johnston	Phone: 360-810-2878	Date: 02/09/2024
OFM Review: Cheri Keller	Phone: (360) 584-2207	Date: 02/09/2024

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.

ES SB 5424 specifically authorizes general and limited authority law enforcement agencies to adopt a flexible work policy for both full-time and part-time peace officers in Sections 1 and 2. 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. However, they are non-commissioned officers, so Sections 3 and 4 do not apply.

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

Bill Number: 5424 E S SB	Title: Flexible work/peace officers	Agency: 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.

Legislative Contact: Lena Langer	Phone: 360-786-7192	Date: 02/06/2024
Agency Preparation: Michael Walker	Phone: 360-725-7036	Date: 02/08/2024
Agency Approval: Bryon Welch	Phone: 360-725-7037	Date: 02/08/2024
OFM Review: Jason Brown	Phone: (360) 742-7277	Date: 02/13/2024

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

Bill Number: 5424 E S SB	Title: Flexible work/peace officers	Agency: 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.

Legislative Contact: Lena Langer	Phone: 360-786-7192	Date: 02/06/2024
Agency Preparation: Colin O Neill	Phone: (360) 664-4552	Date: 02/07/2024
Agency Approval: Aaron Hanson	Phone: 360-664-1701	Date: 02/07/2024
OFM Review: Val Terre	Phone: (360) 280-3973	Date: 02/07/2024

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 fulltime 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.

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.

CHANGES MADE BY THE ESSB:

Changes the effective date of the change to the definition of "law enforcement officer" in the Law Enforcement Officers' and Firefighters' Retirement System statute from July 1, 2023, to July 1, 2024.

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

Bill Number: 5424 E S SB	Title: Flexible work/peace officers	Agency: 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: Lena Langer	Phone: 360-786-7192	Date: 02/06/2024
Agency Preparation: Kim Anderson	Phone: 360-664-1153	Date: 02/08/2024
Agency Approval: Kim Anderson	Phone: 360-664-1153	Date: 02/08/2024
OFM Review: Tiffany West	Phone: (360) 890-2653	Date: 02/09/2024

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 there is no fiscal impact resulting from legislation. The UTC is a limited law enforcement agency but does not commission employees as peace officers, nor does it enforce criminal laws.

The engrossed substitute bill allows for general and limited authority Washington law enforcement agencies to adopt flexible work policies. The bill would remove the requirement that officers be employed full-time to be a general or limited authority Washington peace officer. Further, the bill makes an amendment to the definition of “law enforcement officer” in the Law Enforcement Officers’ and Firefighters’ Retirement System statutes to include certain officers employed less than full-time.

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.

UTC assumes no cash receipts will go to UTC as a result of legislation.

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.

UTC assumes it will not have any expenditures as a result of this legislation.

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.

UTC assumes it will not be required to conduct a rulemaking as a result of this legislation.

Individual State Agency Fiscal Note

Bill Number: 5424 E S SB	Title: Flexible work/peace officers	Agency: 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: Lena Langer	Phone: 360-786-7192	Date: 02/06/2024
Agency Preparation: Shawn Eckhart	Phone: 360-596-4083	Date: 02/09/2024
Agency Approval: Mario Buono	Phone: (360) 596-4046	Date: 02/09/2024
OFM Review: Tiffany West	Phone: (360) 890-2653	Date: 02/09/2024

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 engrossed substitute version of the proposed legislation moves the effective date of the definition change in subsection 3 from July 1, 2023, to July 1, 2024.

This change does not change our described fiscal impact from the substitute version from the 2023 legislative session.

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 within chapter 10.93 RCW of "general authority" and "limited authority" Washington peace officers by removing "full-time" from the definition.

Section 3 amends the definition of "law enforcement officer" as pertaining to membership in Law Enforcement Officers' and Firefighters' Retirement System (LEOFF) to include any fully compensated commissioned officer working on a less than full-time basis beginning July 1, 2024.

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 certain benefits.

All officers, regardless of hours worked, will need to be completely outfitted (uniform, vehicle, mobile phone, radio, etc...).

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

Bill Number: 5424 E S SB	Title: Flexible work/peace officers	Agency: 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.

Legislative Contact: Lena Langer	Phone: 360-786-7192	Date: 02/06/2024
Agency Preparation: Cassi Postma	Phone: 3609999999	Date: 02/07/2024
Agency Approval: Dan Winkley	Phone: 360-902-8236	Date: 02/07/2024
OFM Review: Arnel Blancas	Phone: (360) 000-0000	Date: 02/07/2024

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 states that general authority and limited authority Washington law enforcement agencies 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. The proposal may make it easier to hire staff to work less than full time but there is 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

Bill Number: 5424 E S SB	Title: Flexible work/peace officers	Agency: 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: Lena Langer	Phone: 360-786-7192	Date: 02/06/2024
Agency Preparation: Jaysanna Wang	Phone: (360) 725-8428	Date: 02/13/2024
Agency Approval: Michael Steenhout	Phone: (360) 789-0480	Date: 02/13/2024
OFM Review: Danya Clevenger	Phone: (360) 688-6413	Date: 02/13/2024

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 Engrossed Substitute Senate Bill (ESSB) 5424 is the updated bill version from the 2023 Legislative session that does not change the previous assumptions for the Department of Corrections (DOC).

The ESSB 5424 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 shifts 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.

The DOC assumes this bill will have no fiscal impact.

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

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

Bill Number: 5424 E S SB	Title: Flexible work/peace officers	Agency: 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: Lena Langer	Phone: 360-786-7192	Date: 02/06/2024
Agency Preparation: Michael Lantz	Phone: 2065437466	Date: 02/09/2024
Agency Approval: Michael Lantz	Phone: 2065437466	Date: 02/09/2024
OFM Review: Ramona Nabors	Phone: (360) 742-8948	Date: 02/09/2024

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.

Engrossed Substitute Senate Bill 5424 relates to flexible work polices for law enforcement officers. This is the first version of this bill that the University of Washington (UW) has been asked to evaluate this session. However, UW evaluated previous versions during the 2023 session. The changes made by the engrossed substitute are minimal and therefore the UW is submitting substantially the same fiscal note as before.

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 shifts 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 UWPD from this section.

Sections 3 and 4 add to the definition of “law enforcement officer” to include officers working less than full-time for the purpose of the Law Enforcement Officers’ and Firefighter’ Retirement System. 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 ESSB 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

Bill Number: 5424 E S SB	Title: Flexible work/peace officers	Agency: 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: Lena Langer	Phone: 360-786-7192	Date: 02/06/2024
Agency Preparation: Anne-Lise Brooks	Phone: 509-335-8815	Date: 02/09/2024
Agency Approval: Chris Jones	Phone: 509-335-9682	Date: 02/09/2024
OFM Review: Ramona Nabors	Phone: (360) 742-8948	Date: 02/12/2024

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.

ESSB 5424 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.

Since the bill does not require any action on Washington State University's part to create a flexible work policy, WSU 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

Bill Number: 5424 E S SB	Title: Flexible work/peace officers	Agency: 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: Lena Langer	Phone: 360-786-7192	Date: 02/06/2024
Agency Preparation: Alexa Orcutt	Phone: 5099632955	Date: 02/09/2024
Agency Approval: Lisa Plesha	Phone: (509) 963-1233	Date: 02/09/2024
OFM Review: Ramona Nabors	Phone: (360) 742-8948	Date: 02/09/2024

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 ES SB adds sections 4-6.

Section 4: Amending RCW 41.26.030 and 2023 c 77 s 1: (19)(g) Starting July 1, 2024, the term “law enforcement officer” also includes any person who’s commissioned and employed by an employer on a fully compensated basis to enforce criminal laws of WA state generally, if less than full-time than with the qualifications listed in (a-e) of this subsection.

Section 5: New: Section 3 of this act expires July 1, 2025.

Section 6: New: Section 4 of this act takes effect July 1, 2025.

CWU does not estimate any fiscal impact based on the language of this bill.

Summary from 2023 SSB 5424:

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.

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

Bill Number: 5424 E S SB	Title: Flexible work/peace officers	Agency: 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: Lena Langer	Phone: 360-786-7192	Date: 02/06/2024
Agency Preparation: Daniel Ralph	Phone: 360-867-6500	Date: 02/08/2024
Agency Approval: Lisa Dawn-Fisher	Phone: 564-233-1577	Date: 02/08/2024
OFM Review: Ramona Nabors	Phone: (360) 742-8948	Date: 02/08/2024

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.

ES SB 5424 relates to flexible work for general and limited authority police officers.

Section 1(3) states that adopting a flexible work plan may not cause the layoff or otherwise displace any full-time officer.

Section 3(19)(f) states that 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.

Section 4(19)(g) restates the language from 3(19)(f).

This bill does not create any fiscal impact for The Evergreen State College because our police department does not employ part-time officers.

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

Bill Number: 5424 E S SB	Title: Flexible work/peace officers	Agency: 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: Lena Langer	Phone: 360-786-7192	Date: 02/06/2024
Agency Preparation: Gena Mikkelsen	Phone: 3606507412	Date: 02/08/2024
Agency Approval: Anna Hurst	Phone: 360-650-3569	Date: 02/08/2024
OFM Review: Ramona Nabors	Phone: (360) 742-8948	Date: 02/08/2024

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:

The proposed Flexible Work Policy for Law Enforcement Agencies allows Washington law enforcement agencies to implement alternative work schedules for officers, including part-time arrangements, based on experience levels and training requirements. While the policy aims to optimize officer schedules and potentially reduce overtime costs, there may be associated costs if part-time officers require additional training or are paid differently. However, as WWU does not have part-time positions within its law enforcement department, the bill is not expected to have a fiscal impact on the university.

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

Bill Number: 5424 E S SB	Title: Flexible work/peace officers	Agency: 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: Lena Langer	Phone: 360-786-7192	Date: 02/06/2024
Agency Preparation: Robert Ingram	Phone: (360) 902-8615	Date: 02/08/2024
Agency Approval: Frank Gillis	Phone: (360) 902-8538	Date: 02/08/2024
OFM Review: Matthew Hunter	Phone: (360) 529-7078	Date: 02/08/2024

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 engrossed 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

Bill Number: 5424 E S SB	Title: Flexible work/peace officers	Agency: 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: Lena Langer	Phone: 360-786-7192	Date: 02/06/2024
Agency Preparation: David Hoeveler	Phone: (360) 970-1638	Date: 02/07/2024
Agency Approval: David Hoeveler	Phone: (360) 970-1638	Date: 02/07/2024
OFM Review: Matthew Hunter	Phone: (360) 529-7078	Date: 02/07/2024

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 FISCAL IMPACT While the proposed language will permit law enforcement agencies to employ part-time officers, this will not impact WDFW Enforcement's normal operations as it is not a requirement.

Section 1. Allows general and limited authority Washington law enforcement agencies to adopt flexible work policies. Removes the requirement that an officer be employed full-time to be a general or limited authority Washington peace officer.

Section 3. Amends the definition of "law enforcement officer" in the Law Enforcement Officers' and Firefighters' Retirement System statutes to include, beginning July 1, 2024, certain officers employed less than full-time.

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

Bill Number: 5424 E S SB	Title: Flexible work/peace officers	Agency: 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: Lena Langer	Phone: 360-786-7192	Date: 02/06/2024
Agency Preparation: Andrew Hills	Phone: /	Date: 02/07/2024
Agency Approval: Brian Considine	Phone: 3604863469	Date: 02/07/2024
OFM Review: Lisa Borkowski	Phone: (360) 742-2239	Date: 02/07/2024

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 bill will require an employing agency to provide the same benefits (insurance, retirement etc.) to part-time law enforcement officers that it provides to full-time law enforcement officers. The bill will not supersede any collective bargaining agreements.

The Department of Natural Resources (DNR) does not employ any part-time officers. DNR officers are full-time and covered by collective bargaining agreements. In order to hire or use a part-time officer, DNR would have to enter into an agreement with the bargaining unit. DNR has no need or use at this time for any part-time officers. Therefore, there is no fiscal impact to DNR.

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

Bill Number: 5424 E S SB	Title: Flexible work/peace officers	Agency: 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: Lena Langer	Phone: 360-786-7192	Date: 02/06/2024
Agency Preparation: Melinda Aslakson	Phone: 360-786-6161	Date: 02/08/2024
Agency Approval: Kyle Stineman	Phone: 3607866153	Date: 02/08/2024
OFM Review: Marcus Ehrlander	Phone: (360) 489-4327	Date: 02/09/2024

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 service credits for benefits in the Washington State retirement systems.

COST SUMMARY

The amount of cost/savings that may arise from this bill is **indeterminate** due to a lack of data.

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.
- ❖ This bill is not expected to materially increase plan affordability or solvency risks.
- ❖ The actuarial analysis of this bill remains unchanged from the substitute version of [SB 5424](#) which was introduced during the 2023 Legislative Session.

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

WHAT IS THE PROPOSED CHANGE?

Summary of Bill

This bill impacts 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 changes the definitions of general authority Washington peace officers, limited authority Washington peace officers, and law enforcement officers to include officers employed on a less than full-time basis.

Under this bill, changing 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 in LEOFF or PSERS.

Effective Date: July 1, 2024.

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 Engrossed Substitute Senate Bill 5424 Differs from Substitute Senate Bill (SSB) 5424?

The engrossed substitute bill includes an updated July 1, 2024, effective date. The bill also includes a technical correction update to ensure definitions within LEOFF 2 ([Revised Code of Washington \[RCW\] 41.26.030](#)), consider the effective dates given the passage of [House Bill 1481](#) (Chapter 77, Laws of 2023).

The engrossed substitute version of this bill does not impact our actuarial analysis from SSB 5424. 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 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 given they work at least 90 hours. 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 HAS AN INDETERMINATE COST/SAVINGS

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, we could not determine the impact of expanding the eligibility of the retirement systems due to a lack of data. At the time of publishing this fiscal note, we are not aware how many officers would be eligible to join the retirement systems as a result of this bill or how their demographics may compare to the average plan member. 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. We reviewed the agency fiscal notes for a similar bill (SSB 5424) and found that no significant staffing changes were identified.

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

We relied on the hypothetical example from our analysis of SSB 5424 during the 2023 Legislation Session. We expect this example remains reasonable for this AFN given the similarities in the bills.

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. If this occurs, 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. The models used are appropriate for the purpose of this pricing. We are not aware of any known weaknesses or limitations of the models that have a material impact on the results.
3. 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.
4. 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 2024 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 as of our June 30, 2021, actuarial valuation. 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 the [June 30, 2021, Actuarial Valuation Report](#).

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

LEOFF 2

Any cost/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 cost/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 cost/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 8.74 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.

Comments on Risk

Our office performs [risk assessments](#) to help us demonstrate and assess the effect of unexpected experience on pension plans. The risk assessment allows us to measure how affordability and funded status can change if investment experience, expected state revenue growth, and inflation do not match our long-term assumptions. Our risk assessment also considers past practices, for funding and benefit enhancements, and their impact on pension plan risk if those practices continue.

In terms of risk, we expect this bill will not materially increase plan affordability or solvency risks.

LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

Bill Number: 5424 E 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: 02/08/2024
Leg. Committee Contact: Lena Langer	Phone: 360-786-7192	Date: 02/06/2024
Agency Approval: Alice Zillah	Phone: 360-725-5035	Date: 02/08/2024
OFM Review: Tiffany West	Phone: (360) 890-2653	Date: 02/08/2024

Part IV: Analysis

A. SUMMARY OF BILL

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

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, 2024, 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. This section would expire on July 1, 2025.

Section 4 would amend RCW 41.26.030, making the same changes as section 3, but becoming effective July 1, 2025.

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.

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 the Association of Washington Cities (AWC) and the Washington State Association of Counties (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 sections 3 and 4 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