

# Legislative Issues



Washington State  
Council of Fire Fighters

**2019**





# Washington State Council of Fire Fighters

January 2019

Dear Legislator:

The Washington State Council of Fire Fighters, which proudly represents over 8,500 professional fire fighters and emergency medical personnel in the state of Washington, will convene its annual Legislative Conference on January 29, 2019. More than 275 IAFF local leaders from throughout the state will be in Olympia to meet with their senators and representatives on issues critical to fire fighters.

The mission of the WSCFF is to provide our membership the best possible working conditions and the safest possible working environment, along with fair compensation and benefits. We are active on all fronts, from local issues to national ones. Statewide issues that affect our members are our primary concern. Politically active since our inception in 1939, our efforts have been focused on legislative action on behalf of our members.

This legislative briefing book is prepared for your information and review. We hope it will provide you with a better understanding of our positions as you make informed policy decisions that affect fire fighters and emergency medical personnel. We thank you in advance for your consideration of these issues and our positions.

We are always available to provide any additional information you may need. Our officers, district representatives, and staff stand ready to assist you as you consider these issues. Please do not hesitate to call upon us. When fire fighter issues arise, we are the source for answers.

We look forward to a cooperative and productive legislative session.

Sincerely and fraternally,

Dennis J. Lawson  
President

Greg B. Markley  
Secretary-Treasurer

Dean Shelton  
Vice President

AJ Johnson  
Legislative Liaison

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## **Funding the LEOFF 2 Benefit Improvement Account**

### **BACKGROUND**

Since 1977, fire fighters and law enforcement officers have been enrolled in LEOFF Plan 2. Because of the combat-nature of firefighting and law enforcement, and the routine physical demands of those professions, LEOFF Plan 2 members may retire at age 53 with no actuarial reduction in pension benefits. However, despite the allowance for earlier retirement, the retirement calculation for these members is the same as it is for members of other pension systems covering individuals in far less physically demanding, non-public safety, and non-life-threatening jobs with careers spanning 35 to 40 years.

Financial planning experts recommend a minimum of 70-80% of pre-retirement income replacement for retirees. With shorter, more physically demanding careers, the average law enforcement officer or fire fighter is mathematically unable to obtain even a largely inadequate 60% salary replacement level. In addition, healthcare coverage is not provided as a retirement benefit, and over 90% of fire fighters are not in Social Security.

In 2008, the Legislature passed ESSB 6573 by margins of 82-12 and 45-2 in recognition of the LEOFF Plan 2 inadequacies and Local Government public safety needs.

### **POSITION**

The WSCFF requests that the 2019-21 budget includes the LEOFF Plan 2 Benefit Improvement Account payment in September 2019 as required by ESSB 6573 of the 2008 session [2008 c 99 § 4 (4)].

The 2017-19 budget as enacted did not contain an appropriation of the required deposit into the LEOFF Plan 2 Benefit Improvement Account. The WSCFF requests that the full value of that payment (as if it had been timely) be made by the 2019 Legislature.

### **EXPLANATION**

The Legislature entered into a contract with Washington's career fire fighters when ESSB 6573 passed in 2008, and today's legislature must honor that agreement. Legislators recognized the shortcomings of the LEOFF 2 Pension Plan—including its inability to adequately produce a pension at a member's normal retirement age of —53—and decided to create a fund to save for necessary improvements. They also recognized a future legislature might be tempted NOT to make payments, so they made payments mandatory.

Compounding the lack of healthcare and Social Security benefits in retirement, Washington falls far below the median in pension treatment of public safety employees when compared to other states. In percentage of income replacement, LEOFF Plan 2 ranks 31<sup>st</sup> out of 43 comparable pension systems, according to a December 2012 Washington State Institute for Public Policy study on Retiree Benefits in Public Pension Systems.

## **Presumptive Disease Coverage**

### **BACKGROUND**

Many scientific studies have detailed that firefighters experience higher rates of occupational diseases (including cancers, respiratory and cardiac diseases) than the general public. In recognition of this intrinsic occupational hazard, the legislature granted fire fighters a rebuttable presumption in 1987 and has since expanded covered conditions twice based on new evidence that these occupational diseases are on-the-job injuries.

Emergency Medical Technicians (EMTs) and public employee fire investigators are allied professions, working at the same fire stations and responding to the same emergencies as firefighters. EMTs and public employee fire investigators experience similar or even more extensive exposures as firefighters, resulting in potential illness and death.

Women are an underrepresented population within the fire service, making it difficult to obtain a large enough sample size, and have lagged in receiving appropriate presumptive disease coverage.

### **POSITION**

The WSCFF supports expanding the covered cancers in RCW 51.32.185 due to significantly higher rates of occurrence and extending presumptive disease coverage to publicly employed fire investigators and EMTs meeting the definition of firefighter as contained in RCW 41.26.030 (17) (h).

### **EXPLANATION**

Numerous studies have shown firefighters suffer significantly higher cancer and subsequent death rates than the general population, including:

- Mesothelioma: 2.29 times greater risk of contracting
- Stomach cancer: 1.58 times greater risk of contracting
- Non-melanoma skin cancer: 1.52 times greater risk of contracting

Available studies also indicate female firefighters suffer significantly higher cancer and subsequent death rates than the general population, including:

- Cervical cancer: 5.24 times greater risk of contracting
- Breast cancer: 1.45 times greater risk of contracting
- Breast cancer (between age 50-54) 2.66 times greater risk of contracting

## **Privacy Protections for Post-Traumatic Stress Disorder Claims**

### **BACKGROUND**

Most citizens are fortunate enough to bear witness only through the media to horrendous tragedies such as the mass shooting at the Marysville-Pilchuck High School or the Oso mudslide as the details of events appear on our televisions, computers and smartphones with regrettable and numbing regularity. These events – as well as everyday emergencies such as house fires and car accidents – can severely traumatize the victims and the firefighters and paramedics who respond to these emergencies on every shift at considerable risk to their own safety. Under extreme stress, first responders face the possibility of not saving a life despite their best efforts, losing one of their comrades, or not making it home to their families.

In 2018, RCW 51.08.142 was amended so that mental conditions or mental disabilities directly related to repeated exposure to traumatic events can be considered occupational diseases for firefighters and law enforcement officers. Labor & Industries (L&I) has a responsibility to share medical records with employers when claims are filed and does not differentiate between physical or mental injuries or illnesses.

### **POSITION**

The WSCFF supports workers' compensation processes for post-traumatic stress disorder (PTSD) that do not interfere with law enforcement, firefighters and paramedics seeking mental health treatment. Nor should the specter of private counseling and/or treatment notes being shared with the employer or the public be a barrier to recovery or the return to work.

### **EXPLANATION**

L&I considers mental health claims in the same manner as a back, hand or knee (physical) injury. The dispersal of medical records to employers for a physical injury workers compensation claim has been standard practice and has had no negative impact on the employee's treatment plan or return to work. Whereas, it is common belief in the mental health care field that dissemination of mental health records is a barrier to seeking care and may be an impediment to ongoing treatment and recovery.

The passage of SB 6214 in 2018 to resolve antiquated L&I standards was an incredibly important improvement to the wellness and readiness of this State's public safety providers, and the unintended consequence of losing privacy must be remedied in 2019.

# WSCFF District Representatives & Corresponding Legislative Districts

**Mike Bacon**

**VP & 1st District Representative**

Legislative District 3 and 6

Local 29

**Jeff Wainwright**

**2nd District Representative**

Legislative Districts 4, 6, 7, 8, 9, 12, 13, 14, 15, and 16

Locals 404, 469, 876, 1052, 1258, 1296, 1433,

1892, 1919, 2299, 2328, 2916, 3542,

3701, 3711, 4203, 4333, 4362, 4418, 4514, 4965,

5033, F-304, and I-24

**Tim Hoover**

**3rd District Representative**

Legislative Districts 1, 12, 21, 24, 32,

38, 39, 44, and 46

Locals 453, 656, 1760, 1828, 1984, 2032, 2459,

2694, 2781, 2933, 3482, 3811, 4197,

4816, 5085, and 5134

**Mike Westland**

**4th District Representative**

Legislative Districts 2, 23, 25, 26, 28,

29, 30, 31, 35, and 38

Locals 437, 726, 1488, 2394, 2819, 2876, 3152,

3390, 3520, 3817, 3829, 3876, 4034, 4440, 4459,

F-282, and F-283

**Brian Hurley**

**5th District Representative**

Legislative Districts 2, 14, 17, 18, 19,

20, 22, 24, 35, and 49

Locals 315, 451, 452, 468, 828, 1805, 1862,

2109, 2409, 2444, 2510, 2639, 2776, 2903, 3375,

3628, 3674, 3689, 3825, 3828, 3999, 4075, 4156,

4258, 4378, 4447, 4574, and 4863

**Ryan Mudie**

**6th District Representative**

Legislative Districts 26, 27, 28, and 29

Local 31

**Craig Soucy**

**7th District Representative**

Legislative Districts 1, 5, 11, 32, 33, 34,

36, 37, 41, 43, 45, 46, 47, and 48

Locals 864, 1604, 1762, 2099, 2545, 2829,

2898, and 3740

**Bill Mack**

**8th District Representative**

Legislative Districts 5, 11, 13, 30, 31,

33, 34, 37, 41, 47, and 48

Locals 1352, 1758, 2595, 2878, 3062, 3186,

3931, and 4880

**Keven Rojecki**

**9th District Representative**

Legislative Districts 2, 11, 21, 27, 30, 33,

34, 37, 38, and 47

Locals 1257, 1461, 1747, 2024, 2088,

4189, and I-66

**Dean Shelton**

**10th District Representative**

Legislative Districts 10, 21, 38, 39,

40, 42, and 44

Locals 46, 106, 1537, 1983, 2597, 3219,

3235, 3427, 3728, 3911, 3916, 4033, 4111,

4299, 4504 and 5133

**Theresa Purtell**

**11th District Representative**

Legislative Districts 11, 32, 34, 36, 37,

43, and 46

Local 27



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