

BRIGETTE K. SMITH
Executive Secretary



STATE OF WASHINGTON

BOARD FOR VOLUNTEER FIREFIGHTERS & RESERVE OFFICERS

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April 20, 2007

The 206th regular meeting of the Board for Volunteer Firefighters and Reserve Officers was convened at 9:00 A.M. in Suite #112 in the James R. Larson Forum Building by Chair Richard Kistler with Board Member Ronald Ayres, Board Member Ken Boad, Chief Stan Loertscher (Mason Co. FPD #13), Chief Jake Doty (East Pierce Fire and Rescue), Commissioner Mark Watenpaugh (Cowlitz Co. FPD #6) Executive Secretary Brigitte Smith, Confidential Secretary Irene Keiffer, and Benefit Specialist Julie Ikenberry present. Commissioner Miland Walling, Klickitat Co. FPD #2 entered the meeting at around 9:15 am.

The Board reviewed the February 16, 2007 minutes. It was moved by Ayres, seconded by Boad and carried that the minutes be approved as written.

The agenda was reviewed. It was moved by Boad, seconded by Ayres, and carried that the agenda be approved as submitted.

FIRST HEARING OF THE PUBLIC

After introductions, no one signed in wished to speak to the Board.

OLD BUSINESS

Secretary Smith updated the Board on legislation affecting the Board. On Tuesday, April 17, 2007, Governor Gregoire signed both the Vocational Rehabilitation Bill and the Five Member Board Bill into law. The Vocational Rehabilitation Bill contained an emergency clause and took effect immediately. The Five Member Board will take effect 90 days after signed by Governor Gregoire. The legislation to add a COLA to LODD benefits is dead for this year, but will probably be reintroduced next year. There was interesting legislation that passed allowing state employees to respond to calls while at work. It would be the agency's option whether to allow paid leave or not.

Secretary Smith provided the Board with a handout compiling all of the comments received regarding the participation standards to date. Member Boad and Secretary Smith met with Mike Brown from the Chief's Association a few weeks ago and have since drafted a resolution that departments could use to adopt a standard. At that meeting, Director Brown asked that Secretary Smith check with the Attorney General's Office to see if the Board actually needed to make this a WAC, or if they could simply make it a Board policy. Secretary Smith has checked with two separate attorneys since then, and both have stated that it must be made a WAC. If the Board implemented it only as a policy, the Board would be no closer to solving the litigation issue than they are now. In fact, trying to enforce it as a policy may result in more litigation rather than less. Secretary Smith informed the Board that she has asked the Attorney General's Office to put that in writing. The next step in working with the Forum group is to schedule another meeting and review the model and inform them of the AG's decision.

Secretary Smith also informed the Board that she was asked to speak at the Washington State Fire Commissioner's Region 9 Spring Conference. At that conference, she received a lot of feedback regarding several of the issues before the Board. While there were mixed comments regarding the standards and earlier retirements, there was a question posed by several Kitsap County Fire



Commissioners. They asked that Secretary Smith take a request to develop a list of jobs that are covered by the BVFF by the Board. After some discussion, the general feeling of the Board was that it would be premature to develop a list of jobs until a WAC was adopted. In addition, there was a concern that different job titles could carry different duties in different departments. Therefore, it would be very difficult to state that everyone reported under a certain job title would be covered vs. stating that everyone performing certain job duties would be covered. Secretary Smith was asked to prepare a letter to the Kitsap County Fire Commissioners stating that they were made aware of the request and would revisit it after a WAC is adopted.

Another issue to come out of the conference was Mason County's approach to adopting a county wide standard. Secretary Smith felt that the Board looked at the concept of the county wide standard and thought the concept was great. However, in discussions with representatives from Mason County, it was made clear that they were looking for approval for the content. They wanted to know if it would meet the Board's criteria for an approved standard. Chair Kistler stated that he welcomed Mason County's pro-active approach. While it is understandable that there is concern around this issue, they have met it head on and come up with a creative approach to dealing with it. Secretary Smith was asked to write a letter to Commissioner Frank Phillips and thank the county for their hard work and to let them know that the Board believes that their current standard would meet the Board's idea of a minimum standard. She was also asked, however, to let them know that their standard certainly meets their current criteria, but to caution them that changes might need to be made depending on the final WAC.

Secretary Smith informed the Board that she was concerned about the RCW language that has, for years, been interpreted to mean that a volunteer must make a payment in the last year they serve or they forfeit their pension. While that may not have been as disconcerting in the past, it is now problematic because of the proposed standards. The standards are not meant to be punitive, but rather simply define who is eligible for participation and who is not. Secretary Smith asked to do more research into what needs to be done regarding the RCW's and update the Board at the next meeting. However, she did want to make the Board aware that a potential conflict exists and asked that the Board hold off on adopting the WAC until any conflicts could be resolved either through policy or a change in RCW. The Board agreed that they would not want to create a situation where volunteers could lose their hard earned pensions.

Secretary Smith shared a letter that she received regarding the Commissioner's proposed legislation to allow buy backs. Chief Gary Weaver of the Tieton Fire Department wrote in strong support of the legislation.

The Board reviewed several pieces of feedback received regarding lowering the retirement age. Several supported the change, but many also opposed it. The proponents of the change feel that it would be a benefit to allow firefighters to retire earlier because it would be more in line with LEOFF and it would also help the fund by encouraging older volunteers to retire earlier. It was their feeling that some older volunteers are more prone to injury and death (from cardiac complications). The opponents of the change point out that encouraging volunteers to retire earlier could be detrimental to departments that are already struggling to keep volunteers. Commissioner Walling asked to address the Board and he stated that his district, and several that he knows of share this view. They would be very opposed to any legislation that would encourage the volunteer to retire earlier. In fact, he asked if the Board could consider legislation to allow volunteers to continue volunteering until age 65, even if they start drawing their pension early. Perhaps the Board could look into the feasibility by tracking injuries by age group, and maybe even the costs of those injuries.

Secretary Smith stated that the current database was not set up to do that, but thought that they may be able to have a programmer set up a query against the current system that could provide some, or even all, of that information. She would be happy to look into it for the Board's information. The Board asked her to do so at her earliest convenience. She also related that she had an informal conversation with the President of the Washington State Firefighter's Association in which he stated that the Association may not support lowering the retirement age and would rather see the age reduction

penalties lowered to bring them more in line with other retirement systems. Several Board members were surprised because the Association had approached the Board about lowering the retirement age in the past. Secretary Smith was asked to initiate a meeting with the Association to determine exactly what their priorities are to aid the Board in determining what benefit enhancements the volunteers are looking for.

Chair Kistler also stated that the Board could research the issue of allowing retired volunteers to continue volunteering. Secretary Smith informed the Board that legislation was drafted several years ago to allow them to do so, but that it was found to be cost prohibitive. Chair Kistler asked her to find copies of the legislation and provide it to the members to review.

Secretary Smith informed the Board that the staff has been tracking the cost for new volunteer physicals since the last Board Meeting. In the last two months, departments have been paying between \$25 and \$400 for physicals. Commissioner Walling stated that he would check with the departments in his area and see what they are paying and whether they, too, would like to see the amount paid for physicals increased.

The Board reviewed a letter prepared by Secretary Smith commending Confidential Secretary Irene Kelffer for her hard work on the Grays Harbor #5 investigation. It was moved by Board, seconded by Ayres, and carried, that the Board sign the letter as written. Chair Kistler asked Secretary Kelffer to approach the Board so that he could present her with the letter and express the Board's sincere appreciation of the job she performed.

NEW BUSINESS

The Board reviewed a request from Tamara Mitchell, Lewis Co. FPD #15, for a Permanent Partial Disability (PPD) award for her May 8, 2006 fire service injury. It was moved by Ayres, seconded by Board, and carried that Firefighter Mitchell be granted a PPD award settlement of \$1,712.48.

Since the Vocational Rehabilitation Bill was signed into law and immediately effective, Secretary Smith asked what process the Board would like to use to approve vocational rehabilitation benefits. After some discussion, it was decided that Secretary Smith be asked to review past files and make recommendations to the Board regarding members that may qualify and benefit under the retro-active part of the legislation. Once the Board has received the recommendations, they would act upon them. Thereafter, the Board would like Secretary Smith to provide the Board with information regarding eligible members and they would review the cases and decide if vocational rehabilitation would be appropriate. The Board would review the procedure occasionally and decide if changes need to be made. Secretary Smith stated that staff would begin researching and be ready to present potential beneficiaries to the Board at its next meeting. In addition, she stated that she was concerned because the law specifically precluded volunteers who had accepted a PPD award from receiving a benefit. Her concern is that members who would have otherwise qualified under the retro-active component would not be eligible because of their acceptance of the award. However, at the time they accepted the award, there was no way they could foresee that they would be waiving eligibility for vocational rehabilitation. Secretary Smith was directed to check with the Attorney General's Office and see if there was any way the Board could legally extend benefits to those members as well.

Secretary Smith informed the Board that this year's National Benefit Summit is being held in Reno, Nevada and asked the Board's permission to attend. This summit has provided the Board with great information on what other states are doing to enhance benefits for volunteer firefighters. It was moved by Board, seconded by Ayres, and carried that Secretary Smith be authorized to attend the summit and be permitted expenses, as allowed by law.

Secretary Smith discussed her plans for restructuring the office. Office Assistant Sandi Williams resigned last month to take a position that would enable her to fulfill some personal goals that she had set for herself. As a result, her position is open. Smith discussed the fact that the office position was a new one, when filled by Sandi, and it was hopeful that it would meet the needs of the office. It was

soon realized by staff that, while helpful, it was not enough help to relieve some of the more time consuming higher level duties. In addition, the Confidential Secretary position became much more complex with the implementation of the new HRMS system. As a result, Secretary Smith feels that the office has not run as smoothly in the last year as it used to. In order to address the problems and deficiencies, Secretary Smith felt that this was the perfect opportunity to restructure the office to help it work more smoothly. She has reallocated the Office Assistant position to be a Fiscal Analyst 5 position. While that is its official title, the position will have the common title of Pension and Payroll Specialist. Confidential Secretary Keiffer will lateral to that position, since she has a strong background in accounting. The position will best make use of her talents and skills. There will be no pay reduction in the move. As a result, the Confidential Secretary's position will be open. The job listing has been posted both on the BVFF website and on the state website and closes April 27. Once that position has been filled, Secretary Smith will re-evaluate the Benefit Specialist position. In looking at many different job descriptions, Smith feels that the position is incorrectly classified and more closely resembles a Worker's Compensation Adjudicator position. She will work with the Department of Personnel to make sure that the correct classification is used and will do the necessary paperwork, should it need to be reclassified. Secretary Smith stated that she felt it was important to make sure the correct classifications were being used for the positions because she is concerned that the office could lose employees to other agencies that have positions and salaries correctly aligned. The Board agreed that they want to keep the high quality employees that the Board already has.

The Board reviewed Secretary Smith's leave and pay records.

The Board reviewed and approved (Boad moved, Ayres seconded) the administrative expenditure vouchers numbered 1454-1482 and various travel vouchers.

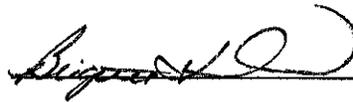
There was a motion by Ayres, seconded by Boad, and carried that the retirement pensions and lump-sum settlements listed below be approved effective on the listed dates:

| | | <u>Effective Date</u> | <u>Amount</u> |
|--------------------|--------------------|---------------------------|-----------------|
| Armstrong, E. Mark | Pasco Police | 1/14/07 | 3,100.08 Lump |
| Bair, Tina | Washougal | 8/15/06 SURV | 153.39 @ age 55 |
| Bamford, Sr., Dale | Pierce #21 | 1/17/07 SURV | 4,700.83 Lump |
| Beerbower, Edward | Mason #12 | 3/04/07 | 168.00 @ age 60 |
| Cadwell, Gary L. | Lewis #6 | 2/01/07 | 300.00 |
| Chafe, Dennis | Pierce #15 | 3/17/07 | 165.00 |
| Chamberland, Jan | Fircrest | 3/20/07 J/S | 200.41 @ age 62 |
| Christle, Verne N. | Spokane #4 | 1/01/07 J/S | 161.63 |
| Crouse, John W. | Adams #7 | 6/15/06 J/S | 198.36 @ age 62 |
| Ekdahl, Robert | Whatcom #10 | 3/01/07 J/S | 174.51 |
| Fingeroot, Mac | Pierce Co. Sheriff | 3/01/07 | 300.00 |
| Fleming, Ron. L. | Yakima #5 | 2/02/07 | 180.00 @ age 60 |
| Flores, Johnny | Okanogan #3 | 1/01/07 | 250.00 |
| Graham, James R. | King #10 | 2/11/07 J/S | 252.00 |
| Grilley, Lee C. | King #39 | 6/15/07 | 300.00 |
| Hamel, Mike | Camano Island | 2/08/07 J/S | 174.56 |
| Herda, John C. | Chewelah | 12/15/06 | 228.00 @ age 62 |
| Hinkley, Craig | Okanogan #4 | 1/10/07 | 112.50 @ age 60 |
| Johnson, Gary | Chelan #1 | 2/23/07 | 300.00 |
| Leitch, Janet | Yakima #4 | 1/31/07 SURV | 84.41 |
| Lontz, Robert | King #10 | 2/19/07 | 2,860.51 Lump |
| Martin, William | Cowlitz #2 | 1/01/07 J/S | 211.68 @ age 63 |
| Maskell, Gerald | Skagit #5 | 2/06/07 | 252.00 @ age 63 |

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|--------------------|----------------|--------------|----------|----------|
| Mitchell, David B. | Whitman #11 | 3/01/07 | 250.00 | |
| Moulden, Allan | Lewis #6 | 2/04/07 | 2,755.89 | Lump |
| Oberst, James E. | Spokane #8 | 1/27/07 | 228.00 | @ age 62 |
| Perdomo, Oscar C. | Grant #8 | 12/13/06 | 3,300.58 | Lump |
| Porter, Donna Rae | Pierce #17 | 1/20/07 J/S | 5,527.49 | Lump |
| Price, Norman D. | Selah | 2/01/07 | 73.50 | |
| Seymour, Barbara | Pierce #12 | 1/05/07 SURV | 110.09 | @ age 61 |
| Sherrard, John E. | Yakima #14 | 10/14/06 | 3,520.62 | Lump |
| Soushek, Robert L. | Maple Valley | 8/24/06 | 66.50 | |
| Staley, Richard J. | Morton | 12/20/06 J/S | 92.81 | @ age 62 |
| Tharp, Alice M. | Snohomish #23 | 2/22/07 | 300.00 | |
| Tiller, Mike | Morton | 3/05/07 | 2,838.87 | Lump |
| Traub, James | San Juan #3 | 1/11/07 | 3,740.66 | Lump |
| VanCleve, Steven | Jefferson #1 | 2/28/07 | 70.00 | |
| Volz, Frank W. | Spokane #4 | 1/01/07 | 157.50 | @ age 63 |
| Webb, Earl Roy | Franklin #2 | 4/01/07 | 59.50 | |
| Weitz, Phillip G. | Walla Walla #5 | 10/2/06 | 3,960.70 | Lump |
| Zueger, Richard | Cowlitz #3 | 1/01/07 J/S | 253.20 | |
| Zueger, Ruby J. | Cowlitz #3 | 1/01/07 J/S | 168.00 | |

Member Ayres asked that Secretary Smith check into rooms for this year's Commissioner's Conference. He was concerned that the hotel may not have rooms available for long, since it is a little smaller than the Spokane venue.

There was a motion by Boad, seconded by Ayres, and carried that the meeting be adjourned at 10:35 a.m.



Brigette K. Smith, Executive Secretary