

BOARD FOR VOLUNTEER FIREFIGHTERS AND RESERVE OFFICERS

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A Word from the Executive Secretary

Brigette K. Smith

2006 has been both a difficult and a joyous year for the Members and Staff of the State Board. We've had many issues to deal with and we appreciate the help and phone calls that we have received from all of you.

One thing that we have heard repeatedly from all of you is that there is a lot of confusion regarding the decision by the Board to seek a WAC requiring all departments to either set their own "standard" that all members of the pension plan must meet in order to be eligible for participation in the pension system or adhere to one that the Board will set.

We've also heard that there are some departments who are unsure of what the passage of SHB 2608 means for the pension participants.

As a result, we will dedicate the vast majority of this newsletter to try to explain, clarify, and answer many of the questions that are out there. No matter what, please know that we really value all of the feedback we receive, whether it is positive or negative. We can't do our jobs without your help and the simple act of vocalizing your opinions helps a lot!

SHB 2608

Substitute House Bill 2608 was introduced by the Honorable Representative Richard Curtis (R), 18th Legislative District. The intent of his legislation was to expand and clarify the definition of "Performance of Duty" under RCW 41.24.010 (5).

The legislation states that firefighters, police officers, and emergency workers will be covered while they perform maintenance duties, public education, inspections, investigations, provide court testimony, or while performing official tasks that they are assigned while on standby or on call either at the station or other place or business.

There has been some confusion that this change in law now allows fire and police departments to cover administrative personnel under the relief and pension provisions of this act. It does not do that. The change in the law starts out by saying "performing other officially assigned duties that are secondary to his or her duties as a fire fighter, emergency worker, or reserve officer". In other words, the person seeking relief for injuries must first and foremost be responsible for performing emergency duties. These "new" duties are covered in addition to their traditional duties.

As we have consistently told departments through the years, your administrative personnel are not eligible to participate in the BVFF & RO Pension and Relief Fund. To obtain relief coverage, they should be reported to L&I, and all departments are able to opt into the Deferred Compensation Program for any of their volunteers or paid staff. This is an excellent idea for any department and we will work to include an article about it in the December issue of our newsletter.

We thank Representative Curtis for his hard work, dedication, and sincere desire to help the fire service in passing this legislation and in working with the Board.

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Pension Participation Requirements (aka. Standards)

What are we Talking About?

In recent years, the Board has seen a great escalation in the number of complaints of fraud and abuse against the system. The Board only has a staff of four people and more and more of our time has been spent investigating these allegations, which affects the customer service that we are able to deliver to our participants and their departments. Helping our volunteers has always been our favorite parts of our job and we miss those positive interactions.

In addition, every time we have to go to court to defend the system against complaints of misuse (whether intentional or not), it costs the firefighters, police officers, and emergency workers a great deal of money, both in attorney's fees and staff time.

In talking with departments, we often hear that they are confused about reporting members because the Board has never really issued any clear, concise guidelines regarding who can and can't participate. They are also confused about reporting member absences, additions, or resignations.

In an attempt to help departments, the Board has begun the process of DRAFTING a WAC (which is just an agency rule, not a law), that would give departments clear guidelines to follow (these have often been referred to as Standards, even by our agency and Board). The WAC would only address participants who seek to be active in the pension system. All departments would still have the right to hire or retain any volunteers they wish, regardless of their level of activity or whether or not they meet the new requirements.

What's Wrong with the Way Things are Now?

Currently, there is nothing in the law that defines "firefighter", "emergency worker", or "active" ("reserve officer is pretty well defined). Thus, whenever a case comes before the Board, it frequently has to come up with some criteria with which it can determine if the participant in question was eligible for pension participation during the time in question. This criteria has never been formally written down. As a result, it is difficult and, frankly, a little unfair to hold someone up to a standard that they never knew about.

The problems with not having a written rule have never been so prominent as they have been the last couple of years with audit recommendations and court cases. In an effort to be clear, concise, and fair, the Board needs to put its expectations in writing. The way state agencies do that is by adopting a WAC (Washington Administrative Code).

By adopting a WAC, the Board hopes to provide every volunteer with a level "playing field". If an individual department did not adopt standards, or if the standards adopted were unrealistically high or low, the Board could audit all documentation by the WAC standards. They should remove doubt about whether or not a person reported would actually receive a pension (which is a common complaint we hear under the current procedures).

The Requirements are NOT:

An Attempt to Tell Departments Who They Can and Cannot Hire. The requirements would not affect who you hire or fire. They are only meant to define at what level members have to participate in order to participate in the *pension* system. Your fire and EMS members (and reserve officers if you have opted into the relief portion of the Act) can still, and must, be reported to us for relief purposes even if they only show up to one call a year. While that will not be considered active enough to participate in the pension, they can still remain volunteers with your department.

An Attempt to Get Rid of Volunteers. The pension system was always meant to reward volunteers for many years of active service and to encourage their continued participation. It cannot be an effective reward or incentive if everyone gets it regardless of whether they actively participate in the department or not. Just as in all state retirement systems, there should be some requirements for participation. The Board wants the requirements to be realistic. They in no way, shape or form, are looking to kick volunteers out of the departments, but they do want to ensure that the volunteers who are participating in the pension deserve it.

An Attempt to Require More Hours Worth of Work From Your Already Stressed Out and Overworked Volunteers. The Board wants as much feedback as possible to help them know what departments feel is a fair participation requirement. Our Board members do their best to represent all departments in the state, but they really only have personal knowledge about the departments in their own area. The requirements are meant to state the minimum amount of hours/calls/shifts/ drills that it is reasonable to expect active members to meet (and that they are already doing), not to add hours on top of what they already do.

A Way to Force You to Pay Your Volunteers. Nothing that we are doing will require you to pay your volunteers. The choice to pay or not pay your volunteers is your own.

What do they do in Other States?

To try to help you compare, here are the requirements that some of the requirements that volunteer firefighter pension systems in other states use:

GEORGIA – all departments are required to offer 80 hours of drill a year. Volunteer firefighters must participate in the aggregate of 50% of all training, meetings, and FIRE calls (EMS calls do not count toward pension credit. In fact, EMT only personnel are not allowed to participate in the pension). Volunteers get 1 point for each hour of meeting time or drill time they attend and 1 point for every fire call they respond to (false alarms do not count, either). That amount is then added up and divided by two and that's the number of points per year that they have to have.

MARYLAND – points system... firefighters must obtain 50 points per year (there are a few variations by county). Points are given for training, drills, sleep-in duties, standby shifts, holding an elected position within the department (such as an association president), attending fire service meetings both inside and outside of your department, serving at least 15 years and retiring with a duty related disability, being called to active duty in the military, and responses. Their system is really detailed, and we'd be happy to provide the exact break down to anyone interested.

IOWA – all firefighters must have FF1 to be an interior attack firefighter and they must attend 24 hours of training per year.

NEW JERSEY – each department is required to develop their own points system.

NEW MEXICO – firefighters are required to attend 75% of drills, 75% of meetings, and 50% of all calls (you) are held responsible to attend

NORTH CAROLINA - firefighters must attend 36 hours of training per year

OKLAHOMA – firefighters must attend at least 28 hours of training per year

So, What is the WAC Process and Where is the Board at in the Process?

During the official WAC process, the Board must follow several specific steps that are all lined out in state law. Those steps are designed so that public has opportunities for input into the decision making process.

Before a WAC can become official, the agency needs to fill out forms that are published in the Washington State Register that announces the proposed changes and gives the public a chance to comment. The Board must hold public hearings to take public comments either in person or written. Finally, the Board must file the rule that is being adopted so that it may be published.

Currently, the Board has been trying to work with stakeholder groups such as the Firefighter's Association, the Fire Commissioner's Association and the Washington Fire Chiefs to get some ideas on what might work and what won't work. The Board hasn't even started the formal rule making process yet because everything we've done to date is so preliminary.

We will begin working more formally with representative members of the Washington State Fire Service Leadership Forum, which is made up of leaders from all of the major fire service organizations in the state, covering fire chiefs, fire commissioners, volunteer firefighters, and the Governor's Office. We will also work to include representatives from law enforcement, since these changes may also effect some police departments.

No matter what, the Board cannot just adopt a WAC without holding public hearings where everyone is free to comment. It never was, nor is, the intent of the Board to pass a WAC without providing several chances for departments and members to comment on the rules. This is evidenced by the fact that we have already been trying to elicit input from shareholder groups before we even begin the WAC process.

If you would like to be a part of the process, we will welcome your help. Please contact us at 877-753-7318. We will notify you of any hearings that are coming up and may also ask you to serve on a committee to help us as we continue to work on this issue.

Oh Baby!



Some of you may not have known this, but our Benefit Specialist, Julie Ikenberry, recently had an addition to her family!

Layne Jade was born on July 17, 2006. She made quite the entrance into the world when she weighed in at 10 ½ pounds! Julie is happily recuperating at home and should return to work some time in September.

In the meantime, Pam Bigelow is filling in for Julie. Most of you will remember that Pam retired from our agency two years ago after working for us for 20 years. We are definitely grateful for Pam's help.

Board For Volunteer Firefighters and Reserve Officers
PO Box 114
Olympia, WA 98507

This is a Done Deal, Right?

Wrong. As Executive Secretary, I have to take some of the blame for this rumor. When we began the initial draft of the standards, I also drafted a letter that would, hopefully, explain what we were doing and why. The letter was written as though the Standards had already been adopted into WAC. I asked some people to look the letter over to check my grammar and see if it sufficiently explained everything, or if they thought it wasn't clear enough. The letter was stamped as a draft, and was just a part of the process. However, the letter was shared and somewhere along the way, it ceased to look like a draft and looked more like a statement of fact.

I sincerely apologize for the confusion and urge everyone to understand that we are in the infant stages of drafting these requirements. We still want a lot more input from stakeholders before we even consider adoption or, for that matter, even begin the WAC process. This is not a done deal and your input can make all the difference in how the final product looks.