
BOARD FOR VOLUNTEER FIREFIGHTERS AND RESERVE OFFICERS

December 2004

A Word from the Executive Secretary

Brigette K. Smith

2004 has certainly been a busy year. We've traveled to visit firefighters and reserve officers in Asotin, Hazel Dell, Hoodspport, Spokane, Cowiche, Eatonville, Brewster, Thorpe, and Littlerock. We have also conducted eight hour administrative training classes in Bellingham, Wenatchee, Port Townsend, Vancouver, Spokane, Union Gap, and Aberdeen.

We also have been experiencing another big change in the office. Pam Bigelow decided to retire after almost 20 years with the office. We are busy training her replacement, Irene Keiffer. We ask that you be patient with us during this time. Irene is learning quickly, but there is still a lot that she needs to learn. As most of you know, this is a really big job to tackle, but she's doing it enthusiastically. There may be times when you ask her a question and she doesn't know the answer, though, so be patient.

Pam is enjoying her retirement. She's spending time with her grandchildren and traveling with her husband, who has been retired for several years already. In fact, she's headed off to Florida next month.

Wildland and Part-time Firefighters

After spending months coordinating with Labor and Industries and WSP, the Board has some clarification about paid volunteer firefighter coverage.

On state mobilizations, the BVFF can provide continued coverage to volunteer firefighters that are hired and paid by their home departments. If a volunteer reports to a mobilization, signs in as a volunteer, and becomes employed by the Washington State Patrol, their coverage will come from Labor and Industries. For the most part, the coverages are equitable between the two systems. The main difference appears to lie in the Line of Duty Death Benefit. There are several agencies and organizations, including the BVFF, that are working together to try to develop a solution to put before the legislature during the 2005 session.

Any volunteer who is paid a wage or a reimbursement remains eligible to participate in the Board for Volunteer Firefighters and Reserve Officers as long as they are ineligible for PERS or LEOFF benefits, they are acting as members of their own departments, they are working in their own jurisdiction or working under a written mutual aid agreement, and they must remain employees of their home agency and not be working for another employer.

The Board does have a copy of the Memorandum of Understanding between the BVFF and L&I on file. This letter states that paid volunteers will not fall under L&I jurisdiction as long as they are eligible for BVFF coverage. If you would like to have a copy of this letter for your files, please call us and we can either email, fax, or mail a copy of the letter to you.

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"I don't want to be a role model. A role model can be a good role model or bad role model. I want to be a hero. A hero is someone who lives it rather than talks about it all the time" –

Reggie White

Death Notification

We can't stress how important it is for you to contact us when any current or past covered member of your department passes away.

If they are a retired member drawing a pension &:

- They chose the joint survivor option and the member dies, the IRS requires that the pension be paid in the surviving spouse's name.
- They chose the joint survivor option and the member's spouse dies, they pop back up to their original pension amount.
- They did not choose the joint survivor option, or if it was not available to them, the pension must stop upon the member's death.

If they are retired and not drawing a pension, or if they are not retired but have vested a pension:

- The retirement will go to the spouse automatically and immediately if they are married.
- The fees they paid in will be refunded to their estate if there is no spouse.

If they are current or past members who did not vest a pension:

- The fees they paid in will be refunded to their estate or to their surviving spouse.

If they are a spouse receiving a joint survivor option:

- The retirement ends upon their date of death. The month is pro-rated, so we may owe the estate money or it may owe us money.

If they were receiving disability compensation:

- The monthly disability compensation ceases upon their death.
- The spouse or the estate will receive a \$500 death benefit

Do not assume that the surviving spouse or the executor will notify us of the firefighter's death! We are a small system and we are often overlooked when a loved one dies. In just the last few months, a person who was receiving disability compensation passed away. We wrote a letter to verify their disability status in June. When it went

unanswered for several months, we finally learned that the member died in January, yet no one called to notify us. We are actively trying to recover the \$10,000 that was paid to him in error. Please, try to be diligent in your notification. By law, we must make every attempt to try to recover the money. We've had to tell surviving spouses that they have to pay us back hundreds of dollars. This reflects poorly on us and on the department.

You may not know every time one of your former members passes away, but we ask that you do call us when you do know. If possible, it helps if you know the name, the address, and the phone number of the surviving spouse, the executor, or a family member that we can call for further information and payment arrangements.

Line of Duty Injuries

We all struggle to do what is best for our firefighters, police officers, and EMT's. Any time one of them is injured or sick, it is natural that we want to look out for them and take care of them. However, please remember that we can only cover injuries and illnesses that were caused by their duties as a firefighter, police officer, or EMT. The law says that a participant must become "physically or mentally disabled, injured, or sick, in the consequence or as the result of the performance of his or her duties".

We cannot pay for pre-existing or underlying conditions, even if they were undiagnosed. We frequently have difficulties in the case of heart attacks. For the Board to cover a heart attack, physicians will have to certify that, on a more probable than not basis, the heart attack was causally related to their activities with the fire service or law enforcement and not pre-existing underlying conditions. If they would have had the heart attack sitting at home, but just happened to have it while they were at the station or on duty, it will probably not be covered.

In addition, we have had several instances recently where members were prescribed medications for non-service related conditions and they have either run out of or stopped taking their medications. We cannot pay for these claims since their illness was not caused by the fire service but, instead, was caused by a pre-existing condition and their negligence in following their doctor's ordered course of treatment.

SUPPORT PERSONNEL

WHO IS AND IS NOT ALLOWED TO PARTICIPATE IN THE VOLUNTEER FIREFIGHTERS' AND RESERVE OFFICERS RELIEF AND PENSION ACT?

This is a hotly debated topic, and one that the Board remains firm on. There are three major court cases that have supported the Board's stance that only active volunteer firefighters, EMT's, and commissioned reserve law enforcement officers are allowed to participate.

City of Kennewick v. Board of Volunteer Firefighters: The Appeals Court ruled that "it is inconceivable that the legislature intended to create a firefighter's pension fund for individuals who, apart from paying an annual fee, engaged in no activity related to fire fighting". (Kennewick, 85 Wn. App at 370)

John A. Campbell v. State Board for Volunteer Firefighters: Said that "The Board is authorized to determine whether volunteer members of the fire departments are eligible for pensions created by the fund" and that "to be eligible for a pension, a volunteer must be a 'firefighter' and also an 'active member' of the department".

Patricia Schrom and Jane Bloomfield v. Board for Volunteer Firefighters: The State Supreme court ruled that "it is clear a person asserting pension eligibility must, at minimum, 'fight fires' in order to be a 'fire fighter'". The recipients of these benefits must "possess duties and engage in activities that are prone to causing injury or death. While fighting fires unquestionably falls in this category, the same cannot be said for secretaries and/or clerical workers who simply do not confront similar perils".

As you prepare your annual remittance forms this year, please remember to report only those members of your department that are eligible: your active volunteer firefighters, EMT's, and commissioned reserve officers. If you have any questions about whether a certain member or members of your department are eligible, please call us.

The New Service Lists

If you have never requested a copy of your department's service list, we suggest you do so. Service lists are important because they show every member that is currently active in your department, which other departments they were with, their years of service, and the years that payments were made for them. You should check them with your members for accuracy at least once a year. In the past, these lists only reflected the members enrolled in the pension, but we started entering all members of your departments in the beginning of 2004. That is also why we now require social security numbers for all members. To request a copy of your department's service list, please call us at 877-753-7318.

Physician's Reports

The main reason that payments are held up in our office is because of a lack of necessary reports. Physician's offices will usually include a medical report with all billing statements they send. If they enclose a report, please forward a copy of it along with the original billing statement when you send the invoice voucher to us.

These reports help us to monitor patient's progress and ensure that all treatment being rendered is necessary and appropriate. It also helps to speed up the payment process. Frequently, bills are held for payment until we can get a report from a physician's office. As you are aware, physicians can be hesitant to release reports because of HIPAA laws. Although we can obtain reports without written consent, it can sometimes take us a few days to convince the physician's offices of that. Some physician's offices have archived records or separate billing and records departments and it may take them several days to locate the report. Then, once they've located it, some don't want to fax it, so it takes several more days for us to receive it in the mail. What may have only taken us one day to process may take a week or two. Thus, the process speeds up when you are able to forward those reports to us with your voucher.

Annual Remittance Forms

Yes, it is that time of the year again; time to begin preparing your annual remittance forms. As you prepare them, please keep the following in mind:

- All forms should be at least size 12 font.
- All forms must be printed on 8 1/2 x 14 paper.
- All names must be alphabetized.
- Social Security numbers and birthdates must be submitted for every member.
- Only list the members that were active members of your department as of January 1st. All members that joined the department after January 1st must be listed on a separate remittance form.
- Write N/A in the pension fee columns if they are not allowed to make a pension payment for 2005
- Do not pay pensions for members that already have 25 years of paid service, but do pay their relief fee.
- List your full district name under municipality. Don't abbreviate as SCFD #2, since we won't know what county you're from.
- Members must be at least 16 years old to be covered.
- Writing \$30.00 in the Firefighter paid column and \$30.00 in the Municipality column means that the firefighter contributed \$30.00. If (s)he didn't contribute \$30.00, then write \$60.00 in the municipality column. There can be serious tax implications if you do not do this correctly.
- Only active volunteer firefighters, EMT's, and commissioned reserve officers are allowed to participate in the Volunteer Firefighters' and Reserve Officers Relief and Pension Act.

2005 Annual Fees

Annual fees are due January 1, 2005 and are delinquent March 1, 2005. 2005's annual fees are as follows:

Reserve Officers and EMSD's:

\$100.00 for relief (disability)

\$125.00 for pension (\$30 member/\$95.00 municipality)

Fire Departments:

\$10.00 for relief (disability)

\$60.00 for pension (\$30.00 member/\$30.00 municipality)

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