



MONTANA

VOLUNTEER  
FIREFIGHTERS'  
COMPENSATION  
ACT  
MEMBER HANDBOOK

JUNE 2010  
PUBLIC EMPLOYEES'  
RETIREMENT BOARD

**MONTANA**

**VOLUNTEER  
FIREFIGHTERS'  
COMPENSATION ACT**

**MEMBER HANDBOOK**

**June 2010**

## State of Montana

Brian Schweitzer, Governor

### Public Employees' Retirement Board (PERB)

#### *PERB Mission Statement*

*The Montana Public Employees' Retirement Board will fiduciarily administer its retirement plans and trust funds, acting in the best interest of the members and beneficiaries.*

Name	Statutory Designation (§ 2-15-1009, MCA)	Location	Term Expires
John Nielsen President	Active Public Employee	Glendive	3/31/12
Terrence Smith Vice President	Active DC Plan Member	Bozeman	3/31/14
Timm Twardoski	Member At Large	Helena	3/31/11
Dianna Porter	Member at Large	Butte	3/31/13
Darcy Halpin	Retired PERS Member	Belgrade	3/31/13
Patrick McKittrick	Investment Experience	Great Falls	3/31/14
Scott Moore	Active Public Employee	Miles City	3/31/15



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**The Montana Public Employee Retirement Administration  
(MPERA)**

***MPERA Mission Statement***

*The Montana Public Employee Retirement Administration will efficiently provide quality benefits, education, and service to help our plan members and beneficiaries achieve a quality retirement.*

**Executive Officers**

Roxanne Minnehan..... Executive Director  
Melanie Symons..... Chief Legal Counsel  
Patricia Davis ..... Member Services Bureau Chief  
Barbara Quinn ..... Fiscal Services Bureau Chief  
Ann Reber ..... Editor

**Contacting MPERA**

If you have any questions about the Volunteer Firefighters' Compensation Act (VFCA), call or e-mail us. Our office hours are Monday through Friday, 8:00 a.m. to 5:00 p.m. except on designated state holidays.

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**Web Site**

For updated information and to view MPERA newsletters and other publications, visit us on the web at **<http://mpera.mt.gov/>**.

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## Preface

This *Volunteer Firefighters' Compensation Act (VFCA) Handbook* is a general summary of the benefits provided by the Volunteer Firefighters' Compensation Act. It is intended to give you an idea of what your benefits are and to acquaint you with the VFCA. Every effort has been made to ensure the contents agree with law and rule. The law and its interpretation can change, so this handbook may be out-of-date soon after it is published. This handbook is not a final source of law and rule and **SHOULD NOT BE TAKEN AS FINAL LEGAL AUTHORITY**. Information in this handbook is based on 2009 law. Benefits are based on the law in effect at the time of your retirement date; therefore, some information found here may not apply in specific cases. If this handbook differs with law or rule, law or rule will apply. This handbook replaces all previous VFCA member handbooks.

## Montana Code

The law governing VFCA may be found in Title 19, Chapter 17 and Title 7, Chapter 33, Montana Code Annotated (MCA). The MCA is available online at:

[http://data.opi.mt.gov/bills/mca\\_toc/index.htm](http://data.opi.mt.gov/bills/mca_toc/index.htm).

References to the pertinent sections of MCA and Administrative Rules of Montana (ARM) are provided in parentheses throughout this publication. ARM is available online at:

<http://mpera.mt.gov/docs/AdminRules.pdf>

## Introduction

The Volunteer Firefighters' Compensation Act (VFCA) is a public pension plan for volunteer firefighters who are members of eligible volunteer fire companies, fire departments, fire districts and fire service areas in unincorporated areas, towns, or villages under the laws of the State of Montana. In 1965, the Legislature created the VFCA to grant service retirement, disability retirement, or survivor benefits to plan members and their beneficiaries.

The Public Employees' Retirement Board (Board) is an independent, seven-member board, appointed by the Governor and confirmed by the Senate, to administer the VFCA, seven other retirement systems and the State's Deferred Compensation Plan. The Montana Public Employee Retirement Administration (MPERA) does the day-to-day work. This handbook uses the terms "we," "us," MPERA and the Board interchangeably.

Volunteer firefighters receive no pay for their services and therefore do not contribute to the VFCA Pension Trust Fund. Two sources of income are available to the pension trust fund:

1. payments from the state; and
2. income from investing the pension trust fund.

Income earned from investing the pension trust fund is reinvested in the fund. Only the Board may authorize payment from the pension trust fund. Current law limits payments from the VFCA fund. Authorized payments include: claims or benefits paid to members and survivors; supplemental insurance for eligible fire companies; and administrative costs. (§§ 19-17-106, 19-17-205, 19-17-301, and 19-17-302, MCA)

Every year, an actuary must evaluate the trust fund's capability to pay the benefits promised to members. Based on the fund's strength and the actuary's advice, the Board may initiate changes in benefits. Benefits and contributions are set by law and only the Legislature may change them. Before each legislative session, the Board will review the sufficiency of the benefits and advise the Legislature.

## SECTION I: FIRE COMPANIES

### 1. Eligibility

For a fire company to be eligible to participate in VFCA, documents must be sent to MPERA that verify the requirements have been met. (§§ 7-33-2101, 7-33-2311, 7-33-2312, 19-17-108 and 19-17-402, MCA)

The following information is required:

- ◆ The fire company's name and mailing address.
- ◆ The fire company's current list of officers and roll of active and honorary members.
- ◆ A copy of the meeting minutes from the County Commissioners or governing board establishing the fire district and/or fire service area.
  - ⇒ A copy of the first filing with the county clerk or the county in which they are located, organizing the fire company.
- ◆ Identification of the portion of the fire district area serviced by the company.
- ◆ Written documentation that the fire district is located in an unincorporated area.
- ◆ The value of firefighting equipment and buildings owned, rented or used by the fire company.

### 2. Required Filing

#### County Clerk

The presiding officer or secretary must file a **list of all current year members** with the county clerk by September 1 of each year. This certificate must also include the following information:

- ◆ Date the fire company was organized.
- ◆ Name of the company.
- ◆ List of officers, and role of active and honorary members. (§ 7-33-2311, MCA)

## **MPERA**

Each year, the chief or presiding officer of a fire company must file **an annual certificate** of membership and fire company eligibility with MPERA. The certificate is a turnaround document prepared by MPERA and mailed in June to all eligible fire companies on file. Each fire company's chief or presiding officer must complete and verify the birth date, social security number, entry date, and training received for each member on the certificate. **Only members that received at least 30 hours of training and served for the entire fiscal year with a single fire company are eligible for credit.** (§ 19-17-108, MCA)

The **original** certificate must be **notarized** and returned to MPERA between July 1 and September 1. Certificates will be kept on file at MPERA to verify a member's service and eligibility for benefits. The annual certificate must supply the following information:

- ◆ The chief's or designated officer's signature, which confirms:
  - ⇒ A formal training program was available and all listed members completed at least 30 hours of training. (§§ 7-33-2312, 19-17-108(3) and 19-17-402, MCA)
  - ⇒ Listed members served with the company during the entire fiscal year (July 1 to June 30). (§§ 19-17-108 and 19-17-402, MCA)
  - ⇒ Equipment maintained and buildings owned, rented or used by the company were maintained in useable condition and valued at \$12,000 or more. (§ 19-17-108(3)(c), MCA)
- ◆ The date the fire company was organized. (§ 7-33-2311, MCA)
- ◆ Full name, social security number, birth date, and service entry date for each member completing 30 hours of training. (List only those members who served with the company for the entire fiscal year and completed 30 hours of training.) (§19-17-402, MCA)
- ◆ In accordance with law, each fire company is limited to 28 certificate members receiving credit for service on their annual certificate but total membership with the fire company may exceed 28. (§ 7-33-2311(2), MCA)

### 3. Supplemental Insurance ---

Fire companies are encouraged to carry supplemental insurance to provide benefits to members who are injured or die in the line of duty. To help pay the cost of supplemental insurance, the trust fund will pay \$75 to the fire company for each unit of motorized mobile firefighting equipment. Total payment to each fire company may not exceed \$150 per year. (§ 19-17-103, MCA)

In November, MPERA will send the Supplemental Group Insurance Payments Application form to each fire company on file. To be eligible for payment, the company must have met the qualifications identified on page 7 of this handbook. The application must be returned to MPERA by December 31 and include the following information:

- ◆ The number of mobile units.
- ◆ Proof of supplemental insurance.
- ◆ A **certified** copy of the list of names of **all** members, filed by the chief/presiding officer with the county clerk on or before September 1.

In order to receive any medical or funeral payments, a member must, at the time of illness, injury or death, be included on the current certified list of members on file with the county clerk. Therefore, fire chiefs should file new lists of members with the county clerk whenever membership changes. The current certified list, containing the name of the affected member, must be on file with MPERA before medical or funeral expenses can be paid.

(§ 19-17-103, MCA and ARM 2.43.5006)

#### 4. Formal Training Program

Training must be available for all members. The course or plan of instruction for this training program must include at least 30 hours of instruction per year per member. The training will include matters pertaining to firefighting. The chief or designated official shall supervise the operation of the program. (§ 19-17-108, MCA)

**NOTE:** Recognized training does not include fire hall maintenance, vehicle maintenance, emergency calls or business meetings to conduct the business of the fire company.

#### 5. Retention of Training Records

The chief or designated official of each fire company shall keep and properly maintain training records for each current and former volunteer firefighter who is or was a member of the fire company. This ensures that all members receive credit for their service and are eligible for benefits. (§19-17-108(4), MCA)

#### 6. Late Filing of Annual Certificate

Annual certificates filed with MPERA after the September 1 deadline must be appealed to and considered by the Board for approval to accept the certification for members of the fire company. Information to be provided to the Board for a late filing must include: letter to the Board from the fire chief explaining why the annual certificate was not submitted on time; the original, **notarized** annual certificate; certified training documents; and if requested by the fire chief, oral argument before the Board. (ARM 2.43.5002)

Certified training information includes:

- ◆ Date of training
- ◆ Title of training
- ◆ Description of training
- ◆ Hours of training
- ◆ Who attended

## **SECTION II: MEMBERSHIP**

The duties of the volunteer firefighter include activities authorized by an officer of the fire company which include travel to, participation in, and return from calls for the following: fire protection; medical assistance; search and rescue assistance; and calls for assistance to protect individual or public health and safety. It also includes travel to and participation in fire company meetings, training, and public service activities, such as parades. (§ 19-17-105, MCA)

### **1. Contributions**

#### **Member Contributions**

Because volunteer firefighters who are members of the VFCA receive no pay for their services, they do not contribute to the VFCA trust fund.

#### **State Contributions**

Once each year, the state pays the trust fund 5% of the fire insurance premium taxes collected during the year. (§ 19-17-301, MCA)

### **2. Credit for Eligible Service**

When a member applies for retirement, MPERA will review the member's entire career to ensure proper credit is granted for all eligible service.

To be eligible for a year of service the following criteria must be met by the fire company and the member:

- ◆ The fire company must meet all criteria listed on pages 7 - 10.
- ◆ The member must be listed on the original, notarized annual certificate filed with MPERA.

- ◆ The member must complete at least **30 hours** of training in matters pertaining to firefighting during the fiscal year.

Total service does not need to be continuous or with the same fire company; however, for **each** fiscal year, service must be with the **same** company. (§ 19-17-108, MCA)

The member may transfer from one fire company to another and earn credit for service with each company. Each year of credit for service must be earned while serving with **one** fire company for the entire fiscal year. An explanation follows:

- ◆ A member who transfers between companies, or resigns from service during a fiscal year, will not receive credit for service for that year.
- ◆ If the member resigns, or transfers, on the last day of the fiscal year, the member will earn credit for service for the year.

An inactive member who later becomes active will retain credit for any prior VFCA service.

Members reported on the annual certificate filed with MPERA must meet all VFCA requirements. Members receive one year of credit for each full fiscal year the member belongs to an eligible company and completes at least 30 hours of documented formal training. To earn one year of credit for a fiscal year, a member must serve **with the same fire company** for the entire fiscal year. A fiscal year begins July 1 and ends June 30 of the following year. One year of credit is the smallest unit of service a member may earn. Service for part of a fiscal year does not count.

**SECTION III: BENEFITS**

To be eligible for pension and disability benefits under VFCA, a member must fulfill certain age and service requirements.

**1. Pension Benefits**

**Full Pension Benefit**

A member may retire with a full pension benefit after completing at least 20 years of VFCA service and reaching age 55. The base pension monthly benefit is \$150 per month for members eligible for the full pension benefit. The volunteer firefighter does not need to be an active member of a fire company to apply for a pension benefit. (§§ 19-17-401 and 19-17-404, MCA)

Retired members will receive the full pension benefit for the member’s life.

<b>Full Pension Benefit (at least 55 years of age)</b>	
20 Years of Credited Service	Monthly Benefit - \$150.00

**Additional Pension Benefit**

A member that has more than 20 years of service can draw a benefit based on the additional years of service, up to 30 total years.

<b>Additional Pension Benefit</b>					
Years Service	Monthly Amount	Years Service	Monthly Amount	Years Service	Monthly Amount
21	\$157.50	25	\$187.50	29	\$217.50
22	\$165.00	26	\$195.00	30	\$225.00
23	\$172.50	27	\$202.50		
24	\$180.00	28	\$210.00		

## Partial Pension Benefit

If circumstances prevent a member from completing 20 years of service, the member may be eligible for a partial pension benefit. **To be eligible, a member must have at least 10 years of credited service and be at least age 60.**

Partial Pension Benefit (at least 60 years of age)					
Years Service	Monthly Amount	Years Service	Monthly Amount	Years Service	Monthly Amount
1 - 9	\$0.00	13	\$97.50	17	\$127.50
10	\$75.00	14	\$105.00	18	\$135.00
11	\$82.50	15	\$112.50	19	\$142.50
12	\$90.00	16	\$120.00		

Any member receiving a **partial** benefit may not be or become an active member of a fire company without the loss of benefits.

## 2. Return to Service

A member who is receiving a full pension benefit, as provided in §19-17-404, may return to service with a volunteer fire company without loss of benefits. A member returning to service under this section may not be considered an active member earning credit for service. The fire chief shall prescribe the duties of any retired volunteer firefighter returning to service. (§ 19-17-401(5), MCA)

A member receiving a disability benefit is prohibited from returning to service with a volunteer fire company.

NOTE: For information on survivor benefits, see page 15.

### **3. Survivorship Benefits**

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Survivorship benefits may be available to a deceased member's surviving spouse or dependent children. Monthly benefits paid to a survivor will equal the member's benefit limited to 40 months **including** any pension or disability benefits paid to the member before death. If a member receives benefits for 40 months before death, no survivorship benefit is available. At the request of the survivor, a lump sum payment for the survivorship benefit may be made instead of a monthly payment. (§ 19-17-405, MCA)

NOTE: Advise your beneficiary to contact MPERA for complete details about your benefits upon your death.

### **4. Disability Retirement**

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A duty-related injury resulting in permanent and total disability will qualify an active member for a disability benefit.

#### **Disability Benefit**

Disabled members may receive disability benefits without regard to age or to the number of years of service. The disability benefit is calculated by multiplying the base pension benefit by a fraction, the numerator being the member's years of service and the denominator being 20. It is the same as the partial pension benefit (see page 14) except that the numerator can not be less than 10, therefore, members with one through ten years of service will receive the same benefit, currently \$75.00.

The following table shows the benefits available to disabled members calculated using the base benefit of \$150.00 with 20 years of service. (§§ 19-17-401 and 19-17-404, MCA)

<b>Disability Benefit (No minimum age limit.)</b>					
Years Service	Monthly Amount	Years Service	Monthly Amount	Years Service	Monthly Amount
1 - 9	\$75.00	17	\$127.50	25	\$187.50
10	\$75.00	18	\$135.00	26	\$195.00
11	\$82.50	19	\$142.50	27	\$202.50
12	\$90.00	20	\$150.00	28	\$210.00
13	\$97.50	21	\$157.50	29	\$217.50
14	\$105.00	22	\$165.00	30	\$225.00
15	\$112.50	23	\$172.50		
16	\$120.00	24	\$180.00		

### **Disability Medical Review**

If a member is receiving a disability benefit, the Board may require the member to undergo periodic medical examinations. A medical review will consist of a review of all medical records and a recent medical exam. A physician or surgeon must conduct the medical exam. Any medical review may include specific tests to evaluate the disabling condition. The exam or tests will be done at a place agreed upon by the Board, the physician or surgeon, and the member at the Board's expense. The doctor must send the results of the exam or test directly to MPERA. Staff members of MPERA and the Board's medical expert will review the report and advise the Board. Based on all medical evidence available, the Board will decide whether to continue the member's disability status. (§ 19-17-408, MCA)

## **Disability Benefit Cancellation and Reinstatement**

The Board may cancel a member's disability benefit for any of the following reasons:

- ◆ The member's medical condition is no longer permanent and total based on medical data provided to MPERA by the doctor and member.
- ◆ The member refuses to consent to the medical exam or tests.
- ◆ The member earns more than \$5,500 from employment during the past year. If the member earns less than \$5,500 in any following year, the Board must reinstate the benefit. The member must send a letter to the Board requesting reinstatement.

Canceling a member's disability benefit will not affect any other benefits available to the member. (§ 19-17-409, MCA)

## SECTION IV: MEDICAL AND FUNERAL EXPENSES

A member must be included on the current list of membership filed with the county clerk at the time of illness, injury or death to receive any medical or funeral payments. To ensure member coverage, MPERA recommends that the chief or designated official file an amended list with the county clerk whenever there are membership changes. MPERA will request a new certified list before paying benefits or claims.

### 1. Medical Expenses

To qualify for payment of medical expenses, a member must incur an injury or illness while acting in the line of duty. The member must also belong to a fire company **not covered** by workers' compensation insurance when the injury or illness occurs. Members must first apply for payment through any other insurance coverage they or the company may have. Once a member exhausts other insurance coverage, MPERA will pay up to \$25,000 for any remaining medical expense claims approved by the Board.

Treatment does not need to be in a hospital, but must require the services of a doctor or nurse. Payment is limited to expenses billed within 36 months of the injury or illness. Total payment may be no more than the necessary and reasonable out-of-pocket expenses or \$25,000, whichever is less.

The Board may permit payment for or replacement of a prosthesis. The injury must have occurred while the member was acting in the line of duty. A prosthesis must be necessary because of an injury that resulted in the loss of an arm, hand, leg, foot, eye, or any natural teeth. Payment may be no more than the cost of the prosthesis or \$1,500, whichever is less. Payments to replace a prosthesis are limited to \$1,500 every five years.



## **SECTION V: ADDITIONAL INFORMATION**

### **1. Taxes on Benefits**

Some or all of a member's retirement benefit will be subject to federal and state income taxes. Since tax law changes often, the member should contact a tax professional for advice about specific, up-to-date information concerning state and federal taxes.

#### **Tax Statements**

Each year, MPERA will send retired VFCA members a Federal Form 1099R. The 1099R will show the gross taxable amount you received during the past calendar year and any state or federal taxes withheld during the year.

## **2. Assignment of Benefits** --- ---

In most circumstances your retirement benefit is protected from attachment and cannot be assigned to or acquired by a third party.

Your retirement benefit may not be assigned to another person under federal law governing private pension benefits; nor may a Qualified Domestic Relations Order (QDRO) assign your benefits to another person.

However, there are circumstances when your retirement benefit may be subject to attachment or assignment. The IRS may place a levy against your benefit for unpaid taxes. Further, a court may assign all or a portion of your benefits pursuant to a Family Law Order (FLO), (which must be a judgment, decree or order of a Montana court and courts from other states may also assign your benefit with a Support Obligation if that Support Obligation meets requirements similar to those for a FLO). (§§ 19-2-907 and 19-2-909, MCA)

### **Family Law Order (FLO)**

A Montana court may issue a FLO for child or parental support, spousal maintenance, or marital property rights. The FLO may require that we pay an alternate payee a set sum or percentage of your benefit. For example, the FLO may require us to pay \$50 per month until a set sum of \$2,000 has been paid. Or, the FLO may require us to pay 50% of your monthly benefit to your alternative payee for as long as you receive a benefit.

A FLO may not require MPERA to make payments for:

- a type of benefit unless that benefit is available to you;
- an amount or length of payment greater than that payable to you. This means a FLO cannot require any payments before you retire;
- more than the amount MPERA may pay you.

(§§ 19-2-907 and 19-2-909 MCA)

### 3. For More Information Contact Us If:

- you would like an estimate of your benefit.
- you want a cost statement for buying service (requests must be in writing via email, letter, fax, etc.)

Send your correspondence to:

**Mailing Address:**                    **MPERA**  
   **P.O. Box 200131**  
   **Helena MT 59620-0131**

**FAX Number:**                        **(406) 444-5428**

You may e-mail requests to MPERA at [mpera@mt.gov](mailto:mpera@mt.gov). Be sure to include your full name, the last four digits of your social security number, return address and daytime telephone number.

## **GLOSSARY OF TERMS (§ 19-17-102, MCA)**

**ACTIVE MEMBER** - a volunteer firefighter who is credited with one year of service for the last complete fiscal year. A member who does not receive credit for service for the last complete fiscal year becomes an inactive member.

**BENEFIT** - a service or disability retirement or survivorship payment provided by VFCA.

**BOARD** - the Public Employees' Retirement Board.

**CLAIM** - a request from a member, surviving spouse, or dependent child for payment of medical or funeral expenses.

**DEPENDENT CHILD** - the child of a deceased member who is unmarried and less than 18 years of age.

**DESIGNATED OFFICIAL** - a representative of a fire company appointed by the fire chief to perform specified actions and includes but is not limited to a fire company supervisor, a fire company secretary, and a fire company presiding officer.

**DISABILITY (permanent and total disability)** - the physical condition of a firefighter resulting from a duty-related injury that after maximum medical healing, prevents the firefighter from having a reasonable prospect of physically performing regular employment. Regular employment means work on a recurring basis performed for remuneration in a trade, business, profession or other occupation.

**FIRE COMPANY** - a fire company that meets the following requirements of § 7-33-2311, MCA.

1. The fire company organized under § 7-33-2311, MCA in an unincorporated area, town, or village and includes a volunteer fire department, a fire district, and a fire service are created under the provisions of Title 7, Chapter 33.
2. A company may have no more than 28 active members listed on the annual certificate which is filed with MPERA, but may have other, inactive members.

The following must also be filed:

1. The fire chief, designated official, or secretary must file a list of all members for the current year with the county clerk by September 1 of each year. The certificate must include the following items:
  - a. Date the company was organized.
  - b. Name of the company.
  - c. List of officers, and role of active and honorary members.
2. A fire company must renew the certificate and file every year on or before September 1.

**FISCAL YEAR** - the 12-month period starting on July 1 and ending the following June 30.

**IN THE LINE OF DUTY (or duty related)** - the member's activities were duties of a volunteer firefighter. Duties include any activity authorized by an officer of the company relating to travel to, participation in, and return from calls for the following: fire protection; medical assistance; search and rescue assistance; and calls for assistance to protect individual or public health and safety. It also includes travel to and participation in fire company meetings, training, and public service activities, such as parades.

**INACTIVE MEMBER** - A current year member who was included on the county clerk filing but did not receive credit for service for the previous complete fiscal year.

**MEMBER** - a volunteer firefighter who has service credited under the VFCA.

**MPERA** - the Montana Public Employee Retirement Administration.

**RETIREE OR RETIRED MEMBER** - a member who is receiving full, additional or partial pension or disability benefits from the pension trust fund.

**SERVICE** - all periods of active service. Members must serve with one fire company for the entire fiscal year and must complete at least 30 hours of formal training each fiscal year (July 1 to June 30)

to receive credit for service.

**SUPPLEMENTAL INSURANCE** - insurance carried by a fire company to provide disability or death benefits. Supplemental is insurance other than any insurance required by law, including workers' compensation insurance.

**SURVIVING SPOUSE** - the spouse married to the member when the member dies.

**SURVIVORSHIP BENEFIT** - the monthly benefit paid to the surviving spouse or dependent children of a deceased member.

**TRAINING** - a formal program of instruction that has been formulated, supervised and certified to the Board by the chief or designated official of the fire company. Training does **not** include fire hall, vehicle maintenance, emergency calls or business meetings to conduct the business of the fire company.

**VOLUNTEER FIREFIGHTER** - an active member of an eligible fire company who is not compensated for services as a firefighter.

## **Alternate Accessible Format**

MPERA will provide alternative accessible formats of this document upon request. For an alternative accessible format of this information, please contact us at:

Telephone: 406-444-3154  
Toll Free: 877-275-7372 (877-ASK PERA)  
Fax: 406-444-5428  
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