PUBLIC EMPLOYEES' RETIREMENT BOARD
April 14, 2016

Topic: Painted Rocks Fire & Rescue VFD
Acceptance of past Certificates that increase members' years of service

Staff recommendation:

Staff recommends the Board accept the late filed FY2014 Annual Certificate for the Painted Rocks Fire & Rescue.

Board Motion:

☐ Uphold Staff Recommendation

☐ Other.

_____
Moved by

_____
Seconded by

_____
Vote

INFORMAL CONSIDERATION

April 14, 2016

Petitioner: **Painted Rocks Fire & Rescue VFD**

Fire Chief: **Erica Tresemer**
Contact: **Erica Tresemer**

Retirement System: **VFCA**

Request for Board Consideration: **The Painted Rocks Fire & Rescue is requesting that the Board accept the late filed Annual Certificate for the fiscal year 2014. The Annual Certificate was signed by the Fire Chief and notarized. Included was the training documentation by fiscal year as is required. See details below.**
The Annual Certificate for FY2014 was filed on February 12, 2016. See details below.

How many fiscal years is the department requesting to file?
One year: 2014
How many specific years of service are being requested?
2014: 5 members
Has the actuary evaluated the impact of these years of service on the VFCA plan?
NO
Has the volunteer fire department filed the necessary qualifications as required by State law?
Yes
Was the appropriate training documentation submitted?
Yes
How many times has the department filed late in the last 10 years?
One year –FY2014 filed on February 12, 2016.

Give details of any problems: Painted Rocks Fire & Rescue was quick to respond to our request for the required documentation.

RELEVANT LAW AND RULES:

Montana Code Annotated

19-17-108. Credit for service as volunteer firefighter -- records. (1) The annual period of service that may be credited under this chapter is the fiscal year. A fractional part of a year may not count toward the service required for participation in this system. To be eligible to receive credit for any particular year, a volunteer firefighter shall serve throughout the entire fiscal year with a single fire company that is organized under Title 7, chapter 33, and continues to meet the requirements of 19-17-109.

(2) The years of service are cumulative and need not be continuous. Separate periods of service properly credited with different fire companies must be credited toward a member's eligibility for benefits.

(3) A volunteer firefighter may not receive credit for service during any fiscal year unless:

(a) during the fiscal year, the volunteer firefighter completes a minimum of 30 hours of training in firefighting duties as outlined in 19-17-105 under a formal program that has been formulated, supervised, and certified to the board by the chief or designated official of the fire company; and

(b) the volunteer firefighter's participation in the training program is documented in the fire company's records maintained pursuant to 19-17-111 by the chief or designated official.

19-17-112. Filing required reports -- limitations. (1) The chief or designated official of each fire company that claims eligibility under this chapter shall, on or before September 1 of each year, file with the board an annual certificate, the current year's roster, and a membership card for each new member.

(2) (a) The annual certificate is a form reporting a fire company's membership eligibility for the previous fiscal year.

(b) The annual certificate must be completed on a form prescribed by the board and contain the date of organization of the fire company and the full name, social security number, and date of birth of each member of the fire company who was a member for the entire fiscal year and who successfully completed 30 hours of training during the preceding fiscal year, as required by 19-17-108.

(c) The chief or designated official shall subscribe and verify that the fire company and members qualified under 19-17-108 and 19-17-109.

(d) The board shall maintain the certificate for the purpose of establishing service for members and eligibility for benefits.

(3) The roster must be signed by the fire chief or designated official, filed with the board, and contain information in writing that provides the names of the fire company, its date of organization, officers, and roll of active and inactive members for the current fiscal year. A roster may be updated to report new members but may not be retroactive.

(4) A membership form must be completed and filed with the board for each member who was a member on or before July 1, 2011, and for each new member who joins after July 1, 2011.

(5) The current fire chief shall file any late or amended annual certificates and the associated certified training records within 3 years of the original annual certificate due date.

An annual certificate may be amended only once. The board shall consider and may approve late filings. Information provided to the board by the fire chief must be in accordance with the board's rules.

(6) The current fire chief may request to appear before the board for consideration of the request to file a late or amended annual certificate.

MPERA ARM

2.43.5001 BASIC UNIT OF SERVICE

(1) As of July 1, 1965, the basic unit of service for volunteer firefighters is one fiscal year. Volunteer firefighters not continuously on the active membership list of a single qualifying volunteer fire company for the entire fiscal year shall not be listed on the annual certificate and shall not receive credit for service under the Volunteer Firefighters' Compensation Act (VFCA) for that fiscal year. A volunteer fire company qualifies to participate in the VFCA if the requirements of 19-17-402, MCA, are met.

(2) A volunteer firefighter shall receive one year of credit for service under the VFCA for each two full fiscal years of service performed prior to July 1, 1965.

History: 19-17-203, MCA; IMP, 19-17-201, 19-17-401, 19-17-402, MCA; NEW, 1986 MAR p. 1454, Eff. 8/29/86; AMD, 2003 MAR p. 1188, Eff. 6/13/03; AMD & TRANS, from ARM 2.43.801, 2008 MAR p. 2467, Eff. 12/1/08.

2.43.5002 FAILURE TO FILE REQUIRED REPORTS

(1) Annual certificates filed after the September 1 due date must be appealed to and considered by the board for approval. Information provided to the board by the fire chief or designated official must include:

(a) the original, notarized annual certificate;

(b) certified training documents showing the required 30 hours of training per listed member, including the date, title, description, and hours of all applicable training classes, and the names of all members who attended the specific training classes;

(c) a letter from the fire chief explaining why the annual certificate was not filed timely; and

(d) a request for oral argument before the board if oral argument is desired.

History: 19-17-203, MCA; IMP, 19-17-108, 19-17-201, 19-17-402, MCA; NEW, 1986 MAR p. 1454, Eff. 8/29/86; AMD, 2003 MAR p. 1188, Eff. 6/13/03; AMD & TRANS, from ARM 2.43.802, 2008 MAR p. 2467, Eff. 12/1/08; AMD, 2011 MAR p. 2261, Eff. 10/28/11.