

PUBLIC EMPLOYEES' RETIREMENT BOARD

August 14, 2014

Topic: Culbertson Volunteer Fire Department

Acceptance of past Certificates that increase members' years of service

Staff recommendation:

Staff recommends the 8 members for FY2013 of the Culbertson VFD be granted the year of credited service. The members were listed on the late filed FY2012-2013 Annual Certificate and verified to receive credit for those fiscal years.

Board Motion:

Uphold Staff Recommendation

Other.

Moved by

Seconded by

Vote

INFORMAL CONSIDERATION

August 14, 2014

Petitioner: Culbertson Volunteer Fire Department
Fire Chief: Alan Aspenlieder
Contact: Mike Olson, Secretary

Retirement System: VFCA

Request for Board Consideration:

The Culbertson VFD is requesting that the Board accept the late filed Annual Certificate filed on October 2, 2013 for the fiscal year 2013. 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.

How many fiscal years is the department requesting to file?

One; 2013

How many specific years of service are being requested?

1 year; 8 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 – FY2013

Give details of any problems:

No problems were encountered

Correspondence:

October 2, 2013 – Received notarized Annual Certificate, letter of explanation from fire chief, and certified training documentation.

June 14, 2014 – Received via email additional training documentation from secretary, Mike Olson.

July 22, 2014 – Sent email to Mike Olson requesting additional information about training and credit for members.

July 23, 2014 – Received additional training information from Mike Olson and clarified membership credit.

Culbertson Volunteer Fire Department

Acceptance of past Certificates that increase members' years of service

Summary:

Pursuant to § 19-17-112 (5), MCA a late filed certificate must be filed within 3 years of the due date. FY2012-2013 Annual Certificate was due on September 1, 2013. The required information for a late filing was received on October 2, 2013.

RELEVANT LAW AND RULES:

Montana Code Annotated (Effective before July 1, 2011)

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 with a fire company throughout the entire fiscal year.

(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 full or partial benefits.

(3) A volunteer firefighter must receive credit for service during any fiscal year if:

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

(b) the volunteer firefighter's participation in the training program is documented in the fire company's records filed and maintained by the chief or designated official; and

(c) the fire company maintained firefighting equipment that is in serviceable condition and owns, rents, or uses one or more buildings used for the storage of that equipment that all together are valued at \$12,000 or more.

(4) The chief or designated official of each fire company shall keep and maintain training records for each current and former volunteer firefighter who is or was a member of the fire company.

Montana Code Annotated (Effective July 1, 2011)

19-17-108. Credit for service as a 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.

Montana Code Annotated (Effective July 1, 2011)

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 under oath, before a notary, 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 card 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.

Montana Code Annotated (Effective before July 1, 2011. Repealed in 2011 Legislature and added to 19-17-112, MCA)

19-17-402. Certificate of eligibility. 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 a certificate on a form to be provided by the board, subscribed and verified under oath before a notary, stating whether the company qualified under [19-17-108](#)(3) during the preceding fiscal year. The certificate must contain the date of organization. The certificate must list 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 satisfactorily completed 30 hours of training during the preceding fiscal year, as required by [19-17-108](#)(3). The certificate must be maintained by the board for the purpose of establishing service for members and eligibility for benefits.

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. 12/01/08.)

2.43.5002 FAILURE TO FILE REQUIRED REPORTS (1) In order to receive credit for service under the VFCA, volunteer fire companies must file an "annual certificate" with MPERA. The certification is a report by the fire chief that the members listed on the certificate were active for the full fiscal year and also had the required 30 hours of training. This report is on a fiscal year basis (July through June) and is due by September 1 of each year. The annual certificate is signed by the fire chief and notarized. Annual certificate forms are provided by MPERA.

(2) 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;
- (c) a letter from the fire chief explaining why the annual certificate was not filed timely; and
- (d) if requested by the fire chief, oral argument before board. (History: 19-17-203, MCA; IMP, 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. 12/01/08.)

RECEIVED

OCT 02 2013

RETIREMENT BOARD



Culbertson Volunteer Fire Department

Post Office Box 689 Culbertson, Montana 59218-0689

(406) 787-6626 (Fire Only)

Serving Culbertson and Vicinity

September 30, 2013

Diann,

Today I was cleaning papers from my office and found the FY2012-2013 Annual Certificate. I apologize for my mistake I hope that I can fix the problem so the members of my department are not penalized.

Enclosed is the original paper work that you requested along with a record of our training for the 2012-2013 year.

I certify that the trainings I have listed are accurate and was available to all members of our department.

Please feel free to contact me if you have any questions.
787-6241 work or 1-406-480-0730 cell

Sincerely,

A handwritten signature in black ink that reads "Mike Olson". The signature is written in a cursive style with a large "M" and "O".

Mike Olson
Sec/FF

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OCT 02 2013
RETIREMENT BOARD



Culbertson Volunteer Fire Department

Post Office Box 689 Culbertson, Montana 59218-0689

(406) 787-6626 (Fire Only)

Serving Culbertson and Vicinity

Est. March 5, 1952

July 30, 2013

To: Diann Levandowski

Here is the current roster for the Culbertson Volunteer Fire Department. I have also included VFCA cards for members that did not fill one out yet. Please let me know if I missed anyone.

Chief- Alan Aspenlieder

Assistant Chief – Robert Jasper

Secretary- Mike Olson

Treasurer- Larry Crowder

Captains- Mike Nickoloff, Shawn Sansaver, Cam Friede

Members

Aspenlieder, Alan	Jasper, James
Averill, Lee	Jasper, Kenneth
Bengochea, Dave	Jasper, Robert
Buxbaum, Ross	Larsen, Calen
Crowder, Larry	MacHart, Mike
Dehner, Dallas	Nickoloff, Mike
Dunphy, Chris	Olson, Mike
Finicumm, Paul	Olson, Pete
Friede, Cam	Oelkers, Robert
Gregory, Noah	Sansaver, Shawn
Hauge, Dewey	Taberna, Tyler

Please feel free to contact us if you have any questions.
787-6241 work or 1-406-480-0730 cell

Sincerely,
Mike Olson
Mike Olson
Sec/FF



Culbertson Volunteer Fire Department

Post Office Box 689 Culbertson, Montana 59218-0689

(406) 787-6626 (Fire Only)

Serving Culbertson and Vicinity

September 30, 2013

Diann,

Listed are the trainings for the Culbertson Volunteer Fire Department for the 2012-2013 year.

8-28-12	Wildland Fire Review AAR Ostby Fire New Pumper Training at Fair Grounds	3 hours
9-25-12	Extrication Training New technologies, inflatable seatbelts, response time	2 hours
10-8-12	Fire Prevention Week NFPA Presentation and demonstrations at Culbertson School	2 hours
10-23-12	Training on new pumper at school Operations and Hydrants	2 hours
12-2-12	MSFS Confided Space Trailer Bainville, Froid, Culbertson VFD	4 hours
12-3-12	MSFS Confided Space Trailer Bainville, Froid, Culbertson VFD	3 hours
1-22-13	Engine Operations Wildland and Structure	3 hours
2-26-13	Pumper Operations Foam system	3 hours
3-26-13	Anhydrous Training at Culbertson School Jess Beery from Circle was Instructor	3 hours
4-16-13	DNRC Wildland Refresher Taught by Don Pyrah DNRC Lewistown	4 hours
5-28-13	17-28 Pumper Operations at Culbertson School Monitor, hydrant, and SCBA	3 hours

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6-25-13 Hose testing and Wildland Fire training

5 hours

RETIREMENT BOARD

The total hours of training offered for this year was 37 hours. I certify that the trainings were held in Culbertson and were available to all members and neighboring departments.

Please feel free to contact me if you have any questions.
787-6241 work or 1-406-480-0730 cell

Sincerely,

A handwritten signature in black ink that reads "Mike Olson". The signature is written in a cursive, slightly slanted style.

Mike Olson
Sec/FF

Sturm, Ali

From: Mike Olson <olson_mike@hotmail.com>
Sent: Wednesday, July 23, 2014 12:37 PM
To: Sturm, Ali
Subject: RE: Culbertson VFD

Ali,

Here is the information that you requested from our phone call this morning. July 24 2012 training was 2 hours of engine operations and wildland tactics.

The rest of the trainings will have descriptions by clicking on the number.

Kenneth Jasper had not been on the department for the full calendar year.

Thank you for your help.
Mike Olson

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: "Sturm, Ali"
Date: 07/22/2014 4:05 PM (GMT-07:00)
To: 'Mike Olson'
Subject: RE: Culbertson VFD

Mike,

I was reviewing your information for FY2013 and have a few questions. Please see attached spreadsheet also.

Based on the information that you had sent on June 14, there are many dates that show people receiving hours of training but there was no description for these in the information sent in previously. I also have a discrepancy with the people receiving credit for that year. Currently you have Aspenlieder, Friede, Gregory, R. Jasper, Nicholoff, Oelkers, Olson, Sansaver, Crowder, and Haugie receiving credit. I found that Aspenlieder, R. Jasper, and Oelkers did not have enough training hours during that fiscal year. However, K. Jasper had received enough and was not listed on the annual certificate. Can you please review these and get back to me as soon as possible? Thank you!

*Ali Sturm
Accountant
Montana Public Employees Retirement Administration
100 N Park Avenue, Suite 200, Helena, MT 59601
(406) 444-9173
AS Sturm@mt.gov*

This electronic mail transmission may contain confidential or privileged information.

If you believe that you have received the message in error,

please notify the sender by reply transmission and delete the message without copying or disclosing it.

From: Mike Olson [mailto:olson_mike@hotmail.com]

Sent: Saturday, June 14, 2014 11:35 AM

To: Sturm, Ali

Subject: Culbertson VFD

Ali,

Attached is the excel spread sheets for the training you requested for 2012-2013. The first half of the training year is on one while the second half is on the other. Please let me know if you have any questions or if there is any other documentation that you need.

Thank you for your help

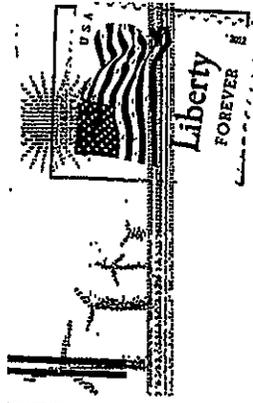
Mike Olson
FF/secretary
CVFD

CVFD

P.O. Box 689
Culbertson, MT
59218

BELLEVILLE MT 59711

30 SEP 2013 PM 11

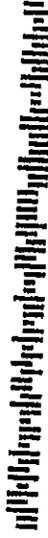


PUBLIC EMPLOYEE RETIREMENT ADMINISTRATION
PO BOX 200131
HELENA MT 59620-0131

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OCT 02 2013

RETIREMENT BOARD





**Culbertson Volunteer Fire Dept
2012 Meeting and Training Roster**

Members	Total Hours	2011 Hours	1/10/2012	1/24/2012	1/28-1/29/12	2/7/2012	2/28/2012	3/13/2012	3/27/2012	4/10/2012	4/26/2012	5/8/2012	5/13/2012	5/22/2012	6/12/2012	6/26/2012	7/10/2012	7/24/2012	8/14/2012	8/28/2012	9/11/2012	9/25/2012	10/8/2012	10/9/2012	10/23/2012	11/13/2012	11/27/2012	12/2/2012	12/3/2012	12/11/2012	12/25/2012					
Aspenfederer, Alan	50	7	E	2				X	3	2									X	3	X		2			2										
Verrill, Lee	0	0																																		
Suxbaum, Ross	4	2				X		X																												
Bengochea, Dave	0	0																																		
Crowder, Larry	33	12		2		X		X	3	X									X	3	X	2	2			2										
Sulp, Josh	6																																			
Lehner, Dallas	0	0																																		
Finicum, Paul	3	1																																		
Triede, Cam	91	13	X	2	2	X	2	X	5	3	X	5	5	2	7	4			20	2	X	2	X			2	X									
Gregory, Noah	51	13	X	2	2	X	2	X	3	X	5	2	2							3	X	2	2	X			2	X								
Langie, DJ	13										5				2					3																
Wasper, Kenneth	7																																			
Wasper, Robert	44	4	X						3	X	19				2					3	X															
Warsen, Calen	16	7	X																																	
Wachart, Mike	19	9				X		X	3																											
Wickloff, Mike	78	23	X	8	2			X	4	3	24	5	2																							
Wickers, Robert	58	11	X			X		X			5	2																								
Wilson, Mike	152	37	X	2	10	16	X	X	3	X	13	5	2	2	4	8	2			20	2	X	2	2	X											
Wilson, Pete	3	1																																		
Wansaver, Shawn	59	13				X	2																													
Waberna, Tyler	8	1	X				2		3																											
Total Hours		695																																		

Training until the end of June for the State of Montana

X means they were in attendance for a meeting, # means that was hours of training

Business Meeting
Training

Culbertson VFD		Training records for FY2012-2013																		Description								
date	class	Aspenlieder, Alan D	Averill, Lee	Buxbaum, Ross	Bengochea, Dave	Cochran, Shayne	Crowder, Larry	Culp, Josh	Dehner, Dallas	Dunphy, Chris	Finnicum, Josh	Friede, Cam L	Gregory, Noah G	Haugie, Dewey	Jasler, James	Jasper, Kenneth	Jasper, Robert A	Larsen, Calen	Machart, Mike	Nickoloff, Mike C	Northington, Travis	Oelkers, Robert	Olson, Mike	Olson, Pete	Sansaver, Shaun A	Taberna, Tyler	VanWhy, Corby	Description
7/9/12 thru 7/20/2012	Wildland Fire Training with Don Pyrah NELO DNRC										20											20	20					Tactical Decision Making, PT, hose lays, Strike Team Leader Training
7/24/2012	engine operations and wildland tactics										2	2								2			2	2				Wildland Fire Review AAR Ostby Fire (1 hr) - New Pumper Training at Fair Grounds (2 hrs)
8/28/2012	New Pumper Training	3					3				3	3	3			3	3		3	3		3	3	3				Wildland Fire Review AAR Ostby Fire (1 hr) - New Pumper Training at Fair Grounds (2 hrs)
9/25/2012	Extrication Training						2	2			2	2						2					2	2				New technologies, inflatable seatbelts, response time
10/8/2012	Fire Prevention Week NFPA	2					2						2							2			2	2				Presentation and demonstrations at Culbertson School for K-6 on 2 escape routes. Used NSAF fire week supplies.
10/23/2012	Operations and Hydrants	2					2	2			2	2				2	2	2	2	2		2	2	2				Training on new pumper at school
11/27/2014	Operations Training.						2	2			2	2				2	2					2	2					Getting familiar with 17-28 the new city pumper.
12/2/2012	MSFS Confined Space Trailer										4	4					4						4					Bainville, Froid, Culbertson VFD
12/3/2012	MSFS Confined Space Trailer						3				3	3	3			3	3						3	3				Bainville, Froid, Culbertson VFD
12/25/2014	Emergency Driver Training with 17-28										1												1					
1/19/2014	Basic Wildland Training @Bainville										8	16				16								16				Don Pyrah Lewistown DRNC
1/22/2013	Engine Operations & Radio Procedures	3			3		3				3	3				3	3					3			3			Wildland and Structure
2/26/2013	Pumper Operations	3			3						3	3					3								3			Foam System
Mar 22 -24, 2013	DNRC Strike Team Leader @ Lewistown, Mt										16											16						Taught by Don Pyrah and others
3/26/2013	Anhydrous Training at Culbertson School	3					3				3	3	3			3	3	3	3	3		3	3	3	3	3		Jess Beery from Circle was Instructor
4/16/2013	DNRC Wildland Safety Refresher	4					4		1		4	4				4	4	4	4	4		4		4	4			Taught by Don Pyrah DNRC Lewistown
4/23/2013	First Aid/CPR Training	8																										in Wolf Point for Montana State Highway Department with Roosevelt Medical Center
May 2013	Basic EMT Class																							120				
5/28/2013	Monitor, hydrant, and SCBA						3				3	3						1	3			1			3			17-28 Pumper Operations at Culbertson School
Jun 13 - 16	DNRC Cat Camp																						20					Strike Team Leader Trainee
6/25/2013	Hose testing & Wildland Fire Training	3					3			5	5	5	5	5	5	5	5					5			5			Controlled burn at Heckmuns
	TOTALS	31	0	0	6	0	30	6	0	6	0	84	41	30	5	38	29	17	18	36	0	25	93	18	142	14	0	
		Aspenlieder, Alan	Averill, Lee	Buxbaum, Ross	Bengochea, Dave	Cochran, Shayne	Crowder, Larry	Culp, Josh	Dehner, Dallas	Dunphy, Chris	Finnicum, Josh	Friede, Cam L	Gregory, Noah G	Haugie, Dewey	Jasler, James	Jasper, Kenneth	Jasper, Robert A	Larsen, Calen	Machart, Mike	Nickoloff, Mike C	Northington, Travis	Oelkers, Robert	Olson, Mike	Olson, Pete	Sansaver, Shaun A	Taberna, Tyler	VanWhy, Corby	

Culbertson VFD																												
Training records for FY2012-2013																												
date	class	Aspenlieder, Alan D	Averill, Lee	Buxbaum, Ross	Bengochea, Dave	Cochran, Shayne	Crowder, Larry	Culp, Josh	Dehner, Dallas	Dunphy, Chris	Finnicum, Josh	Friede, Cam L	Gregory, Noah G	Haugie, Dewey	Jasfer, James	Jasper, Kenneth	Jasper, Robert A	Larsen, Calen	Machart, Mike	Nickoloff, Mike C	Northington, Travis	Oelkers, Robert	Olson, Mike	Olson, Pete	Sansaver, Shaun A	Taberna, Tyler	VanWhy, Corby	Description
Firefighters that qualify for FY2012-2013 credit are:																												
(Minimum of 30 hours of firefighting training and member for full fiscal year (7/1/2012 through 6/30/2013))																												
	NAME	HRS																										
	Alan Aspenlieder	31																										
	Larry Crowder	30																										
	Cam Friede	84																										
	Noah Gregory	41																										
	Dewey Haugie	30																										
	Mike Nickoloff	36																										
	Mike Olson	93																										
	Shaun Sansaver	30	He was given 8 hours for the 120 hours of EMT class to get him up to the minimum 30 hours of firefighting training.																									
Firefighter that does not qualify because of entry date:																												
	Kenneth Jasper	38	He has the minimum training hours but according to Mike Olson, Secretary of Culbertson VFD he was not with the dept for a full fiscal year.																									