

PUBLIC EMPLOYEES' RETIREMENT BOARD

February 12, 2015

Topic: Clancy Volunteer Fire Department

Acceptance of past Certificates that increase members' years of service

Staff recommendation:

Staff recommends the 11 members for FY2012 the Clancy VFD be granted the year of credited service. The members were listed on the late filed FY2011-2012 Annual Certificate and verified to receive credit for that fiscal year within 19-17-112(5), MCA.

Board Motion:

Uphold Staff Recommendation

Other.

Moved by

Seconded by

Vote

INFORMAL CONSIDERATION

February 12, 2015

Petitioner: Clancy Volunteer Fire Department
Fire Chief: Chad Parks
Contact: Chad Parks

Retirement System: VFCA

Request for Board Consideration:

The Clancy VFD is requesting that the Board accept the late filed Annual Certificate filed originally on October 3, 2012 and refiled on January 22, 2015 for the fiscal year 2012. 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; 2012

How many specific years of service are being requested?

1 year; 11 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 -- FY2012

Give details of any problems:

No problems were encountered

Correspondence:

October 3, 2012 – Annual Certificate received from Fire Chief Chad Parks, for FY2012; considered late because was not received by the filing date, September 1, 2012.

October 4, 2012 – Letter sent to Fire Chief Chad Parks requesting a letter of explanation and certified training documentation.

September 25, 2013 – Training documentation received from Fire Chief Chad Parks. The training documentation was not signed, nor did it have descriptions.

March 19, 2014 – Letter sent to Chad Parks requesting additional information about the training documentation, certification of the training, a letter of explanation from the fire chief, and a new annual certificate, if applicable.

December 23, 2014 – Ali Rice called Chad Parks in reference to the letter sent on March 19, 2014. Chad Parks requested that the annual certificate be sent to him for changes. Ali also explained the urgency of needing the information back due to member's retirement eligibility.

December 23, 2014 – Letter sent to Fire Chief Chad Parks requesting the same information from the March 19, 2014 letter. Also requesting to have the information by no later than January 16th, 2015 to allow time for preparation before the February 12, 2015 board meeting.

January 22, 2015 – Letter received from Chad Parks with new Annual Certificate, certified training documentation, and explanation of trainings. Letter of explanation from the fire chief is still missing.

February 2, 2015 – Ali Rice called Fire Chief Chad Parks requesting an emailed letter of explanation.

February 2, 2015 – Email received from Fire Chief Chad Parks with explanation of the late filed Annual Certificate.

Clancy 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 Annual Certificate was due on September 1, 2012 and must be filed no later than September 1, 2015.

The original, notarized filed Annual Certificate was received on October 3, 2012; a copy of the annual certificate was received on January 23, 2015 with two members added and one receiving credit.

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.)

MONTANA PUBLIC EMPLOYEE RETIREMENT ADMINISTRATION



STEVE BULLOCK
GOVERNOR

DORE SCHWINDEN
EXECUTIVE DIRECTOR

STATE OF MONTANA



HELENA (406) 444-3154
TOLL FREE (877) 275-7372
FAX (406) 444-5428

100 N PARK, STE 200
PO BOX 200131
HELENA MT 59620-0131
mpera.mt.gov

October 4, 2012

Chad Park, Fire Chief
Clancy VFD
PO Box 157
Clancy, MT 59634

Dear Fire Chief Park,

Montana Public Employee Retirement Administration (MPERA) is in receipt of the FY2011-2012 Volunteer Firefighters' Compensation Act (VFCA) Annual Certificate. The deadline for filing the certificate was September 1, 2012, therefore, the certificate is considered to be late filed.

The Public Employees' Retirement Board (PERB) has decided that late or amended certificates, when filed properly, accompanied by a letter of explanation from the fire chief, and certified training documentation for the 30 or more hours of training, will be considered for acceptance. Beginning July 1, 2011, only late Annual Certificates that are filed within 3 years of the original Annual Certificate due date will be considered. The due dates of annual certificates are September 1 of each year for the previous fiscal year (ie FY2007-2008 was due September 1, 2008). An annual certificate may be amended only once.

The **certified** training information must be based on fiscal years (July 1st thru June 30th) and in an easily readable format. Training documentation must include the following:

- ❖ The date the training was offered;
- ❖ Title of the training;
- ❖ Description of the training;
- ❖ Hours of training;
- ❖ Each member's hours of training for each class.

Training does **not** include business meetings, emergency calls or vehicle or hall maintenance.

Also due September 1, 2012 was a roster of all your members for the current fiscal year 2012-2013, whether they received credit or not they need to be listed. This no longer needs to be certified with the County Clerk.

If you have any members who have not filled out a membership card, you may find the membership cards form out on MPERA's website at <http://mpera.mt.gov/forms/BeneficiaryVFCA.pdf>. We use the information on the card to send an annual statement to the members, which details the credited years of service the member has on account with MPERA. These annual statements are sent out by the end of October.

If you have questions, please call me at 406-444-3193 or toll free 1-877-275-7372 ext 3193.

Sincerely,

Diann Levandowski
Assistant Fiscal Services Bureau Chief

MONTANA PUBLIC EMPLOYEE RETIREMENT ADMINISTRATION



STEVE BULLOCK
GOVERNOR

ROXANNE MINNEHAN
EXECUTIVE DIRECTOR

STATE OF MONTANA



HELENA (406) 444-3154
TOLL FREE (877) 275-7372
FAX (406) 444-5428

100 N PARK, STE 200
PO BOX 200131
HELENA MT 59620-0131
mpera.mt.gov

March 19, 2014

Chad Parks
Clancy VFD
P.O. Box 157
Clancy, MT 59634

Fire Chief Parks,

The Montana Public Employee Retirement Administration (MPERA) is in need of addition information for your request to amend the annual certificates from FY2011 – FY2012. Attached you will find a document outlining the questions that we have about the annual certificates and training documentation. Your members will be considered for approval upon receipt of the required documentation.

If you have any members who have not filled out a membership card, you may find the membership cards form out on MPERA's website at <http://mpera.mt.gov/forms/BeneficiaryVFCA.pdf>. We use the information on the card to send an annual statement to the members, which details the credited years of service the member has on account with MPERA. These annual statements are sent out by the end of October.

If you have questions, please call me at 406-444-9173 or toll free 1-877-275-7372 ext 9173.

Sincerely,

Handwritten signature of Ali Sturm.

Ali Sturm
Accountant

Spoke with Chad Parks, via phone, as a follow up to the letter sent to him in March. I explained to him that we would like to receive this information ASAP, so we could present it in the February board meeting. He has asked to have the Annual Certificate sent to him, so he can add the missing member. I also explained to him that Pat McKelvey was here today asking when his retirement would be processed. He hopes to have all information to us by the beginning of January.

ALR

Clancy Volunteer Fire Department

March 19, 2014

FY2012

1. Signed and Notarized Annual Certificate received
2. Letter of request from the fire chief **NOT** received
3. **Certified** Training documentation **NOT** received.

Questions

- Training documentation has not been certified.
- 09/21/2011 – What is an “Accountability” training?
- What are the dates of the “Fire Fighter One” training? These hours cannot be considered, if they were not earned during this FY2012.
- What is “Additional” training? Training documentation must include the date the training was offered, title of the training, description of the training, hours of training, and each member’s hours of training for each class
- Sam Mitchell – 58.5 hrs listed on Clancy’s training report, 45 hrs need more description. NOT listed on annual certificate.
- Without the “Fire Fighter One” and “Additional” trainings, these members are not qualified for credit:
 - Charles Bruce
 - Doug Dodge
 - Robert Johnson
 - Christopher Kiser
 - Jason Gilliland

MONTANA PUBLIC EMPLOYEE RETIREMENT ADMINISTRATION



STEVE BULLOCK
GOVERNOR

DORE SCHWINDEN
EXECUTIVE DIRECTOR

STATE OF MONTANA



HELENA (406) 444-3154
TOLL FREE (877) 275-7372
FAX (406) 444-3428

100 N PARK, STE 200
PO BOX 200131
HELENA MT 59620-0131
mpera.mt.gov

December 23, 2014

Chad Parks, Fire Chief
Clancy Volunteer Fire Department
PO Box 157
Clancy, MT 59634

RE: Late filing of FY2012 Annual Certificate

Dear Fire Chief Parks:

While performing a periodic review of our records, it has come to the attention of the Montana Public Employee Retirement Administration (MPERA) that we are in need of additional information on your FY2012 Volunteer Firefighters' Compensation Act (VFCA) Annual Certificate. If you still wish to receive credit for FY2012, you must file the annual certificate and all require training documentation no later than September 1, 2015.

The deadline for filing an annual certificate is September 1 of each year for the previous fiscal year (i.e.- FY2007-2008 was due September 1, 2008). An annual certificate not filed by the September 1 deadline, or an amendment to an annual certificate, may only be accepted with approval of the Public Employees' Retirement Board (Board).

In 2011, the Legislature made a significant change in the law relating to a volunteer fire company's ability to file late or amended annual certificates. Beginning July 1, 2011, the Board may only consider a late or amended annual certificate if it is filed within three years of the original Annual Certificate due date. Thus, any attempts to late file or amend an annual certificate more than three years after the certificate's original due date may not be considered. For example, a FY2010 annual certificate (originally due September 1, 2010) filed on October 1, 2013, may not be considered as it was filed more than three years after the due date.

Fiscal Year 2012 may be considered by the Board for late filing only if you file the necessary documentation no later than three years from the original due date (i.e.- for FY2012, it must be filed by September 1, 2015).

The Board has decided that late or amended certificates must be accompanied by a letter of explanation from the fire chief and certified training documentation for the 30 or more hours of training before it will be considered for acceptance. The **certified** training information must be based on fiscal years (July 1st thru June 30th) and in an easily readable format. Training documentation must include the following:

"AN EQUAL OPPORTUNITY EMPLOYER"

- ❖ The date the training was offered;
- ❖ Title of the training;
- ❖ Description of the training;
- ❖ Hours of training;
- ❖ Each member's hours of training for each class.

Training does **not** include business meetings, emergency calls, or vehicle or hall maintenance.

Please respond to the letter sent on March 19, 2014 requesting additional information, certification of the training documentation, and an amendment of the annual certificate to include any members that should receive credit. The annual certificate will need to be recertified after the addition of any new member to it.

We are hoping to present this information to the board on February 12, 2015. In order to do this, we will need the requested information returned to us by no later than January 16, 2015.

This is the only letter you will receive reminding you of the deadline for consideration of late annual certificates. It is the responsibility of each eligible fire company to file annual certificates and any other required documentation within the required timeframe. MPERA will not send routine letters reminding companies of the impending three-year deadline for late or amended filings.

If you have questions, please call me at 406-444-9173 or toll free 1-877-275-7372.

Sincerely,

Ali Rice
Accountant

Encl: FY2012 Annual Certificate
 Training Summary Template
 CVD Training Accomplishments Worksheet
 Letter sent on March 19, 2014



Clancy Volunteer Fire Department

"Same Day Service"

1 Railroad Way

P.O. Box 157 Clancy, Montana 59634

406-933-5540

RECEIVED

JAN 22 2015

MPERA

Chad Parks
Department Chief

Doug Dodge
Business President

Chris Kiser
Secretary

Pat McKelvey
Asst. Chief

Bert Obert
Treasurer

Nic Bair
Firefighter

Greg Robson
Firefighter

Chick Bruce
Records Officer

Joe Calnan
Firefighter

Jason Gilliland
Firefighter

Bill Gruber
Firefighter

Bob Johnson
Equipment Officer

Jason Johnson
Firefighter

Wayne Kedish
Firefighter

Mike Goehring
Firefighter

Cody Marks
Firefighter

Steve Wood
Firefighter

Sam Mitchell
Firefighter

Keith Mildren
Firefighter

Steve Marks
Firefighter

January 15, 2015

To whom it may concern :

In March of this year 2014 I received letter with question pertaining to Clancy volunteer fire departments annual certificates from fy2011-fy2012. I will address the questions in the same order as there were asked:

- Training document has not been certified
 - I have attached a notarized copy of CVFD's 2011-2012 training calendar
- 09/21/2011- what is "Accountability" training?
 - The accountability training teaches the fire fighters too check in upon arriving at a fire, to working as a team, to stay with their team. It also teaches the captains to keep track of their teams and to report their status back to the IC of the fire.
- What are the dates of fire fighter one?
 - I have attached a notarized copy of the 2012 fire fighter one calendar with dates, course description and the instructor.
- What is "additional" training?

Since there are only three members that will not get accreditation for 2012 without the additional training hours. I will only address those three.

 - Charles Bruce attended PIO (Public Information Officer) class on "Advanced Crisis Communication Strategies". This class was held in Helena on 11-15-2011 this was a 10 hour class
 - Doug Dodge participated in two different trainings. The first was a command leadership class on April 21-22, 2012 this was a 16 hour training and a WUI (Wildland Urban Interface) training held on April 12-13, 2012 this was a 16 hour class, but Doug could only attend 10 hours of it
 - Robert Johnson was a part of training for kids for "Fire Prevention Week" at the Clancy School on Oct 13 2011. He spent three hours teaching kids to crawl through smoke, what fire fighters look like when there are all geared up, and to stop drop and roll

I hope that this clears up any questions that you had on the training hours for CVFD. If you have any more question please let me know.

Chad Parks
Fire Chief
Clancy Volunteer Fire Department

RECEIVED

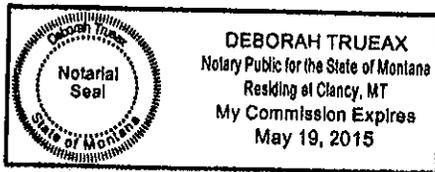
JAN 22 2015

MPERA

1513057

State of Montana
County of Jefferson

This instrument was signed before me on 1/21/2015 by Chad Parks.



Deborah Trueax

RECEIVED

JAN 22 2015

M P E R A

JEFFERSON COUNTY FIRE FIGHTER ONE TRAINING SCHEDULE

2012

UPDATED SCHEDULE – JANUARY 7 2012

<u>Date</u>	<u>Course</u>	<u>VFD Location</u>	<u>Instructor</u>
Tue 1/24, 1830 hrs	PPE-SCBA-HY Safety	Elk Park	Siderits
Wed 1/25, 1830 hrs	PPE-SCBA-HY Safety	Bull Mtn	Siderits
Sat 1/28, 0900 hrs	Pumps/Fire streams	Bull Mtn	Mason
Tue 2/7, 1830 hrs	Radio, Size up, ICS	Elk Park	Mason
Wed 2/8, 1830 hrs	Radio, Size up, ICS	Clancy	McKelvey
Sat 2/11, 0900 hrs	Fire Behavior-Bldg Construction		
	All FF1 trainees attend	Jeff City	Mason
Tue 2/14, 1830	Tactics-Defen/Offens	Elk Park	Mason
Wed 2/15, 1830	Tactics-Defen/Offens	Jeff City	Mason

RECEIVED

JAN 22 2015

MPERA

Sat 2/18, 0900

Practical –Defensive/Offensive

All FF1 trainees attend Jeff City

Mason

Wed 2/22, 1830

Walk through-2nd story prim search

All FF1 trainees attend Mt City

Mason

Sat 2/25 ,0900

Practical – 2nd story prim search

All FF1 trainees attend Mt City

Mason

Wed 3/7, 1830

SCBA drills, prep for burn trailer

All FF1 trainees attend Bull Mtn

Mason

Sat 3/10, 0900

Burn Trailer, Graduate Bull Mtn

Mason

All FF1 trainees attend

Rice, Ali

From: Chad Parks <parks.chad66@yahoo.com>
Sent: Monday, February 02, 2015 8:54 PM
To: Rice, Ali
Cc: Chad Parks
Subject: Clancy VFD 2012 retirement

I am writing you to request that you except the amended 2011-2012 retirement certification for Clancy Volunteer Fire Department. It is unfortunate that I did not make the deadline for filing. In January of 2012 I was elected as chief, and I was unfamiliar with the process for filing these documents. Thank you for your time and I apologize for any inconvenience

Chad Parks
Fire Chief
Clancy Volunteer Fire department

