

PUBLIC EMPLOYEES' RETIREMENT BOARD

April 9, 2015

Topic: Grasshopper Valley Volunteer Fire Department

Acceptance of past Certificates that increase members' years of service

Staff recommendation:

Staff recommends the 1 member for FY2004 and 1 member for FY2005 of the Grasshopper Valley VFD be granted the years of credited service. The 1 member was listed on the amended FY2004 and FY2005 Annual Certificates and verified to receive credit for those fiscal years.

Board Motion:

Uphold Staff Recommendation

Other.

Moved by

Seconded by

Vote

INFORMAL CONSIDERATION

April 9, 2015

Petitioner: Grasshopper Valley Volunteer Fire Department
Fire Chief: Shelly Boyd
Contact: Shelly Boyd

Retirement System: VFCA

**Request for Board
Consideration:**

The Grasshopper Valley VFD is requesting that the Board accept the amended Annual Certificates for FY2004, originally filed on August 11, 2004, and FY2005, originally filed on August 11, 2005, both resubmitted for amendment on November 4, 2011. 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?

Two; 2004 and 2005

How many specific years of service are being requested?

2004 (1 member)

2005 (1 member)

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?

None

Give details of any problems:

None Encountered

Correspondence:

September 26, 2011 – Request received from Fire Chief Shelly Boyd to amend FY2004 and FY2005, due to a member being unintentionally not included on the original filed Annual Certificate.

October 5, 2011 – Letter sent from Diann Levandowski to Fire Chief Shelly Boyd requesting additional information for the amended years.

November 4, 2011 – Received letter of explanation, notarized Annual Certificates, and training documentation from Fire Chief Shelly Boyd.

November 1, 2012 – Diann Levandowski spoke with Fire Chief Shelly Boyd, asking for a letter certifying the training documentation and explanation of training.

November 7, 2012 – Letter received from Fire Chief Shelly Porter certifying the training documentation sent in on November 4, 2011.

Grasshopper Valley Volunteer Fire Department

Acceptance of past Certificates that increase members' years of service

Summary:

Pursuant to § 19-17-112 (5), MCA any late or amended annual certificates and the associated certified training records shall be filed within 3 years of the original annual certificate due date. An annual certificate may be amended only once.

FY2003 – 2004 was due on September 1, 2004 and FY2004 – 2005 was due on September 1, 2005. The amended Annual Certificates were received on November 4, 2011.

This should not have even been processed but based on MPERA's actions, should be grandfathered. The original request from the department came on September 26, 2011, after the law was in effect. We sent a letter with the 3 year language, but didn't explain this meant the years requested were ineligible. We then went on to process the training documentation including follow up inquiries. All material was received timely, in November 2012 and the department was never informed that the certificates were not eligible for amendment.

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.)

October 5, 2011

Shelly Boyd, Fire Chief
Grasshopper Valley VFC
PO Box 460452
Polaris, MT 59746

Dear Fire Chief Boyd,

This letter is in regards to your request on September 26, 2011 for the amending of the FY2003-2004 and FY2004-2005 for Steve Porter. In researching the file Steve Porter was marked "No" for credit on the FY2003-2004 VFCA Annual Certificate that was filed and was not listed at all on the FY2004-2005 VFCA Annual Certificate for Grasshopper Valley VFC.

Effective July 1, 2011, only late or amended Annual Certificates that are filed within 3 years of the original Annual Certificate due date will be considered for acceptance by the Public Employees' Retirement Board (PERB). The 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. The due date of an annual certificate is 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.

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

Enclosures

RECEIVED
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RETIREMENT BOARD

GRASSHOPPER VALLEY VOLUNTEER FIRE DEPARTMENT
PO BOX 460484
POLARIS, MT. 59746

Dear Diann:

Thank you for considering to accept the training records and awarding him the years of service I missed when submitting the records for Steve Porter for the 2003-2004 and 2004-2005 years. Steve is the assistant chief of the fire department and has been very active since he joined, attending most all of the meetings as well as the trainings. He is a very dedicated volunteer. I am not sure what happened to have put, no, on the 2003-2004 certificate, it was an error on my part somehow. Enclosed are the training records of the training hours and the name of the trainings we put on for that year. He is also an EMT-FR, he always attends the 24-hour EMT refresher plus most EMT trainings we have.

2004-2005 his name was not on the certificate and I missed adding it when I submitted the certificate, but all the trainings he attended are included. Thank you for your consideration in this matter.

Shelly Boyd,
Fire Chief

Shelly Boyd

11/9/11
Entered
JR

GRASSHOPPER VALLEY VOLUNTEER FIRE DEPARTMENT

PO BOX 460484

POLARIS, MONTANA 59746

November 4, 2012

RECEIVED
NOV 07 2012
RETIREMENT BOARD

I, Shelly Boyd, Fire Chief of the Grasshopper Valley VFD certifies that Steve Porter, Assistant Chief of the Grasshopper Valley VFD, has satisfactorily completed 30 hours of the required training and has served the fire department for the 2004 and 2005 years in order to qualify for those years of service.

Shelly Boyd

Shelly Boyd, Fire Chief

406-834-3497

