

PUBLIC EMPLOYEES' RETIREMENT BOARD
April 9, 2015

Topic: St. Ignatius Rural Volunteer Fire Department
Acceptance of past Certificates that increase members' years of service

Staff recommendation:

Staff recommends the 8 members for FY2013 of the St. Ignatius Rural 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 that fiscal year.

Board Motion:

Uphold Staff Recommendation

Other.

Moved by

Seconded by

Vote

INFORMAL CONSIDERATION

April 9, 2015

Petitioner: St. Ignatius Rural Volunteer Fire Department
Fire Chief: Jeremiah Morigeau
Contact: Jeremiah Morigeau

Retirement System: VFCA

**Request for Board
Consideration:**

The St Ignatius Rural VFD is requesting that the Board accept the late filed Annual Certificate filed on October 11, 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 9, 2013 – Phone call received from a member asking about retirement. Member was explained that the FY2013 Annual Certificate had not been received from the fire chief. Sent member Credited Years of Service Report.

October 9, 2013 – Fire Chief Martin Frazzini called to say that he had sent the FY2013 Annual Certificate at the end of August 2013. After researching laser fiche and the database it was determined that it was not received by MPERA. Also, the spreadsheet that is used for tracking of Annual Certificates did not show receipt of the FY2013 Annual Certificate for St. Ignatius Rural VFD. Fire Chief was instructed as to what was required for late filing of an annual certificate.

October 11, 2013 – Received FY2013 notarized Annual Certificate from Fire Chief Martin Frazzini. A note was also received saying that the original annual certificate was sent out on August 26, 2013 but it was not notarized.

October 24, 2013 – Same member as before called to ask about the FY2013 Annual Certificate filing.

October 25, 2013 – Fire Chief Frazzini called to check on receipt of the Annual Certificate. He was instructed that he would still need to send in a letter explaining why this was late filed and send certified training documentation for verification of credit for members listed on Annual Certificate.

October 30, 2013 – Received letter of explanation from Fire Chief Martin Frazzini and certified training documentation.

January 21, 2014 – Received phone call from Dave Snyder informing MPERA that Fire Chief Martin Frazzini had resigned.

March 10, 2014 – Phone call received from Dave Snyder asking about the FY2013 Annual Certificate and when will be presented to PERB.

June 11, 2014 – Phone call from Dave Snyder inquiring about FY2013 Annual Certificate Informal Consideration and informing us a member wanted to retire.

July 10, 2014 – Inquiry into credit for FY2013 because of no names being listed on the FY2014 Annual Certificate that was received at the beginning of July 2014.

September 26, 2014 – E-mail sent to Fire Chief Jeremiah Morigeau informing him that three of the members listed to receive credit for FY2013 do not have the minimum 30 hours of training to receive credit.

September 30, 2014 – Email received from Fire Chief Jeremiah Morigeau notifying MPERA of additional trainings that were completed in FY2013.

October 1, 2014 – Email sent to Fire Chief Jeremiah Morigeau asking for additional information regarding the training documentation received on October 30, 2013.

February 9, 2015 – Email received from Fire Chief Jeremiah Morigeau explaining that he could not find the training documentation from the prior fire chief and asking for other alternatives to move forward.

February 23, 2015 – Letter sent to Fire Chief Jeremiah Morigeau requesting additional training documentation.

February 27, 2015 – Email received from Fire Chief Jeremiah Morigeau explaining one of the trainings was not within the fiscal year and asking MPERA to proceed with the late filed annual certificate as is.

St Ignatius Rural Volunteer Fire Department

Acceptance of past Certificates that increase members' years of service

Summary:

Pursuant to § 19-17-112 (5), MCA any late for amended annual certificates and the associated certified training records shall be filed within 3 years of the original annual certificate due date. FY2012 – FY2013 Annual Certificate was due on September 1, 2013. The Annual Certificate was received on October 11, 2013. This certificate was received within the 3 year filing period.

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 11 2013

RETIREMENT BOARD

DIANNE,

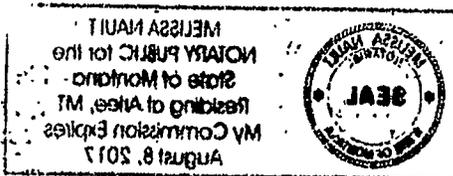
I AM REALLY GLAD I SCANNED
THIS TO MY COMPUTER BEFORE
I MAILED IT. THE SCAN WAS
NOT NOTARIZED, SO THE DATE
SHOWN IS TODAY W/ THE ORIGINAL
SIGNATURE.

I WISH I HAD KNOWN
EARLIER THAT YOU HAD NOT
RECEIVED THIS INFORMATION. IT
WAS ORIGINALLY MAILED OUT TO
YOUR OFFICE ON @ 8-26-13.

BEST REGARDS,

M. A. Frazzani

MARTIN A. FRAZZANI, CHIEF
SAINT IGNATIUS U.F.D.



RECEIVED

OCT 30 2013

RETIREMENT BOARD



SAINT IGNATIUS VOLUNTEER FIRE DEPARTMENT

10/28/2013

To: Montana P.E.R.A. Board

Re: Saint Ignatius V.F.D. retirement, training hours

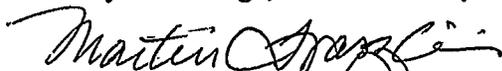
To whom it may concern,

I am writing this letter to attempt to clear up the lateness of the reporting of the training hours for the Saint Ignatius VFD for fiscal year 2012-2013. The original VFCA Annual certificate was mailed in to the office the first week in August, 2013. I did not know that the certificate had not been received in the office until one of my members called in to verify some information, this happened the 2nd week of October.

I called Diann Levandowski the next day, and informed her that I had a copy of the certificate that had been mailed scanned and saved to my computer, and that I could provide her a copy that day, but that it would show the date of that day from the notary, as the scanned copy was taken before it was notarized. She told me to have it notarized, and send it in. She informed me that the board may require me to send in more proof of our training, but to send in the copy of the certificate that day, which I did.

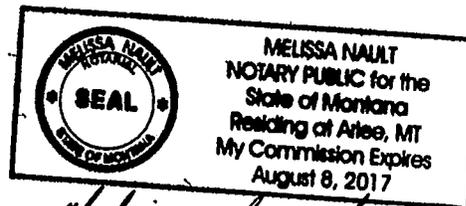
I heard nothing back from the P.E.R.A. office, but as before, one of my members called me and informed me that I had not submitted all of the needed information. I again called Ms. Levandowski and was informed that I needed to send in training documents showing the dates, description of training, hours of training, and members in attendance. This call took place on Friday, Oct. 25th. I have enclosed our training roster, a copy of the training that occurred at each meeting and the dates. Each training meeting is 3 hours of training. I have attempted to comply with the regulations at every turn, and I ask the board not to penalize my members, who give freely of their time to protect our community for an unforeseen error.

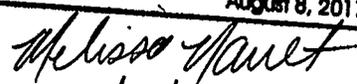
I certify that the roster and training history attached are true and correct to the best of my knowledge, on this 28th day of October, 2013.



Martin Frazzini, Chief, S.I.V.F.D

Notary:




10/28/13

PO Box 485
Saint Ignatius, MT
59865

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OCT 30 2013

2012-13 Training Attendees

RETIREMENT BOARD

NAME	jul	aug	sep	oct	nov	dec	jan	feb	mar	apr	may	jun
Martin "Hoss" Frazzini	x	x	x			x	x	x	x	x	x	x
Ray Frey	x	x			x	x	x	x				x
Fred Gariepy	x		x		x	x	x	x				x
Charlie Gariepy	x	x	x	x	x	x	x	x	x	x	x	x
David Snyder						x	x	x	x	x	x	x
Tim Callahan	x	x		x	x	x		x	x	x	x	
Frankie Frazzini		x				x		x				
Jack Gerts	x					x		x				x
Sue Green	x	x	x	x	x	x	x	x	x	x	x	x
Willie Long	x	x	x	x	x	x	x	x	x	x	x	x
Steve McCollum					x	x		x		x		x
Tim Mitchell	x	x	x	x		x	x	x	x	x	x	x
Joe Mitchell	x	x				x	x	x				
Jerimiah Moriegeau	x	x	x	x	x	x	x	x	x		x	x
Scott Morton	x	x	x	x	x	x	x	x	x	x	x	x
Kelly Roddam		x			x	x	x					x
Tana Hololoway	x	x			x	x						
Bobby Jensen						x	x	x				
Nick Dinell		x			x	x	x	x				
Mark Coture					x	x						x
Mike Umphrey					x	x						x

2012-13 training by meeting

July 12th, 2012: Highway safety for emergency services; POV operation, answering the call safely.

Aug 9th, 2012: Truck operations training

Aug 18th, 2012: Truck repairs at Callahan's

Truck repairs is truck maintenance that does not count towards training. dll 5/13/2...

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OCT 30 2013

Sept.13th, 2012 Pump/Truck operations

RETIREMENT BOARD

Oct.11th, 2012 FSTS, behavior of fire

Nov. 8th, 2012 Video training, traffic hazzards, proper scene parking

Dec. 13th, 2012 Chimney fires, electrical fires

Jan.10th, 2013 Mission Valley Power, electrical fire training

Feb.14th, 2013 Jaws of life training, extracation

Mar.14th, 2013 SCBA training

Apr.11th, 2013 Ladder training

May.9th, 2013 Hose pressure checks, pump operations

Jun.13th, 2013 learning the layout of the fire district

Rice, Ali

From: Jeremiah <jmorigeau6@gmail.com>
Sent: Tuesday, September 30, 2014 2:16 PM
To: Rice, Ali
Subject: Re: VFCA Qualifications

Ali-

I don't know what hours the former Chief did or did not turn in, but Tim Callahan, Joseph Mitchell, and Kelly Roddam all met the training requirements in 2013. On June 28th and June 29th all three received 16 hrs for running trucks at our annual fire men's picnic and auction. Joseph Mitchell also attended an ice rescue training in February which he would have earned 8 hrs. On March 18th all 3 received 6 hrs for hose inspections. I don't know of any of these over lap with what Martin Frazzini turned in or not. Thanks!

St. Ignatius Vol Fire Dept Chief
Jeremiah Morigeau

Sent from my iPad

On Sep 26, 2014, at 3:28 PM, Rice, Ali <AliRice@mt.gov> wrote:

Jeremiah,

I will need to receive this information by Monday, so I have time to prepare the paperwork. If we do not have the information by Monday, we will still need to move forward with our board presentation, as we have member's retirement applications on hold for this. Please let me know if you have any questions. Thanks!

*Ali Rice
Accountant
Montana Public Employees Retirement Administration
100 N Park Avenue, Suite 200, Helena, MT 59601
(406) 444-9173
AliRice@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: Rice, Ali
Sent: Thursday, September 25, 2014 11:56 AM
To: 'jmorigeau6@gmail.com'
Cc: Levandowski, Diann
Subject: VFCA Qualifications

Jeremiah,

Rice, Ali

From: Rice, Ali
Sent: Wednesday, October 01, 2014 7:47 AM
To: 'jmorigeau6@gmail.com'
Subject: VFCA Qualifications

Importance: High

Spoke with Jeremiah Morigeau regarding the request for additional information from the St Ignatius VFD. He said that he never received the email. I resent it and he will respond ASAP.

ALR
12/23/14

Jeremiah,

Due to complexity of the informal consideration process and the new training information that we just received, I will not have enough time to sort through and obtain all information needed before presenting the late filed certificate to the board. In order for us to take this to the board we will need more information on all the trainings that were reported to MPERA; this will include detailed descriptions of the training and sign-in sheets or certificates of completion of the training. The training that will need this information is as follows:

- *7/12/2012 – Highway safety for emergency services; POV operations, answering the call safely.*
- *8/9/2012 – Truck operations training*
- *9/13/2012 – Pump/truck operations*
- *10/11/2013 – FSTS, behavior of fire*
- *11/8/2012 – Video training, traffic hazards, proper scene parking*
- *12/13/2012 – Chimney fires, electrical fires*
- *1/10/2013 – Mission Valley Power, electrical fire training*
- *2/14/2013 – Jaws of life training, extrication*
- *2/??/2013?- Ice rescue training*
- *3/14/2013 – SCBA training*
- *4/11/2013 – Ladder training*
- *5/9/2013 – Hose pressure checks, pump operations*
- *6/13/2013 – learning the layout of the fire district*
- *6/28/2013 – Running trucks at annual fireman’s picnic*
- *6/29/2013 - Running trucks at annual fireman’s picnic*

Please let your firefighters, that are waiting to retire, know that we are unable to process their applications with this year of service until we have received the information requested. If you have any questions please contact me by phone or email. Thanks!

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

Rice, Ali

From: Jeremiah <jmorigeau6@gmail.com>
Sent: Monday, February 09, 2015 7:51 AM
To: Rice, Ali
Subject: Re: VFCA Qualifications

I couldn't find any information on any of the trainings cause the last chief didn't leave anything or has it on his personal computer. So is there anything else I can do to get this stuff figured out.

Sent from my iPad

On Oct 1, 2014, at 7:46 AM, Rice, Ali <AliRice@mt.gov> wrote:

Jeremiah,

Due to complexity of the informal consideration process and the new training information that we just received, I will not have enough time to sort through and obtain all information needed before presenting the late filed certificate to the board. In order for us to take this to the board we will need more information on all the trainings that were reported to MPERA; this will include detailed descriptions of the training and sign-in sheets or certificates of completion of the training. The training that will need this information is as follows:

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Please let your firefighters, that are waiting to retire, know that we are unable to process their applications with this year of service until we have received the information requested. If you have any questions please contact me by phone or email. Thanks!

Ali Rice

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

February 23, 2015

Jeremiah Morigeau, Fire Chief
St. Ignatius VFD
PO Box 485
St Ignatius, MT 59865

Dear Fire Chief Morigeau,

This letter is in regards to the emailed information received from you on September 30, 2014 regarding late filing of the FY2012-2013 VFCA Annual Certificate.

We are in need of additional information to proceed with this amendment:

- Ice Rescue Training – We are in need of a date for this training
- Running trucks at Fireman's picnic – this does not qualify for training
- Tim Callahan has 33 hours with the additional training and meets the requirements to receive credit
- Joe Mitchell has 29 hours with the additional training and does not meet the requirements to receive credit
- Kelly Roddam has 21 hours with the additional training and does not meet the requirements to receive credit
- Training documentation will need to be certified by the fire chief

If there is no additional training that can be provided, we will proceed with the information provided for the 8 qualified members listed on the FY2013 Annual Certificate.

We would like to present this amended year of service to the board on April 9, 2015. In order to do that we will need the information provided to us 21 business days prior to the meeting, please have this information to us not later than March 11th. Also at that time we will need to have any requests to speak to the board. If we do not have the requested information by this date we will not be able to present the information until the next board meeting.

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

Sincerely,

A handwritten signature in cursive script that reads "Ali Rice".

Ali Rice
Accountant

Encl: Copy of training spreadsheet
Copy of email correspondence from fire chief

"AN EQUAL OPPORTUNITY EMPLOYER"

Rice, Ali

From: Jeremiah <jmorigeau6@gmail.com>
Sent: Friday, February 27, 2015 1:28 PM
To: Rice, Ali
Subject: Re: VFCA Qualifications

The date for the ice rescue training was on February 18, 2012 so it doesn't qualify for the 2012-2013 fy. So you can proceed with bring it before the board on April 9. Thanks and sorry for all this mess.

Sent from my iPad

On Oct 1, 2014, at 7:46 AM, Rice, Ali <AliRice@mt.gov> wrote:

Jeremiah,

Due to complexity of the informal consideration process and the new training information that we just received, I will not have enough time to sort through and obtain all information needed before presenting the late filed certificate to the board. In order for us to take this to the board we will need more information on all the trainings that were reported to MPERA; this will include detailed descriptions of the training and sign-in sheets or certificates of completion of the training. The training that will need this information is as follows:

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Ali Rice