

PUBLIC EMPLOYEES' RETIREMENT BOARD

April 9, 2015

Topic: York Fire Service Area

Acceptance of past Certificates that increase members' years of service

Staff recommendation:

Staff recommends the 15 members for FY2010 and FY2011 of the York Fire Service Area be granted the years of credited service. The members were listed on the late filed FY2009 – 2010 and FY2010 -2011 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

April 9, 2015

Petitioner: York Fire Service Area
Fire Chief: John Naylor
Contact: John Naylor

Retirement System: VFCA

Request for Board Consideration:

The York Fire Service Area is requesting that the Board accept the late filed Annual Certificates filed originally on September 12, 2012 and resubmitted on March 6, 2015 for the fiscal years 2010 and 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; 2010 and 2011

How many specific years of service are being requested?

FY2010 – 15 members

FY2011 – 15 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?

Two year – FY2010 and FY2011

Give details of any problems:

No problems were encountered

Correspondence:

February 8, 2012 – Letter sent to Board President Bill Christianson notifying the fire department that they could amend FY2009 through FY2011.

September 4, 2012 – Received notarized Annual Certificates for FY2010 and FY2011 from Fire Chief Earl Webb.

September 17, 2012 – Received letter of explanation and training documentation from Fire Chief Earl Webb.

February 20, 2015 – Sent letter to Fire Chief Earl Webb requesting the certification of the training documentation and re-notarizing of Annual Certificate once all additional members were added.

March 6, 2015 – Received letter from Fire Chief John Naylor with re-notarized FY2010 and FY2011 Annual Certificates and certification of training documentation.

York Fire Service Area

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. FY2010 Annual Certificate was due on September 1, 2010 and must be filed no later than September 1, 2013. FY2011 Annual Certificate was due on September 1, 2011 and must be filed no later than September 1, 2014.

The original, notarized Annual Certificates were received on September 4, 2012; a re-notarized copy of the annual certificate was received on March 6, 2015 with one member added. These were filed within the 3 year filing time.

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.)

February 8, 2012

Bill Christianson, President
Board of Trustees
York Fire Service Area
6042 Nelson Road
Helena, MT 59602

Dear President Christianson,

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 FY2010-2011 was due September 1, 2011). 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.

Enclosed you will find blank Annual Certificates for FY2008-2009, FY2009-2010, and FY2010-2011. On the enclosed blank annual certificates, please include names of all members that qualified for credit that fiscal year. Remember that an annual certificate may be amended only once. Also, please include training documentation for each year and a letter of explanation from the fire chief for each late filed Annual Certificate.

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

Sincerely,

Allison Petty, DC Accountant

Enclosure

RECEIVED
SEP 17 2012
RETIREMENT BOARD



Diann Lavandowski
Montana Public Employee
Retirement Administration
PO Box 200131
Helena, MT 59620-0131

September 17, 2012

Subject: Late Annual Certificates

Dear Ms Lavandowski

As per our conversation, you require an explanation for the late filing of the Annual Certificates for fiscal years 2010 and 2011.

The former fire department administration has failed to submit any of the annual certificates for the past approximate 15 years.

I have taken over this responsibility for these filings. There has been a lot of miscommunication, untimely mail routing, learning curve, and a misunderstanding of the system on my part.

We will strive to not let late filings of the Annual Certificate to occur in the future.

If you require any further information, please contact me.

Respectfully,

A handwritten signature in cursive script that reads "Earl Webb".

Earl Webb
Chief
York Fire Department
6042 Nelson Road
Helena, MT 59602
406-475-9107
Cell: 406-437-3299

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 20, 2015

Earl Webb, Fire Chief
York VFD
6042 Nelson Rd
Helena, MT 59602

Dear Fire Chief Webb,

This letter is in regards to the Annual Certificates and training documentation regarding late filing of FY2009-2010, and FY2010-2011 VFCA Annual Certificates.

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.

Please send a letter certifying the training documentation that was sent in for the FY2009-2010, and FY2010-2011 VFCA Annual Certificates.

Also, it appears that C. Fisher has 46 hours of training but is not listed on the Annual Certificates for these years. Please either add his name to the attached Annual Certificates and have them re-notarized or provide an explanation of why he is not receiving credit for these years.

We would like to present these amended years 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

Enc: Copies of the FY2010 and FY2011 Annual Certificates
Copies of FY2010 and FY2011 training documentation



6042 Nelson Road Helena, Montana 59602

March 4, 2015

Ali Rice
Montana Public Employee Retirement Administration
100 N Park, Ste 200
Helena MT 59620-0131

HAND
DELIVERED

Dear Ms. Rice:

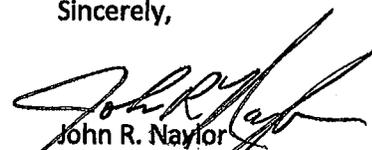
I certify that the training records submitted by Chief Webb for fiscal years 2009 - 2010 and 2010 - 2011 are inclusive and accurate.

I served as Chief Webb's Assistant Chief during these years and attended or monitored most of the training.

Charles Fischer, SSN 498-58-5179, DOB 08/16/1952 was not reported on the VFCA Annual Certificate for FY 2009-1010 or 2110-2011. Mr. Fischer did attend the trainings as indicated by the training records. I request that a correction be made to the Annual Certificate to include Charles Fischer.

Thank you.

Sincerely,


John R. Naylor
York Fire Rescue/Chief

RECEIVED
MAR 06 2015
MPERA

York Fire Service Area

Training records for FY2009-2010

date	class	Anderson, W	Fischer, C	Freeman, A	Gamm, D	Murphy, G	Naylor, J	Olson, D	Pollard, F	Stockwell, H	Torick, J	Torick, N	Vandergiesen, D	Webb, C	Webb, E	Weber, A	Description
7/14/2009	Wildland Fire Procedures	3	3							3							3
7/21/2009	EMS-Vitals, Call Review			2						2							2
7/28/2009	Fireline Safety	3	3							3							3
8/11/2009	Pump Ops, Water Fill Sites	3	3							3							3
8/18/2009	EMS Vitals			3						3							3
8/25/2009	Comm, 38 Spec, 8838									3							3
9/8/2009	Wildland Ops, Structure Prep	3	3							3							3
9/22/2009	Amer. Bar Equip Ops	3	3							3							3
10/13/2009	Equipment Winter Prep	3	3							3							3
10/20/2009	New PPE, SCBA Ops	2	2							2							2
10/27/2009	EMS Protocols			2						2							2
11/10/2009	Equip Fam and Function	2	2							2							2
11/17/2009	EMS Policies and Procedures			2						2							2
12/8/2009	Winter Ops		3							3							3
12/15/2009	EMS Endorsement Training			2						2							2
1/8/2010	EMT Refresher			16						16							16
1/12/2010	PT Extrication	3	3							3							3
2/9/2010	PPE, GEN, ENG Heater		3							3							3
2/16/2010	EMS Splinting, Immobilization			3						3							3
2/23/2010	Wildland Standards	3	3							3							3
3/9/2010	Wildland Safety	3	3							3							3
3/16/2010	EMS Scene Safety			3						3							3
3/23/2010	Fire Mutual Aid	3	3							3							3
4/13/2010	Wildland LCES	3	3							3							3
5/11/2010	Equipment Operations	3	3							3							3
5/18/2010	Immob, Splinting, Monitoring			2						2							2
5/25/2010	Pump drafting	3	3							3							3
6/8/2010	Driving Safety	3	3							3							3
6/15/2010	EMS QRU Ops			3						3							3
6/22/2010	New Equip Operation and Function	3								3							3
TOTALS		49	46	41	58	58	96	49	56	93	58	96	58	70	104	55	

Anderson, W

Fischer, C

Freeman, A

Gamm, D

Murphy, G

Naylor, J

Olson, D

Pollard, F

Stockwell, H

Torick, J

Torick, N

Vandergiesen, D

Webb, C

Webb, E

Weber, A

C. Fischer shows 46 hours but is not listed on the annual certificate.

