



State of Washington
**Board for Volunteer Fire Fighters
and Reserve Officers**

Chapter 491-03 WAC

MEMBERSHIP AND PARTICIPATION REQUIREMENTS

WAC Sections

491-03-010 Purpose.

491-03-020 What duties within a municipality qualify me for participation/membership in the board for volunteer firefighters' and reserve officers' relief and pension principal fund?

491-03-030 What level of activities do I have to participate in to be eligible for participation/membership in the volunteer firefighters' and reserve officers' pension?

WAC 491-03-010

Purpose.

This chapter sets forth the qualifications necessary to be a participant/member in the volunteer firefighters' and reserve officers' relief and pension principal fund.

[Statutory Authority: RCW [41.24.290](#). WSR 09-06-060, § 491-03-010, filed 2/27/09, effective 7/1/09.]

What duties within a municipality qualify me for participation/membership in the board for volunteer firefighters' and reserve officers' relief and pension principal fund?

If you are a member of a municipality as a volunteer firefighter or reserve officer who does not qualify for PERS or LEOFF (for their volunteer duties only), and if:

(1) Reserve officers:

(a) You are a reserve officer only if you are certified by the Washington state criminal justice training commission under chapter **43.101** RCW, and a commissioned member of a municipality as a:

- (i) Reserve city police officer;
- (ii) Reserve town or deputy marshal;
- (iii) Reserve deputy sheriff.

(b) You are not a reserve officer if you volunteer in either:

- (i) A position that is clerical or secretarial in nature;
- (ii) You are not commissioned;
- (iii) A corrections officer position.

(2) Firefighter:

(a) You are a firefighter only if you have the legal authority and responsibility to direct or perform fire protection activities that are required for and directly concerned with preventing, controlling, and extinguishing fires, or your primary duty is to serve as an emergency worker (see subsection (3) of this section).

"Fire protection activities" may include incidental functions such as housekeeping, equipment maintenance, grounds maintenance, fire safety inspections, lecturing, performing community fire drills and inspecting homes, businesses, and schools for fire hazards. These activities qualify as fire protection activities only if the primary duty of your position is preventing, controlling, and extinguishing fires.

(b) You are not a firefighter if you volunteer in:

- (i) A position that is clerical or secretarial in nature;
- (ii) A position where your primary duty is not preventing, controlling, and extinguishing fires;
- (iii) A position that pays a wage which qualifies you for participation in either PERS or LEOFF;
- (iv) A position that is only supervisory in nature and the primary duty is not preventing, controlling, and extinguishing fires.

(3) Emergency worker:

(a) You are an emergency worker only if you have the legal authority and responsibility to perform all aspects of medical assessment, treatment, and care for patients as outlined in state and county protocols for paramedics, emergency medical technicians, and first responders.

"Emergency activities" may include incidental functions such as housekeeping, equipment maintenance, grounds maintenance, home safety inspections, lecturing, and driving emergency vehicles. These activities qualify as emergency activities only if the primary duty of your position is to perform all aspects of medical assessment, treatment, and care for patients.

(b) You are not an emergency worker if you volunteer in:

- (i) A position that is clerical or secretarial in nature;
- (ii) A position where your primary duty is not to perform all aspects of medical assessment, treatment, and care for patients;
- (iii) A position that pays a wage that qualifies you for participation in either PERS or LEOFF;
- (iv) A position that is only supervisory in nature and the primary duty is not to perform all aspects of medical assessment, treatment, and care for patients.

What level of activities do I have to participate in to be eligible for participation/membership in the volunteer firefighters' and reserve officers' pension?

All departments are required to develop volunteer participation requirements that meet or exceed the participation requirements as set by the state board. If a department does not develop their own requirements, the board requirements will be in effect.

(1) The board requires that all volunteers:

(a) Attend a minimum of ten percent, or twenty hours, of all drills and/or training annually, whichever is less.

(b) Respond to a minimum of ten percent of all calls at the member's assigned station or twenty-four calls annually, whichever is less; or ninety-six hours of standby time annually.

For the purposes of this section, standby time means time that the volunteer is assigned to be near at hand and ready to respond to emergency calls immediately. A volunteer who merely carries a cellular telephone, pager, or similar device is not considered to be in standby status.

(c) Meet the requirements to be a qualified member under WAC [491-03-020](#).

(d) Be certified as having met the standards by the local board chair and by the fire chief, police chief, or sheriff annually on the board for volunteer firefighters and reserve officers provided forms.

(2) An exemption of up to twelve weeks in a twelve-month period may be granted for:

(a) A participant's serious health condition;

(b) A participant to care for a parent, spouse, or minor/dependent child who has a serious health condition;

(c) The birth of and to provide care to a participant's newborn, adopted, or foster child as provided in WAC [357-31-460](#).

For the purposes of this section, "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, and any period of incapacity or subsequent treatment or recovery in connection with such inpatient care; or that involves continuing treatment by or under the supervision of a health care provider or a provider of health care services and which includes any period of incapacity (i.e., inability to work, attend school, or perform other regular daily activities).

(3) An exemption of up to twenty-six weeks in a twelve-month period may be granted for: A participant who is the spouse, son, daughter, parent, or next of kin of a covered service member who is suffering from a serious health condition incurred in the line of duty. The leave described in this subsection shall only be available during a single twelve-month period.

For the purposes of this section, "covered service member" is a member of the armed forces, including the National Guard or reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on a temporary disability retired list for a serious health condition.

(4) An exemption of up to one year may be granted for injuries covered under chapter [41.24](#) RCW; or up to one year for reserve officers injured in the line of duty and covered under Title [51](#) RCW.

(5) Departments granting exemptions shall submit written documentation on the board for volunteer firefighters and reserve officers provided forms for state board review.

(6) Members joining service after January 1st, or separating from service before December 31st, will have their requirements prorated for the calendar year.

Board for Volunteer Firefighters and Reserve Officers

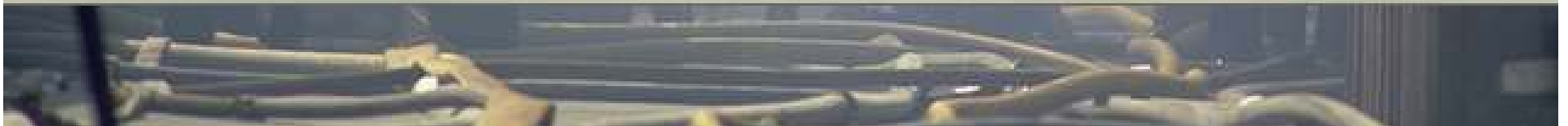
Brigette Smith – Executive Secretary





Just Who is the Board for Volunteer Firefighters and Reserve Officers?

- State agency
- Directed by a 5 person state board
- Only have 4 staff members
- Supervise and control the administration of RCW 41.24
- Oversee LODD benefits
- Provide worker's compensation coverage
- Manage a small pension
- “Volunteer” firefighters, EMT's, and reserve police officers





Worker's Compensation

- Departments only pay \$30 per year per firefighter
- Audit according to L&I guidelines and payment amounts
- No presumptives
- Volunteer firefighters and EMT's are required to be reported
- Optional for Reserve Officers





Retirement

- \$60 per year per firefighter
- \$300 a month maximum after 25 years of service and 25 payments
- Can draw as early as age 60, with reductions
- Joint survivor option, with pop-up provision
- Must retire unless eligible for Retire/Rehire program
- Optional program for all volunteers

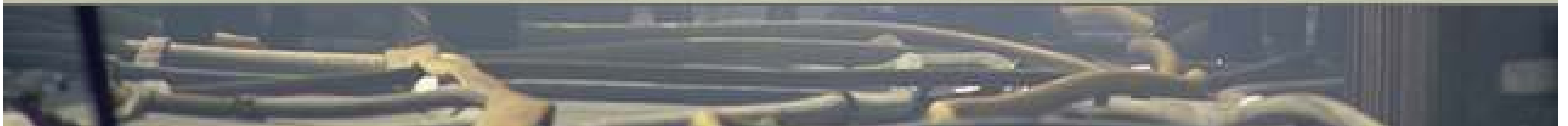
Retire/Rehire

- Must be at least 65
- Have to retire for 3 months
- Must pass all new firefighter requirements
- Must be able to pass an annual physical
- BVFF can charge a surcharge
- No dis. comp. benefits
- Cannot increase pension with additional service



Definition of Firefighter

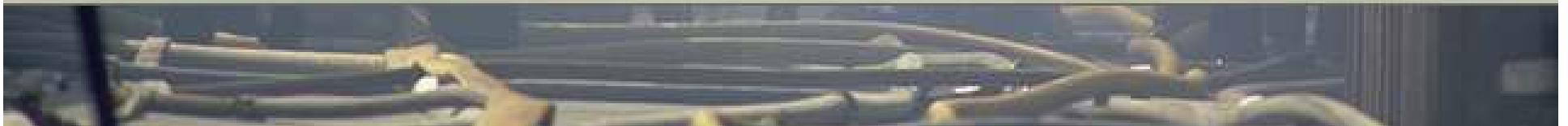
- Not required to be combat firefighters, but must have firefighter or EMT duties
- “Support personnel” only covered if they have duties on-scene that directly contribute to putting out the fire or involve patient care
- Departments with questions should refer to WAC 491-03
- Members can be firefighters and not qualify for the pension





Pension Participation Requirements

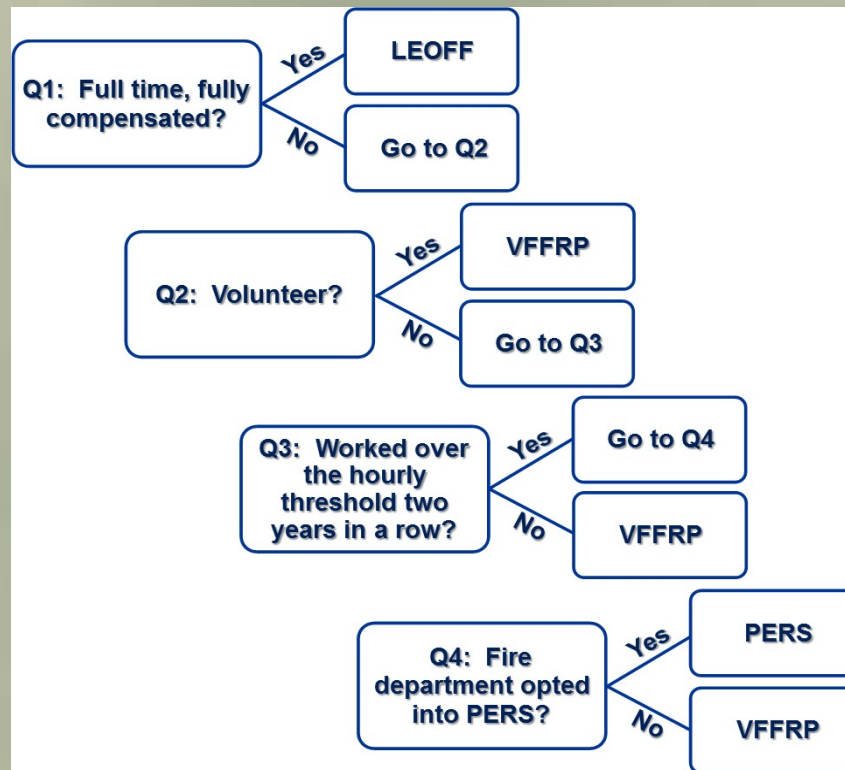
- All departments required to set participation requirements that meet or exceed those set by state board
- Departments that do not set requirements default to state minimum
- Meeting minimum pension requirements does not ensure compliance with L&I, OSHA, or WSHA rules and regulations
- **Response:** lesser of 10% of all calls or 24 calls a year, or 96 hours of stand-by time
- **Drill/Training:** lesser of 10% of all non-duplicated drills or 20 hours
- Board strongly encourages stronger requirements than the minimum





Part-time Employee vs. Volunteer

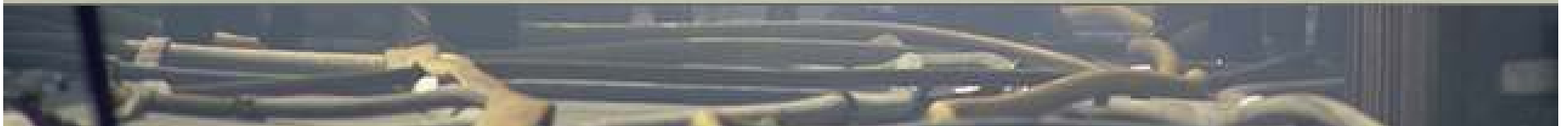
- Consistent with current law, part-time employees are handled in this manner:





Recent Legislative Issues

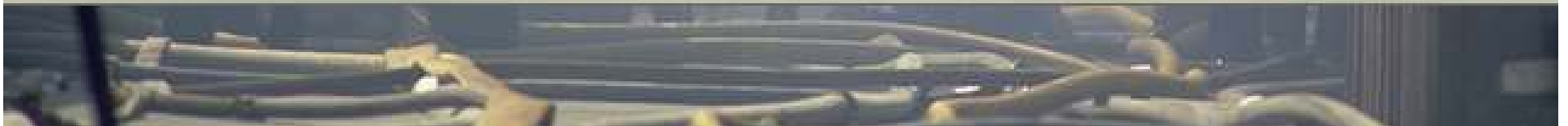
- Part-time firefighters and mobilizations
 - WSP fires – two ways volunteers can be paid:
 - Fire department “hires” volunteers and sends them to mobe
 - Volunteers are hired as temp employees of WSP
 - DNR fires – DNR requires departments to hire and pay volunteers
 - Hiring volunteers for mobe fires could be a potential DOL violation...some departments are creating separate job descriptions for structural and wildland firefighters
 - Main reasons departments want to hire volunteers
 - LODD disparity
 - They can control pay rates
 - Keeps volunteers under BVFF worker’s compensation
 - Paychecks come in a more timely fashion





Recent Legislative Issues, cont.

- Main reasons departments want other agencies to hire volunteers
 - They are not set up to do payroll
 - They do not have to worry about potential DOL violations
 - “Employer” responsibilities shift to agency from the municipality
- Exempting mobe hours from counting toward PERS eligibility
 - Concern is that some departments are holding volunteers back from mobe responses because they are close to PERS eligibility
 - Perception that PERS retirements will be less than BVFF
 - True in a few cases, but the majority will receive a larger PERS retirement...needs education
 - PERS LODD is less than BVFF
 - Perception that PERS participation with the department hurts PERS participation with regular employment
 - Perception that L&I is a difficult system to maneuver





Recent Legislative Issues, cont.

- L&I and PERS are more expensive than BVFF
- Exempting mohe hours from counting toward PERS won't solve potential DOL violations
- Exempting could prevent possible audit findings, L&I violations, and PERS issues
- Expanding definition of “firefighter”
 - To include chaplains, PIO's, fire investigators, and possibly videographers, etc.
- Expanding BVFF coverage to administrative personnel
 - To cover any member of the fire department...perhaps as a stand-alone RCW with different rates and benefits
- Adding non-profit private ambulance companies to eligible employers
 - Hospital districts
 - Misc. ambulance services. Under the most recent proposal, it could even extend to Airlift NW and other fixed wing and rotary ambulance services, not just traditional ambulance services





Recent Legislative Issues, cont.

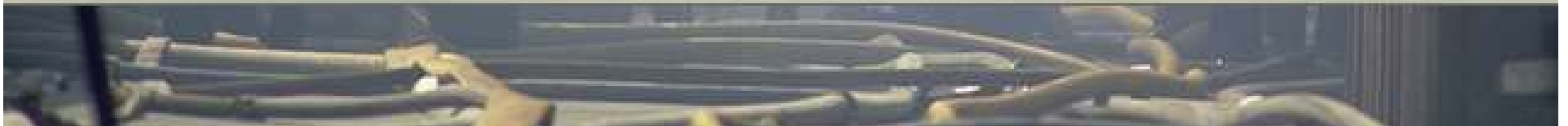
- Adding tribal fire departments and ambulance services
 - Currently we only can cover municipalities and EMSD's
- Stipends vs. wages
 - All money paid to volunteers should be paid and reported with a W-2 vs. a 1099 because firefighters are not contract employees per IRS rules
 - Some departments pay stipends based on points or percentages or flat rates
 - Some departments simply pay an hourly rate
 - DOL issued the “20% Rule” for stipends to be FSLA compliant
 - BVFF looks at the totality of the situation
 - Does this look like a living wage
 - Do they make more than minimum wage



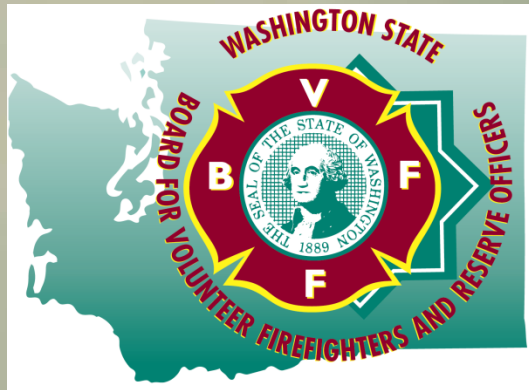


Take Aways

- BVFF struggles with many of the same issues as LEOFF, just from a volunteer perspective
- Challenge is to meet the needs of the changing fire service to best help all firefighters...which is the same challenge LEOFF faces as well
- More needs to be done to educate about facts vs. perceptions
- Looking forward to coordinating, supporting, and consulting on issues



Questions??



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