



STATE OF WASHINGTON  
**BOARD FOR VOLUNTEER FIREFIGHTERS & RESERVE OFFICERS**

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January 17, 2014

The 238<sup>th</sup> regular meeting of the Board for Volunteer Firefighters and Reserve Officers was convened at 9:00 A.M. in Suite #207 in the James R. Larson Forum Building by Chair Jay Hughes, with Board Member Mark Watenpaugh, Board Member Miland Walling, Board Member Martin Spani, Board Member Brian VanCamp, Assistant Attorney General Tsering Kheyap, Executive Secretary Brigette Smith, Chief John VanPelt (Skagit Co. FPD #3), President TJ Nedrow (Washington State Firefighter's Association), and Tamara Warnke (Washington State Firefighter's Association).

The Board reviewed the October 10, 2013 Regular Meeting Minutes. It was moved by VanCamp, seconded by Watenpaugh, and carried that the minutes be approved.

FIRST HEARING OF THE PUBLIC

President TJ Nedrow addressed the Board and stated that he was looking forward to the coming legislative session. He felt that his main job this year would be to educate legislators about changing the definition of firefighter to include fire ground support personnel who do not fight fires, but perform tasks within the incident command structure at fires.

Chief John Van Pelt introduced himself to the Board and asked that he address the Board when the discussion of a PPD award for his case comes before it.

OLD BUSINESS

The Board reviewed a recommendation for a PPD Award for Chief John VanPelt, Skagit Co. FPD #3, for an injury he sustained while working as a member of his department on April 13, 2012. Chief VanPelt had received a previous Independent Medical Examination where the physician rated his impairment at 17%. The new examiner rated his impairment at 21%. John addressed the Board and explained his concern that the IME physicians did not focus on how his impairment effected his ability to work and to carry out normal life functions. The tests they had him perform seemed to focus only on his ability to move. He also stated that he had concerns about the first examiner because he brought the wrong file into the examination and was not as professional as he should have been. The only complaint he had about the second examiner was that the physician seemed to focus a lot on how large his case file was, and how much there was to read. Chief VanPelt asked the Board to look for possible ways to improve the PPD process for injured firefighters.

AAG Kheyap described the difference between a PPD Evaluation and a Performance of Work Evaluation. She explained that it sounded like Chief VanPelt had been expecting an exam more like a performance of work evaluation, where a person would perform tests and answer questions to determine whether they were able to perform their previous work, or be a good candidate for vocational rehabilitation, or totally unable to perform work for compensation. Legally, agencies would normally only request a performance of work evaluation in disability compensation cases. Since Chief VanPelt had not lost any time from work, the BVFF would not request that type of exam. A PPD exam was more appropriate, since the staff was trying to determine the level of permanent impairment that he had.

Secretary Smith stated that she would be willing to send Chief VanPelt for a performance of work evaluation, if he would like one, but he declined. She informed the Board that she had found that Chief VanPelt's concerns regarding his first IME exam were credible. As a result, it was her recommendation that the Board approve the 22% impairment rating rather than the 17% rating, or any other rating between the two. She informed the Board that she had directed the staff to not use the first IME service as the primary providers for the time being. She would set a meeting with a representative from the company and voice the staff's concerns about recent examinations. Ms. Smith also informed Chief VanPelt that the Board could approve a PPD Award, but he did not need to accept it immediately, or at all. It was moved by Watenpaugh,



seconded by VanCamp, and carried that Chief VanPelt be granted a PPD Award of \$21,847.37 upon the staff's receipt of a signed Invoice Voucher.

Chief VanPelt left the meeting at 9:45 am.

Secretary Smith updated the Board regarding the James Ballif case. There have been no major changes in the case, but the assailant in the case finished paying his restitution order, plus interest. A total amount of \$9,424.10 had been paid. Of that, \$8,898.74 was the original restitution amount and \$525.36 was interest.

The Board reviewed the annual evaluation form for the Executive Secretary. Chair Hughes met with Secretary Smith and a few minor changes were made to the form. It was moved by Spani, seconded by VanCamp, and carried that the form presented be adopted as the Annual Evaluation of the Secretary. The evaluation is to be completed by the Board Chair and the Executive Secretary prior to the secretary's anniversary date each year, with a presentation to, and review by the Board.

Secretary Smith updated the Board on the status of three letters reporting possible frauds that were reviewed at the October 2013 Board Meeting.

- **City of Elma** – Confidential Secretary Julie Foreman spoke with Chief Dave Spaulding and informed him of the letter of concern that we received. Ms. Foreman told him that the Board decided to have the Chief handle the matter internally at this time. Chief Spaulding agreed that he would check into the concerns raised and address them. He informed her that he would follow up with some written documentation.
- **Grays Harbor #14** – Secretary Smith sent a letter to Grays Harbor #14 requesting documentation from them. Both she and Confidential Secretary Julie Foreman have spoken with the Secretary, Diane McNett, several times and the department is working on locating and organizing all requested documentation.
- **Pacific Co. FPD #2** – Secretary Smith sent a letter to Pacific #2 requesting documentation from them. None of the staff has had any written or verbal response from the department.

Secretary Smith informed the Board that departments rarely refuse to respond to the requests, although some do respond faster than others. In cases where the departments refuse to respond, the agency is unable to pay retirements for people whose records are in question as a result of the complaint. The few times departments have not responded in a timely fashion, members have attempted to draw retirements and been denied. At that time, the departments provide the documentation and the retirements are able to be processed. She did inform the Board that the staff requested documentation for at least one other department that ignored the request. After some discussion, the Board directed Secretary Smith to give departments a reasonable amount of time to respond to requests for documentation as part of an investigation. If they do not respond, the staff should follow up with a public records request. If the documentation is still not provided within the time allotted for a public records request, the staff should turn the request over to the Attorney General's Office for legal action.

The Board reviewed the final pricing for the benefit enhancements that was provided by the Office of the State Actuary. They also reviewed a letter submitted by Mike Lonergan, Adams Co. FPD #5, in support of the longevity bonus. The Board discussed reviewing the volunteer "Wish List" that is being maintained by the WSFFA, as it pertains to the BVFF, and see if it still is an accurate reflection of member's wishes. The Board also reconfirmed that their top two choices for benefit enhancements were increasing the monthly amount that retirees receive and adding a longevity bonus. Their priorities were made based on feedback received both from the survey that was conducted, and subsequent feedback that has been received.

President Nedrow and Tamara Warnke left the meeting at 10:10.

#### NEW BUSINESS

The Board reviewed a request for additional service credit for Bruce Lewis, Klickitat Co. FPD #13. After reviewing all the documentation, and additional information Secretary Smith requested from the fire department, it was moved by Watenpaugh, seconded by Spani, and carried that the documentation provided was insufficient to prove additional service.

The Board reviewed a request to grant a waiver to allow Cowlitz-Lewis Co. FPD #20 to appoint another volunteer member of the department (such as an EMS Director or Fire Captain) to the local board in place of the "other commissioner" as outlined in RCW 41.24.060. They have a three member Board of Commissioners and appointing two commissioners could create a conflict between the open public meetings act and privacy laws. It was moved by VanCamp, seconded by Walling, and carried that Cowlitz-Lewis Co. FPD #20 be granted the waiver as requested.

The Board reviewed the results of the recently completed IT Security Audit. The agency is required to contract for an audit every three years. In the final meeting with the auditor, Secretary Smith was informed that the BVFF was in compliance with all state security requirements and, in fact, had met the requirements far better than many of the large agencies he had recently audited. The BVFF had no findings and no areas of concern.

Secretary Smith talked with the Board about the progress that the Office of the State Auditor was making in reviewing the agency's actuarial tables. She informed the Board that she had had discussions with the Auditor's Office about the confusion between the Reserve Officer Buy-back Tables and the Firefighter Buy-back tables. In both cases, the law states that the members (or departments) have to bear the full actuarial cost of the buy-back(s). In theory, the tables should all match up, but they don't. After talking with the Auditor's Office, Secretary Smith believes the best way to simplify things would be to combine everything into a couple of tables. One would be the cost to buy-back a pension payment, and one would be to buy-back service credit. Members needing to both would need to pay the combined total from both tables. There was a motion by Watenpaugh, seconded by Spani, and carried that Secretary Smith request that future buy-back tables be combined into just two tables.

Secretary Smith informed the Board of a request that she had received from Representative Kristiansen's Office to work with the Fire Commissioner's Association to research the effects of second-hand marijuana smoke and emergency responders. Because he had heard constituent concerns regarding the issue, we was willing to work on legislation to provide work-place protection, if necessary. However, after researching the issue extensively, Secretary Smith learned that it would be almost impossible for emergency responders to test positive for marijuana use on either home or work based tests based on the exposure they could receive during the performance of their duties. After meeting with Representative Kristiansen regarding the results of the research, Secretary Smith wrote a statement regarding Emergency Responder and Second-hand Marijuana Smoke. The WFCA and the BVFF will work together to disseminate the information to departments and emergency responders.

Secretary Smith talked with the Board regarding issues with Labor and Industries' retention schedule for CPT Code allowed charges and provider billings. Labor and Industries only keeps codes publically accessible for a couple of years. They have WAC's that require providers bill within a reasonable amount of time, or L&I will deny payment of the late bills. The BVFF does not have similar WAC's, so it creates a situation where a provider could bill the BVFF for services four years ago, but the BVFF would have no way to audit the bill's charges because the CPT Code allowed charges would no longer be available. The Board was provided with a potential WAC that was drafted by Secretary Smith and AAG Kheyup. It was moved by Spani, seconded by VanCamp, and carried that Secretary Smith begin the WAC process to adopt a billing WAC.

The Board went into executive session at 10:30 am for approximately half an hour to discuss litigation and personnel issues.

The Board returned to regular session at 10:45 am.

The Board reviewed Secretary Smith's leave and pay records.

The Board reviewed and approved (Watenpaugh moved, Spani seconded) the administrative expenditure vouchers numbered (00392 through 00470) and various travel vouchers.

There was a motion by Watenpaugh, seconded by Spani, and carried that the retirement pensions and lump-sum settlements listed below be approved effective on the listed dates (Member VanCamp excused himself from voting on Ronald Wertz's retirement due to the potential conflict of interest):

		<u>Effective Date</u>	<u>Amount</u>
Avery, Michael D	NO Country EMSD	9/16/2013	5338.57 Lump
Barr, Gregory A	Cle Elum	11/12/2013	252.00 @ age 63
Bates, Cheryl (Timothy)	Hamilton	12/15/12 SURV	112.73
Brand, Fred	Skagit CO #10	12/13/2013	300.00
Bridges, Calvin	Skagit CO #11	8/1/2013	157.50 @ age 63
Bushnell, Donald L	Maple Valley F&L	11/8/2013	260.00
Chandler, Bruce	Lewis CO #8	11/1/2013	228.00 @ age 62
Childers, Robert	Anacortes	9/23/2013	80.50
Chumley, Geraldine M	Whatcom CO #4	1/22/2014	300.00
Collins, Gary L	King CO #28	10/11/2010	4090.89 Lump
Cooper, Andrew B	Ellensburg	11/4/2013	2074.81 Lump
Couse, Clifford W	Ferry/Okanog #13	12/15/2013	252.00 @ age 63
Craft, Michael G	Lewis CO #15	10/24/2013	3895.88 Lump
Dodge, Larry	Whitman CO #8	11/29/2013	300.00
Donnelly, Michael	Skagit CO #10	12/1/2013 J/S	248.70
Dunjic, Novak	Grays Harbor CO #2	11/25/2013 J/S	210.42 @ age 63
Dykstra, Cindy	Lewis CO #13	10/1/2013 J/S	257.40
Emery, Randy	Mason CO #1	1/6/2014	127.50 @ age 61
Famulliner, Steve	Cathlamet	3/29/2013	4331.53 Lump
Farrens, Dean	Walla Walla CO #8	11/9/2013	300.00
Fleis, Robert	Carbonado	11/30/2013	80.50
Fletcher, Harvey	Columbia CO #1	4/21/2013	228.00 @ age 62
Fogelstrom, Jeff	Chelan CO Sheriff	12/7/2013	6217.45 Lump
Gest, Earl E	Benton CO #1	1/17/2013 SURV	4176.04 Lump
Giessen, Earl R	Skagit CO #5	11/26/2013	300.00
Glover, Terry	Chelan CO #4	9/1/2013	187.50
Goen, Jerry W	North Whidbey F&R	10/27/2013	180.00 @ age 60
Halpin, Joseph	Pacific CO #6	10/14/2013 J/S	248.70
Hansen, Alan C	Chelan CO #5	10/1/2013 J/S	218.88
Harnasch, Randy	Spokane CO #11	5/18/2007	5278.52 Lump
Hazzard, JR, Lloyd E	Yakima CO #5	11/1/2013	228.00 @ age 62
Hellman, Marina S	Yakima CO #5	11/1/2013	187.50
Hicks, Timothy	Mansfield	11/27/2013	300.00
Hills, Darwin D	Cashmere	12/29/2013 J/S	250.50
Hochhalter, Ronald	Sunnyside	8/11/201 J/S	129.62
Jackson, David G	Cowlitz CO #5	10/24/2013	6423.94 Lump
Jackson, Douglas L	Newport	10/28/2013	4572.18 Lump
Jenkins, Richard B	Pierce CO #12	12/31/2013	4090.89 Lump
Jonesen, Arnold	Mason CO #8	12/4/2012	300.00
Kassel, William E	Lewis CO #1	11/21/2013	252.00 @ age 63
Krakowiak, David S	Camas	6/7/2013	2713.22 Lump
Laib, Alan G	Dayton	9/29/2013	55.86 @ age 62
Lange, Kenneth	Skagit CO #4	11/24/2013	3850.25 Lump
Lommers, Richard R	Yakima CO #5	11/25/2013 J/S	246.90
Lynch, Kim	Lincoln CO #1	10/29/2013	2872.82 Lump
Maglietti, Paul	Cle Elum	12/30/2013	77.00
Mahan, Christopher	King CO #10	12/26/2013 J/S	52.02
Marshall, Elizabeth A	Clark CO F&R	3/11/2012	3609.91 Lump
Martinez, Frederic A	Oak Harbor FD	11/23/2012	4090.89 Lump
McIntire, William L	Port Townsend	11/1/2013 J/S	245.40
Minshull, Ross	Kittitas CO #1	4/11/2012	3850.25 Lump
Montoya, Tony	Chelan Fire & Rescue	3/4/2013	4572.18 Lump
Moore, David L	Mason CO #17	7/11/2013	2553.62 Lump
Munden, Robert	Clarkston	11/12/2013 J/S	222.73 @ age 64

Neff, Walter	Franklin CO #2	10/24/2013	240.00
Nlva, Marc	Klickitat CO #5	11/7/2012	3609.61 Lump
Nolan, Michael T	North Whidbey F&R	12/1/2013	300.00
Penny, James	Mason CO #4	8/27/2013	73.50
Penning, Frederick A	Spokane CO #3	3/30/2009	3740.66 Lump
Querry, Donnarae	Skamania CO #4	9/14/2013	6144.64 Lump
Rawley, Dale	Oroville	1/1/2014	300.00
Roff, Linda (Michael)	Cowlitz-Skamania #7	9/17/2013 SURV	114.75
Roosa, Michael	Whatcom Co #4	6/13/2013	67.62 @ age 63
Rosenberg, Larry R	Grant CO #4	9/9/2013	300.00
Sauer, Steven	Douglas CO #3	11/1/2013	300.00
Schalock, Stephan W	Chewelah	7/27/2013	204.00 @ age 61
Scott, Eileen M	Lewis CO #14	10/11/2013	2157.72 Lump
Smith, James M	Snohomish CO #8	8/12/2013	4331.53 Lump
Stearns, Paul	Spokane CO #11	7/23/2013	300.00
Weisenbuger, James	Whatcom CO #3	10/22/2013	300.00
Wertz, Ronald	Thurston CO #8	11/1/2013	300.00

### GOOD OF THE ORDER

Secretary Smith informed the Board that Kaylene Hennigar is doing a great job and picking up the work quickly. Also, Secretary Smith had a good time at the Benefit Summit in Texas and was able to make some new connections, reconnect with others, and bring some information back. She will prepare a presentation for the next Board meeting. The Benefit Summit will be returning to an annual schedule and would like to attend the next one, if the office schedule permits.

Finally, Secretary Smith told the Board that the copy machine has been having a lot of problems lately, and it is becoming difficult to find the parts to maintain it. She will begin researching the costs to buy a new copier, as well as the costs to lease one instead of purchasing it.

### SECOND HEARING OF THE PUBLIC

No public was present.

There was a motion by Spani, seconded by Watenpaugh, and carried that the meeting be adjourned at 11:15 am.



Brigette K. Smith, Executive Secretary