



STATE OF WASHINGTON

BOARD FOR VOLUNTEER FIREFIGHTERS & RESERVE OFFICERS

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April 23, 2010

The 223rd 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 Ken Boad, with Board Member Jay Hughes, Board Member Mark Watenpaugh, Board Member Martin Spani, Assistant Attorney General Kyle Crews, Executive Secretary Brigette Smith, and Confidential Secretary Tracy Thornburg present.

The Board reviewed the February 26, 2010 Regular Meeting Minutes. It was moved by Watenpaugh, seconded by Hughes and carried that the minutes be approved.

The agenda was reviewed.

FIRST HEARING OF THE PUBLIC

No public was present.

OLD BUSINESS

Secretary Smith updated the Board on several pieces of legislation that had the potential to impact the Board:

- **EHB 2519** – Provides educational benefits to the families of LODD firefighters. It does not, however, extend those benefits to RO's. Secretary Smith said that she hoped to meet with the lobbyist for the WSRLEA over the summer to comb through benefit differences between RO's and Volunteer FF's to help the association identify some areas they may want to seek legislation in.
- **ESSB 6503** – Mandates that state agencies must close and temporarily lay off employees for 10 days over the coming fiscal year. It also requires that small agencies use the services of the Office of Financial Management's Small Agency Client Services for their accounting needs. Many agencies, including the BVFF & RO handle those services internally. Secretary Smith stated that there was some confusion over whether the BVFF & RO was exempt from the mandatory closures because an exemption was written for worker's compensation, for disability determinations, and for investigations. The legislature did not recover any savings from the BVFF & RO budget, so it would seem to indicate that the agency was exempt. However, OFM was requesting that the agency report to them regarding the exemption, and there was a chance that the Governor may still require the agency to close, even if it wasn't mandated by the Legislature. Ms. Smith also informed the Board that she was currently working with Yolanda Wilson, the Manager for the SACS program, regarding services. The concern was that this was an unfunded mandate. While the agency is supposed to use their services (which are fee based), there was no additional allocation made enabling the agency to afford the services. Ms. Smith and Ms. Wilson will work together to try to find some services that can be delegated to SAC's that the agency can afford within its current budget.
- **2EHB 1547** – Increases the LODD benefit to \$214,000. This bill did not pass this legislative session.
- **HB 2823** – Allowed members who had attained the age of 65 who had retired from volunteer service for at least three months to return to volunteer service while continuing to draw their retirement pension. The volunteers would need to pass annual physicals, paid for by their departments, and the departments would have to pay an additional surcharge based on the increased cost to insure retired members (if necessary). Any service given as a retired member could not count to increase retirement benefits. The Board was given \$3,000 to make improvements to it's new database to enable it to accept and track



these members. The Board discussed how to administer some of the provisions of the new law, and it was moved by Spani, seconded by Hughes, and carried, that each department electing to carry retired members be required to submit an affidavit signed by the Chief or Sheriff of the department and the Chair of the local board, for each retired member that certifies that the member has passed an annual physical. In addition, there would be no surcharge for 2010, but that the Board would review the need for a surcharge, annually, at the October meeting starting in October of 2010.

- **HB 2825** – Merges the BVFF & RO and DRS. This did not pass this legislative session.

Secretary Smith updated the Board on the work being done by the administrative volunteer committee. Secretary Smith reported that she did send a request to the Actuary's Office for fiscal notes for the proposed changes. She met with the Actuaries, who posed several questions to the Board asking for clarification. After much discussion, the Board directed Secretary Smith to contact the Actuaries with the following clarifications:

- The proposed changes to RCW 41.24 would only apply to the definition of "firefighter". While this may seem to create a difference in coverage between fire departments and police departments, it was felt that few, if any, police departments utilized volunteer chaplains or PIO's. Should law enforcement departments start utilizing these types of volunteers more in the future, the Board could seek additional legislation.
- The bills for the changes to RCW 41.24 and to add support personnel should be run separately to give at least one or the other a better chance of passing in case they would not pass together.
- The Actuary should calculate the actual cost of participation for support personnel based on their cost, and they should not be valued in with the reserve officers or firefighters.
- The disability compensation for support personnel should begin at the same disability compensation amount that is in effect for volunteer firefighters when the bill passes, rather than starting at the base rate. The Board will need to draft an additional provision within the proposed legislation to allow that.
- The Board asked that the Actuary have the fiscal notes available for its July meeting to enable the fire service organizations to seek legislation in the coming 2011 session. The risk in doing so is that the relief valuation would not be available until October, so the numbers for the cost to change the definition of "firefighter" in RCW 41.24 could change drastically between the draft fiscal note, and the actual fiscal note. The Board said it would advise any sponsoring agency of the risk.

Secretary Smith updated the Board on the status of the Volunteer Reporting System. She informed the Board that she hired an independent contractor to come in and assess the current status of the System and what "next steps" the Board should take to bring the project to a conclusion. The report was extensive, and Ms. Smith said she felt it was very thorough. After much discussion, and a review of the contractor's recommendations, Secretary Smith was directed to work with the current contractor, hire a new project manager, hire new quality assurance oversight (if required by DIS), and reset the project. If the current developer could not complete the project within the new timeframe developed between the developer, the PM, the QA, DIS, and Secretary Smith, the Board said it would be necessary to find a new developer to complete the project.

The Board reviewed its 2003 Vaccination Policy. At its February Meeting, the Board asked Secretary Smith to draft a new updated vaccination policy. Secretary Smith submitted the policy and informed the Board that she did consult with AAG Kyle Crews to review the policy before the Board. AAG Crews reviewed the policy and felt that it would set definite parameters around vaccinations, but grant the Board some latitude to review certain cases. It was moved by Hughes, seconded by Watenpaugh, and carried that the Board adopt the updated Vaccination Policy as written by Secretary Smith. The new policy reads:

The Board for Volunteer Firefighters and Reserve Officers does not reimburse departments for the cost of routine vaccinations. In addition, the Board does not generally cover volunteers for reactions to non-required routine vaccinations. In order to receive coverage for a reaction, the department must be required to offer, or the volunteer required to take, a vaccination by either the state or federal government for the performance of their duties as an emergency responder. The Board will only consider, on a case by case basis, the coverage of catastrophic reactions to routine vaccinations if:

1. The reaction requires at least a one night's stay in a hospital, or long term intensive treatment that requires on-going treatment and monitoring by a physician, and
2. Departments were expressly encouraged by the Washington State Department of Health or the Federal Center for Disease Control to offer the vaccinations to their emergency responders because of pandemic

- outbreak concerns where there is a reasonable and widely accepted expectation that responder's lives could be endangered without the vaccination, and
3. The vaccinations were paid for by the department and administered either at the department or at a department sponsored clinic where vaccinations were given as part of the department's wellness program and not available to the general public, and
 4. The patient's condition is clearly causally related to the vaccination without any underlying complications or conditions, and
 5. The patient, or the patient's physician, register the reaction with the National Vaccine Adverse Event Reporting System.

The Board reviewed a request from Chief Ralston, South Whatcom Fire Authority, to cover Shane Wefer's 2009 illness. Chief Ralston was asked to obtain a statement from Mr. Wefer's physician stating that Mr. Wefer had been registered with the National Vaccine Adverse Event Reporting System, and also provide the Board with the documentation signed by Mr. Wefer that he had not had prior reactions to vaccinations in the past. In addition, both Chief Ralston and Worker's Compensation Analyst Julie Foreman talked with L&I regarding how they would handle a similar reaction under L&I. After receiving several conflicting answers, both Chief Ralston and Secretary Smith agreed that L&I would handle the situation much the same way that the Board was handling it. The claim probably would be denied at the staff level and an appeals process could overturn the staff decision. After reviewing all of the documentation before it, and thanking Chief Ralston for all of his cooperation, support, and positive advocacy for Firefighter Wefer, it was moved by Watenpaugh, seconded by Spani, and carried, that the staff decision to deny coverage to Mr. Wefer as a result of his December 7, 2009 fire service incident be overturned based on the new policy. The staff was directed to pay all claims as allowed by L&I guidelines and BVFF laws and policies.

NEW BUSINESS

The Board reviewed a request for a permanent partial disability award settlement for Craig Casteel, Lewis Co. FPD #6, for an injury sustained on April 4, 2008. It was moved by Spani, seconded by Hughes, and carried, that Mr. Casteel be granted a PPD award of \$27,913.95.

The Board reviewed a documentary evidence for David Renfro, Kittitas Co. FPD #7, attempting to prove service for the years 1980 through 1983, and 1985. It was moved by Spani, seconded by Watenpaugh, and carried that the evidence submitted was insufficient to prove service for the years in question. Secretary Smith was directed to request more documentation from the department in the form of call sheets, drill records, or meeting minutes.

The Board reviewed a letter from Jim LeBlanc, Mason Co. FPD #2, suggesting potential legislative changes to RCW 41.24. The Board members stressed their appreciation that Mr. LeBlanc took the time to write enhancement suggestions, and directed Secretary Smith to write him a letter thanking him for his letter and letting him know that the Board would definitely take the suggestions under advisement.

The Board reviewed the following contract extensions:

- Milestone Technology to perform an assessment regarding the current status of the Volunteer Reporting System and Recommendations to bring the project to a successful completion

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

The Board reviewed and approved (Hughes moved, Spani seconded) the administrative expenditure vouchers numbered (2081-2122) and various travel vouchers.

The Board reviewed a Pension Participation Requirement Exemption Request for Cheryl Thompson, Grays Harbor FPD #2, for October 9, 2009 through December 31, 2009. It was moved by Watenpaugh, seconded by Hughes, and carried to accept the request as submitted.

There was a motion by Watenpaugh, seconded by Hughes, and carried that the retirement pensions and lump-sum settlements listed below be approved effective on the listed dates:

		<u>Date</u>	<u>Effective Amount</u>
Bain, Delbert E.	Grant #12	1/25/10	187.50
Barker, Lyle	Cowlitz #2	1/12/10 J/S	115.74 @ age 62
Berry, Dewayne	Roslyn	7/10/08	4,180.74 Lump
Brotche, Allan T.	Mason #11	3/03/10 J/S	165.65 @ age 61
Bunn, Vonnie	Stevens #1	3/15/09	2,610.84 Lump
Bunnell, Thomas E.	Mason #11	3/23/10	148.20 @ age 62
Davis, Gerald R.	Yakima #7	3/11/10	300.00
Devere, James L.	South Cle Elum	3/13/10	270.00
Dicus, Ronald A.	Spokane #10	6/30/09	4,822.80 Lump
Ford, Thomas E.	Thurston #6	11/15/08	63.84 @ age 62
Gray, Walter	Pierce #12	3/30/10 J/S	150.19
Griffith, Grady	Yakima #1	4/16/10	4,090.89 Lump
Hammel, Larry R.	Newport	2/24/10	252.00 @ age 63
Heitstuman, Thomas	Whitman #14	1/01/09	4,347.01 Lump
Homan, Lori (Duane)	Thurston #3	2/07/10	3,438.16 Lump
Jacobson, Mark E.	Spokane #9	3/06/10	3,128.33 Lump
Janda, Jack	Mason #1	3/10/10	300.00
Janda, Karen	Mason #1	4/01/10	300.00
Krabbenhof, Edward K.	Metaline	3/26/10	140.00
Kursave, Pamela	Grant Co. Sheriff	6/28/09	5,076.63 Lump
Loop, Kenneth E.	Pierce #26	10/31/09	102.60 @ age 62
Mainard, Robert H.	Burlington	4/12/10 J/S	204.62 @ age 63
McAdow, Diana	Okanogan #6	1/4/10	5,661.58 Lump
Morgan, Gary R.	Walla Walla #4	2/26/10	3,740.66 Lump
Niesen, Deanna	Mason #2	11/24/08	55.86 @ age 62
Nolander, E. Mike	Stevens #1	3/19/10	180.00
Olson, Albert L.	San Juan #3	4/06/10	300.00
Orme, Daniel	Pierce #16	12/21/09	5,076.63 Lump
Orme, Linda	Pierce #16	1/30/10	2,394.01 Lump
Pike, Robert D.	Snohomish #8	7/09/09	3,300.58 Lump
Proper, William R.	Grant #7	2/27/10	3,609.61 Lump
Ribail, Artie	Grant #12	1/25/10	260.00
Roller, Jr., Ed W.	Cowlitz #6	1/01/10	300.00
Rollins, Kenneth L.	Lewis #11	3/01/10	4,073.68 Lump
Smith, Lawrence F.	Buckley	4/19/10	148.20 @ age 62
Spohn, Patricia	Pierce #15	11/2/09	3,371.15 Lump
Stapleton, Linda	Lewis #2	7/21/09	2,447.66 Lump
Thomas, Larry W.	Anacortes	4/21/10	300.00
Turner, James A.	Moses Lake	12/23/09	59.50
Vanderheiden, Marvin G.	Whatcom #1	2/07/10 J/S	245.40
Vik, Paul	Wahkiakum #1	4/03/10 J/S	246.90
Vogel, Edwin F.	Cowlitz #2	3/06/10 J/S	243.60
Weidinger, John A.	Spokane #4	2/01/10 J/S	248.70
Weyer, Lawrence A.	Goldendale	12/31/09 J/S	128.93 @ age 62
Wheeler, A. Loren	North Whidbey	1/29/10	159.60 @ age 62
Whittaker, Michael K.	Jefferson #2	3/08/10 J/S	186.76
Wicks, Paul W.	Spokane #9	3/10/10	3,850.25 Lump
Wilson-Patterson, Brenda	Central Kitsap	3/21/08 SURV	82.64
Wolfe, Dana	Morton	6/01/08	55.86 @ age 62
Zimmerman, Dan	Grant #5	1/10/10	300.00

SECOND HEARING OF THE PUBLIC

No public was present to speak.

There was a motion by Watenpaugh, seconded by Hughes, and carried that the meeting be adjourned at 11:43 a.m.



Brigette K. Smith, Executive Secretary