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Executive Secretary



KEN BOAD
Board Chair

STATE OF WASHINGTON
BOARD FOR VOLUNTEER FIREFIGHTERS & RESERVE OFFICERS
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The 222nd 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, Board Member Miland Walling, Assistant Attorney General Kyle Crews, Dave Ralston (South Whatcom Fire Authority), Bob Rowe (City of Snoqualmie), Stan Loertscher (Mason Co. FPD #13), Tami Donovan (Mason Co. FPD #13), Executive Secretary Brigette Smith, and Confidential Secretary Tracy Thornburg present.

The Board reviewed the December 11, 2009 Regular Meeting Minutes. It was moved by Watenpaugh, seconded by Hughes and carried that the minutes be approved.

The agenda was reviewed, and Secretary Smith asked that the Board deviate from its agenda to accommodate guests that had traveled.

FIRST HEARING OF THE PUBLIC

Chief Rowe asked to address the Board regarding one of his members, Scott Friedman (City of Snoqualmie). Mr. Friedman was injured in the line of duty on June 4, 2009. The office received notification of the accident on October 6, 2009. RCW 41.24.210 states, "A claim for benefits arising from disability, sickness, or injuries incurred in consequence or as a result of the performance of the duties shall not be allowed by the state board unless there has been filed with it a Report of Accident within ninety days of its occurrence...". Chief Rowe explained that his department was under the impression that L&I covered their volunteer firefighters for injuries, and that the BVFF & RO covered them for their pension benefits. It wasn't until the department submitted Firefighter Friedman's claim to L&I that they were told that L&I wouldn't cover them. He stated that it was very frustrating because they had been paying fees to L&I for 10 years believing they were covered. When his department approached L&I about refunding the fees that had been paid in error, they were told that L&I could refund them those fees, but only for the last three years. Chief Rowe told the Board that the staff did call him when the department was first formed ten years ago, but the department misunderstood what they were paying for. Because of the extenuating circumstances, Chief Rowe asked the Board if there was any way they could waive the 90 day requirement this once. He stated that the department now understood what it needed to do, because they had been talking with Fall City Fire to learn the system. Steps had been taken to ensure that this error would not be made again. The Board reviewed RCW 41.24.210 and consulted with AAG Kyle Crews. While they understood and sympathized with the position that Chief Rowe was in, they thought that the law was very clear about the ninety day reporting requirement, and the law didn't allow for exceptions. It was moved by Watenpaugh, seconded by Spani, and carried, that the Board deny Scott Friedman's claim based on the late submission of the written notification.

Secretary Smith informed the Board that she has always thought it was more difficult for the fire departments in cities and towns to understand the Board and be informed regarding the Board because most of the representatives on the local board of trustees are in the city offices instead of in the fire department. There is sometimes a disconnect between the departments and the city administration, sometimes due to schedules and physical location. City Clerks are tasked with the main share of the BVFF & RO paperwork, yet they frequently do not receive on the job training for how to handle it. This has been a problem with other cities in the past. Secretary Smith has been working with the Association of Washington Cities to try to find alternative ways to reach the cities and towns and ensure that the city clerks understand the BVFF & RO is and why they need to understand our system. Secretary Smith stated that she was told by Deanna Krell, the Director of the Association of Washington Cities (AWC), that their conferences are pretty full for the next couple of years, but that they would consider putting something in the handbook that they distribute to city clerks if Ms. Smith would be willing to compose a little informational article about the Board. Secretary Smith did so and submitted it to the AWC. She said that she would follow up with them and see if the article was, in fact, published.

Chief David Ralston asked to speak with the Board about Shane Wefer's claim. Shane received an H1N1 vaccination at the fire station during a regularly scheduled drill. The vaccination was administered by a pharmacist and was offered to the members at the recommendation of the Department of Health and the Washington Fire Chiefs. Shortly after receiving the vaccination, Firefighter Wefer suffered a severe reaction that doctors were able to directly correlate to the vaccination. It was, literally, a one in one million reaction to the vaccination. When Chief Ralston contacted Secretary Smith, Ms. Smith informed him that, in a 2003 decision, the Board adopted a policy that the BVFF & RO would only cover reactions to vaccinations that were required by the state or federal governments for emergency responders. To date, the only shot that departments have been required to offer is the Hepatitis shot. Since departments were not required to offer, nor were individual members required to have, the H1N1 shot, the Board would be unable to pay for claims stemming from reactions to the H1N1 shot. Chief Ralston asked that the Board reconsider its policy to cover reactions to shots on a case by case basis in extenuating circumstances. It was moved by Hughes, seconded by Spani, and carried that Secretary Smith contact Labor and Industries to see how they would handle a similar situation and draft a couple of different written policies that state that the Board, in cases of catastrophic reactions to vaccinations, could consider coverage on a case by case basis. In addition, the Board requested that Chief Ralston provide copies of the signed waiver that the firefighter signed at the time of the vaccination and that he provide a physician's statement that says that Mr. Wefer's reaction would be registered with the national Vaccine Adverse Event Reporting System (VAERS).

OLD BUSINESS

Secretary Smith updated the Board on the work being done by the administrative volunteer committee. As the Board knows, the committee submitted draft RCW changes to the Board for their review. The Board had asked that AAG Kyle Crews review the drafts to see if there were any recommended changes. AAG Crews informed the Board that he had reviewed the drafts and stated that they seemed to be well written, and he didn't see anything that would need to be changed at this time. Secretary Smith also informed the Board that the Chief's Association did request that the fire chiefs all complete a survey regarding the number of additional members they would add to the BVFF & RO system if the proposed changes were implemented. They posted a link to the survey on their website's homepage. Despite asking that departments not to submit duplicate surveys, there were several that did. Unfortunately, there is no way to separate out the duplicate information because it is all scrambled to maintain the anonymity of the respondents. The Board and the committee will either have to be willing to accept the margin of error, or try to redo the survey again. Both the Board and the committee said that they thought the process should continue with the data anomalies and that they would understand that there was some duplication within the survey. The end result of the survey was that the departments would add, on the average three more people to the disability and the pension if RCW 41.24 were to change to include people such as chaplains and PIO's. In addition, the departments would add an average of three more people to any administrative volunteer system that was started. It was moved by Spani, seconded by Walling, and carried that Secretary Smith forward copies of the draft law changes and the survey results to the Actuary's Office so they could begin drafting a fiscal note for the changes.

Since WAC 291-03 was adopted, there has been some confusion in the departments regarding the certification of their members for 2009. Because the WAC went into effect on July 1, 2009 and departments were informed that their members were going to be held responsible for half of the requirements for 2009, some departments have interpreted that to mean that the members had to meet half of the annual requirements between July 1, 2009 and December 31, 2009, and some departments have interpreted that to mean that their members have to meet half of the requirements at any time during 2009. Secretary Smith recommended that the Board clarify that all members would have to meet half of the annual requirements at any time during the calendar year 2009. This would err on the side of the firefighter, and make it easier to administer. It was moved by Spani, seconded by Hughes, and carried, that the members would meet the pension participation requirements if they met half of the Board's annual requirements at any time during the 2009 calendar year.

The Board reviewed some of the Legislation that impacted the Board. EHB 1547 would increase the LODD benefit from \$152,000 to \$214,000. This legislation appears to be dead for the year. HB 2823 would allow 41.24 participants to retire from service and then return to service while drawing their retirement benefits under certain circumstances. This legislation looks like it might pass. EHB 2519 would, amongst other things, require state funded higher education institutions to waive college fees for children and spouses of firefighters killed in the line of duty. This legislation also looks like it may pass. Finally, HB 2825/SB 6592 proposed merging the BVFF with the Department of Retirement Systems. This legislation appears to be dead for this year.

Secretary Smith updated the Board on the status of the new database, called the Volunteer Reporting System. She stated that she directed the staff to temporarily roll back to using just the old system until the agency could get through the annual reporting period. The workload during the annual reporting peak time was too heavy to try to continue dual entry. The contractor is still working on the system, and progress is still being made. This roll back simply allows the contractor to have uninterrupted time to work on the system without staff emergencies, and the staff would have time to focus on current duties without having to duplicate their work efforts. Because of the decision to roll back, it will be necessary to extend the developer's contract to allow for an additional data migration.

NEW BUSINESS

The Board reviewed a request for a permanent partial disability award settlement for Todd Whitney Foreman, King Co. FPD #44, for an injury sustained on April 7, 2008. It was moved by Watenpaugh, seconded by Hughes, and carried, that Mr. Foreman be granted a PPD award of \$16,260.57 upon receipt of a signed invoice voucher.

The Board reviewed a request for a permanent partial disability award settlement for Steven Wilcox, Clallam Co. FPD #5, for an injury sustained on May 12, 2007. It was moved by Walling, seconded by Watenpaugh, and carried, that Mr. Wilcox be granted a PPD award of \$1,969.74 upon receipt of a signed invoice voucher.

The Board reviewed a request for a permanent partial disability award settlement for Glen Bullock, Cowlitz #2, for an injury sustained on August 11, 2008. Board Member Watenpaugh excused himself from an action in the case because of the potential of a conflict of interest. It was moved by Spani, seconded by Hughes, and carried, that Mr. Bullock be granted a PPD award of \$1,045.55 upon receipt of a signed invoice voucher.

The Board reviewed a request to allow Brian Lines, Grays Harbor Co. FPD #4, to make up his 1998 pension payment which was missed due to an accounting error. The Board reviewed all of the documentation provided and were impressed with what information was provided. They felt that it was easy to view the documentation and trace the payment. They also expressed their appreciation that the department was pro-active and had already worked to implement better tracing systems to ensure that situations like this would not arise in the future. It was moved by Hughes, seconded by Spani, and carried that Mr. Lines' 1998 pension payment had, in fact, been paid to the department in a timely manner and the payment should be allowed to be made. Secretary Smith was directed to bill the department for the pension fee, plus all statutory interest.

The Board reviewed the following contract extensions:

- Brewer consulting to develop the new database
- Logicals to provide support for the Access Database

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 the Pension Participation Requirement Exemption Requests.

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>
Anderson, Dennis J.	Snohomish #16	9/18/09	172.50
Asher, Jack	Chelan #8	1/01/03	210.00
Boggs, Charles D.	Jefferson #1	3/21/09 J/S	195.54 @ age 62
Bowman, Constance	Yakima #12	9/09/09	142.50 @ age 62

Brozovich, Gerald A.	Kittitas #7	12/8/09	J/S	160.02 @ age 60
Busz, David A.	Grays Harbor #10	11/25/09	J/S	230.00
Casey, Albert	Pierce #23	1/01/10	J/S	172.92
Colyer, Alfred C.	Whatcom #14	1/01/10		300.00
Creasey, William F.	Whatcom #13	3/16/09		180.00 @ age 60
Crumpacker, Dwight L.	Pierce #22	12/31/09		142.50 @ age 62
Dacca, Larry J.	Lewis #13	1/01/10		300.00
Dammel, Stanley J.	Ritzville	11/10/09		300.00
Donaldson, George	Concrete	1/01/10	J/S	115.71 @ age 62
Dormaier, Duane D.	Yakima #12	12/15/09		300.00
Emery, Patricia	Grays Harbor #17	1/16/10		180.00 @ age 60
Fantasia, Ken	Chewelah	1/01/10		3,762.24 Lump
Franz, Dennis L.	Selah	9/17/09	J/S	261.00
Garner, Gary	Okanogan #4	2/18/10		3,116.71 Lump
Giles, Vernon L.	Klickitat #2	1/01/10	J/S	207.25
Hansberry, George R.	Jefferson #2	1/31/10		228.00 @ age 62
Gould, Terry D.	Thurston #2	12/30/09		159.60 @ age 62
Harker, Ray	Jefferson #1	1/01/10		2,664.62 Lump
Haverty, Robert B.	Marysville	1/04/09	J/S	249.30
Hollinger, Dennis S.	Lewis #6	3/27/09		2,860.51 Lump
Kent, Phillip	Adams #2	1/01/10		4,131.65 Lump
Johnson, Dennis C.	Okanogan #4	7/13/09		70.00
Korslund, Larry J.	Monroe	11/13/09	J/S	64.37
Kreider, Paul	Whatcom #4	1/08/10		195.00
Lawson, Dan O.	Central Kitsap	3/21/09		2,320.75 Lump
Leitch, Tom	Woodinville	2/17/10		3,520.62 Lump
Leonard, Dave	Chelan #9	8/18/08		5,656.63 Lump
Longmire, Lafe J.	Thurston #2	12/7/09		300.00
Lynch, William P.	Lincoln #4	9/30/09		73.50
Marty, Frank C.	King #45	10/5/09	J/S	155.16
McFall, Ted L.	Electric City	12/26/09	J/S	252.00
Petersen, Thomas M.	Douglas #1	1/01/10	J/S	245.40
Miller, Kathleen	Central Kitsap	12/31/09		4,968.02 Lump
Mooney, Michael T.	Grand Coulee	12/30/09	J/S	261.00
Morse, Larry	North Whidbey	12/30/09	J/S	273.60
Nelson, James L.	Benton #1	2/08/10		77.00
Nilles, Joseph N.	Chelan #3	1/11/10	J/S	122.86 @ age 62
Oakes, Mike	Clallam #2	4/14/08		4,180.74 Lump
Oakes, Richard	Stevens #1	10/8/09		4,525.31 Lump
Oliver, Ronald C.	White Salmon	8/06/09	J/S	192.43 @ age 62
Pharress, Alan	Lincoln #4	11/27/09		3,300.58 Lump
Phillips, Jane	Whatcom #11	7/16/09		148.20 @ age 62
Richardson, Alvin J.	Snohomish #18	8/12/09		243.60 @ age 63
Rimmer, Herbert	Pierce #23	11/18/09		3,960.70 Lump
Ryan, Michael O.	Jefferson #1	9/12/09		55.86 @ age 62
Schott, Fredrick C.	Douglas #2	7/21/09		3,960.70 Lump
Schroeder, Alfred R.	Grays Harbor #14	1/01/10		300.00
Schroeder, Sandra	Grays Harbor #14	1/01/10		3,850.25 Lump
Sebens, Gerald	No. Whatcom	6/14/09		165.30 @ age 62
Slater, Karen (Brian)	Ephrata	12/8/09	SURV	198.58
Smith, Claudia	Pierce #26	9/18/09		150.00
Smith, Robert S.	Pierce #22	4/13/09		5,076.63 Lump
Sullivan, Michael J.	Skagit #5	11/24/08		61.18 @ age 62
Tennbrink, Mary	Jefferson #1	1/01/10		3,442.79 Lump
Trunkey, Kenneth B.	St. John	10/15/09	J/S	206.14 @ age 63
Walton, Charles	Skagit #8	4/22/08		300.00

Yabsley, Dennis L.

Whatcom #13

8/05/08

153.90 @ age 62

SECOND HEARING OF THE PUBLIC

No public was present to speak.

There was a motion by Walling, seconded by Hughes, and carried that the meeting be adjourned at 11:50 a.m.

Brigette K. Smith, Executive Secretary

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