



STATE OF WASHINGTON
BOARD FOR VOLUNTEER FIREFIGHTERS & RESERVE OFFICERS

PO Box 114 • Olympia, WA 98507 • (360) 753-7318 • FAX (360) 586-1987 • Toll Free (877) 753-7318
Website: www.bvff.wa.gov

THE BOARD OF VOLUNTEER FIREFIGHTERS AND RESERVE OFFICERS

RESOLUTION

WHEREAS, it has been the intent of the Board of the Volunteer Firefighters and Reserve Officers (hereinafter the "Board") since the decision clarifying the term firefighter in RCW 41.24.010(3) by the Washington Supreme Court in *Schrom v. Board*, 153Wn.2d, 19 (2004), which stated in part that "a person asserting pension eligibility must at a minimum, fight fires in order to be a 'fire fighter . . . [and] must at a minimum, possess some duties that include fighting fires," to adopt regulations pursuant to the Washington Administrative Code (hereinafter WAC) clarifying standards for participation in the Volunteer Firefighters' and Reserve Officers' Relief and Pension Act (hereinafter Act); and

WHEREAS, the Board believes with the adoption of proposed WAC 491-03, entitled "Membership and Participation Requirements," the Board has advanced criteria that provides clear written guidance to fire, police, and emergency medical service district employees regarding who is allowed to participate in the Act and which also meet the legal test held in the *Schrom* case to facilitate the legal determination of a participant's eligibility for membership in the Act; and

WHEREAS, under the Washington State Administrative Procedures Act, two public hearings are now scheduled: one in Wenatchee on November 14, 2008, and one in Buckley on November 21, 2008, for additional public input on the adoption of the definition and participation guidelines in proposed WAC 491-03; and

WHEREAS, the Board received two letters on October 16, 2008, one from the Washington State Fire Fighter's Association (WSFFA), and one from the Washington Fire Chiefs (WFC), expressing their serious concerns about how the proposed WAC regulation clarifying the definition "firefighter" will affect pension eligibility for non-combat fire volunteers and their strong desire to seek a broader definition for firefighter to include such noncombat fire volunteer personnel in participation and eligibility under the Act as set forth in attached as Exhibit A and Exhibit B; and

WHEREAS, the Board wants to continue to proceed with the adoption of the proposed regulations but has determined that in the best interests of all volunteers and their respective departments that RCW 41.24 be studied to include additional volunteer personnel;

IT IS HEREBY RESOLVED BY THE BOARD FOR VOLUNTEER FIREFIGHTERS AND RESERVE OFFICERS THAT:

Upon adoption of the proposed WAC Chapter 491-03, the Board will begin working with the WSFFA ,WFC and other fire and law enforcement organizations to study the implications of allowing all volunteer fire department members coverage in the Pension Fund. This study would involve determining the anticipated new participants in the Pension Fund if all volunteer members are allowed to participate, minimum coverage qualification requirements, and what changes, if any, to the Pension Fund and member contributions would have to be made to allow it to remain solvent. The joint study should be completed by December 2010. It will be the intent of the Board to take action based upon the recommendation of the study.

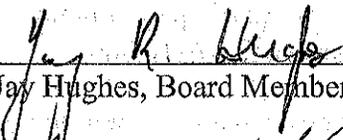
Dated this 4th day of November, 2008.



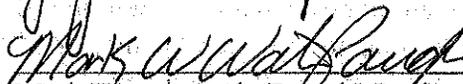
Ronald Ayres, Board Chair



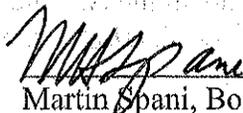
Ken Boad, Board Member



Jay Hughes, Board Member



Mark Watenpaugh, Board Member



Martin Spani, Board Member