Clearinghouse Rule 08-033

PROPOSED RULE ORDER OF THE SERVICE AWARD BOARD

The Service Award Board proposes an order to amend VFF-EMT 1 (title), 1.01, 1.02, 1.03(9), (14) and (20), 1.04(1), (3), (4) and (5), 1.06(1)(a), 1.07(6), 1.08(1), and 1.10(2), and to create VFF-EMT 1.03(6m) of the Wisconsin Administrative Code, relating to the service award program for volunteer fire fighters, first responders and emergency medical technicians.

Analysis Prepared by the Service Award Board

Statutory Authority: ss. 16.004(1), 16.25(2), (3), (4) and (5), Stats.
Statutes Interpreted: ss. 16.004(1), 16.25(2), (3), (4) and (5), Stats.

Explanation of agency authority: Wisconsin Act 142 ("Act 142") to amend §16.25 (title), 16.25(1)(a), 16.25(1)(c), 16.25(1)(d). 16.25(2), 16.25(3)(a), 16.25(3)(b), 16.25(3)(c), 16.25(3)(d), 16.25(3)(e), 16.25(3)(f), 16.25(3)(g), 16.25(3)(h), 16.25(3)(i), 16.25(3)(j), 16.25(3)(k), 16.25(5); and to create 16.25(1)(am) of the statutes; relating to the Volunteer Fire Fighter and Emergency Medical Technician Service Award Program.

Related statute or rule: Administrative rule Chapter VFF-EMT 1.

Plain language analysis of proposed amendments:. The program was created by 1999 Wisconsin Act 105 and is governed by an eight-member board appointed by the Governor. The program intent is to assist in the recruitment and training of volunteer fire fighters, first responders and emergency medical technicians. The state will annually match the municipal contributions up to $2 million. Currently there are 203 volunteer departments participating in the program covering 5,773 fire fighters and emergency medical technicians

Act 142 made changes to various statutes governing the program. They consist of:

- Renaming the Volunteer Fire Fighter and Emergency Medical Technician Service Award Program to the Service Award Program;
- Renaming the Volunteer Fire Fighter and Emergency Medical Technician Service Award Board to the Service Award Board;
- Extending the benefits of the program so first responders are eligible participants;
- Adding that a county may participate under the definition of a municipality;
- Eliminating the requirement that a volunteer have at least 5 years of experience before prior year service can be purchased;
- A volunteer who has not met all of the vesting requirements shall have their account closed, not forfeited;

- Include the provision that the beneficiary of a volunteer who is killed while actively engaged in the rendering of volunteer fire fighting, first responder, or emergency medical technical service be paid the service lump sum; and
- Adds the provision that the volunteer must meet any other program requirements established by the municipality.

Summary of, and comparison with, existing or proposed federal regulations: This proposed rule is specific to the State of Wisconsin Service Award Program law and is completely separate from, and unaffected by, federal regulations.

Comparison with rules in adjacent states.

Michigan: The department is unaware of and was unable to locate any rules in this state pertaining to this subject.

Minnesota: Minnesota does have a program however it is decentralized. Each department participates independently and the programs differ.

Illinois: The department is unaware of and was unable to locate any rules in this state pertaining to this subject.

Iowa: The department is unaware of and was unable to locate any rules in this state pertaining to this subject.

Summary of factual data and analytical methodologies: 2005 Wisconsin Act 142 requires the department to amend this rule.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact statement: There is no effect on small business.

Effect on small business: There is no effect on small business.

Agency contact person:

Terri Lenz
Division of Enterprise Operations
P.O. Box 7867
Madison, WI 53707-7867.

Phone (608) 261-2298
Fax (608) 267-0600
Email terri.lenz@wisconsin.gov.

Place where comments are to be submitted and deadline for submission: Comments may be submitted by May 28, 2008 to the agency contact person that is listed above and via the Wisconsin Administrative Rules Website at http://adminrules.wisconsin.gov .

Fiscal effect: The fiscal estimate is attached.

TEXT OF RULE:

Section 1. Chapter VFF-EMT 1 (title) is amended to read:

~~Volunteer Fire Fighter Emergency Medical Technical~~ Service Award Board

Section 2: VFF-EMT 1.01 and 1.02 are amended to read:

VFF-EMT 1.01 Authority. Sections 16.004(1) and 16.25(2), (3), (4) and (5), Stats., authorize the Board to promulgate rules for establishing a length of service award program for volunteer fire fighters, first responders and emergency medical technicians.

VFF-EMT 1.02 Purpose. The purpose of this chapter is to establish a program for length of service awards to VFF-EMT participants who provide services to municipalities that operate volunteer fire departments or volunteer fire companies, to first responders in any municipality that authorizes first responders to provide first responder services, or authorize emergency medical and technical services, and to establish qualifications and requirements for private sector individuals and organizations eligible to provide administrative and investment services for length of service award programs.

Section 3: VFF-EMT 1.03(6m) is created to read:

(6m) “First responder” means an individual certified under s. 146.50(8), Stats.

Section 4: VFF-EMT 1.03(9), (14) and (20) are amended to read:

(9) "Municipality" ~~has the meaning specified in s. 16.25(1)(c), Stats.~~ means a city, county, village or town.

(14) "Service" includes fire fighting, first responder, emergency medical, or rescue services provided to a participating municipality by a volunteer fire fighter, first responder or volunteer emergency medical technician.

(20) "VFF-EMT" means a volunteer fire fighter, first responder or emergency medical technician.

Section 5: VFF-EMT 1.04(1), (3), (4) and (5) are amended to read:

VFF-EMT 1.04 Participating municipalities. (1) A municipality that operates a volunteer fire department or that contracts with a volunteer fire company organized under ch. 181 or 213, Stats., to first responders in any municipality that authorizes first responders to provide first responder services or that authorizes volunteer emergency medical technicians to provide emergency medical services, is eligible to become a participating municipality.

(3) Each participating municipality shall develop standards for determining the service required of the volunteer fire fighters, first responders and emergency

medical technicians it sponsors under the program in order to qualify for an annual contribution.

(4) Municipalities that jointly operate or contract with a volunteer fire department or a volunteer fire company, a first responder service or that jointly authorize volunteer emergency medical technicians, may operate as a single participating municipality under the program, and may be required to do so by the program administrator.

(5) (a) A VFF-EMT may perform service for credit toward a length of service award to more than one volunteer fire department, volunteer fire company, first responder service or entity authorized to provide volunteer emergency medical services.

(b) A VFF-EMT may have only one account for each volunteer fire department, volunteer fire company, first responder service or entity authorized to provide volunteer emergency medical services to which the VFF-EMT provides service.

Section 6: VFF-EMT 1.06(1)(a), is amended to read:

VFF-EMT 1.06 Contributions for prior service. (1) (a) A participating municipality may make contributions for prior service provided that the VFF-EMT has performed ~~at least five years of~~ service to that municipality, which may include a combination of prior service and service performed after the municipality began participating in a program. The number of years of prior service for which the participating municipality may contribute shall not exceed the number of years of total prior service performed by the VFF-EMT to that municipality. A participating municipality may impose additional eligibility requirements for accepting prior service.

Section 7: VFF-EMT 1.07(6) is amended to read:

(6) SIMULTANEOUS SERVICE. For purposes of determining vesting under this section and s. 16.25, Stats., if a VFF-EMT simultaneously renders service to 2 or more separate and distinct municipalities, or two or more separate or distinct services for a single municipality, only one year of service may be credited toward any length of service award in any calendar year the VFF-EMT provided multiple service.

Section 8: VFF-EMT 1.08(1) is amended to read:

VFF-EMT 1.08 Forfeiture and leaves of absence. (1) NON-VESTED FORFEITURE. A VFF-EMT that has performed less than 10 years of service under a program shall ~~forfeit any accumulated years of service~~ be closed if they cease to perform creditable service for more than 6 months in any calendar year, or who does not meet any other program requirement established by the municipality, unless a supervisor has granted the VFF-EMT a leave of absence for that period.

Section 9: **VFF-EMT 1.10(2) is amended to read:**

(2) DEATH. If a VFF-EMT dies while actively on the rolls of a volunteer fire

department, volunteer fire company, first responders in any municipality that authorizes first responders to provide first responder services, or an emergency medical service that provides services to a participating municipality under a program, the VFF-EMT's designated beneficiary shall be paid an amount equal to the net asset value of each account held by the VFF-EMT designating that beneficiary. Upon request, the program administrator shall make payment as soon as administratively possible.

END OF RULE TEXT

Effective Date: This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2)(intro.), Stats.

Dated: _____ _____