

Chapter 491-03 WAC
MEMBERSHIP AND PARTICIPATION REQUIREMENTS

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WAC

491-03-010 Purpose.
491-03-020 What duties within a municipality qualify me for participation/membership in the board for volunteer firefighters' and reserve officers' relief and pension principal fund?
491-03-030 What level of activities do I have to participate in to be eligible for participation/membership in the volunteer firefighters' and reserve officers' pension?

WAC 491-03-010 Purpose. This chapter sets forth the qualifications necessary to be a participant/member in the volunteer firefighters' and reserve officers' relief and pension principal fund.

[Statutory Authority: RCW 41.24.290. WSR 09-06-060, § 491-03-010, filed 2/27/09, effective 7/1/09.]

WAC 491-03-020 What duties within a municipality qualify me for participation/membership in the board for volunteer firefighters' and reserve officers' relief and pension principal fund? If you are a member of a municipality as a volunteer firefighter or reserve officer who does not qualify for PERS or LEOFF (for their volunteer duties only), and if:

(1) **Reserve officers:**

(a) You are a reserve officer only if you are certified by the Washington state criminal justice training commission under chapter 43.101 RCW, and a commissioned member of a municipality as a:

- (i) Reserve city police officer;
- (ii) Reserve town or deputy marshal;
- (iii) Reserve deputy sheriff.

(b) You are not a reserve officer if you volunteer in either:

- (i) A position that is clerical or secretarial in nature;
- (ii) You are not commissioned;
- (iii) A corrections officer position.

(2) **Firefighter:**

(a) You are a firefighter only if you have the legal authority and responsibility to direct or perform fire protection activities that are required for and directly concerned with preventing, controlling, and extinguishing fires, or your primary duty is to serve as an emergency worker (see subsection (3) of this section).

"Fire protection activities" may include incidental functions such as housekeeping, equipment maintenance, grounds maintenance, fire safety inspections, lecturing, performing community fire drills and inspecting homes, businesses, and schools for fire hazards. These activities qualify as fire protection activities only if the primary duty of your position is preventing, controlling, and extinguishing fires.

(b) You are not a firefighter if you volunteer in:

- (i) A position that is clerical or secretarial in nature;
- (ii) A position where your primary duty is not preventing, controlling, and extinguishing fires;
- (iii) A position that pays a wage which qualifies you for participation in either PERS or LEOFF;
- (iv) A position that is only supervisory in nature and the primary duty is not preventing, controlling, and extinguishing fires.

(3) **Emergency worker:**

(a) You are an emergency worker only if you have the legal authority and responsibility to perform all aspects of medical assessment, treatment, and care for patients as outlined in state and county protocols for paramedics, emergency medical technicians, and first responders.

"Emergency activities" may include incidental functions such as housekeeping, equipment maintenance, grounds maintenance, home safety inspections, lecturing, and driving emergency vehicles. These activities qualify as emergency activities only if the primary duty of your position is to perform all aspects of medical assessment, treatment, and care for patients.

(b) You are not an emergency worker if you volunteer in:

(i) A position that is clerical or secretarial in nature;

(ii) A position where your primary duty is not to perform all aspects of medical assessment, treatment, and care for patients;

(iii) A position that pays a wage that qualifies you for participation in either PERS or LEOFF;

(iv) A position that is only supervisory in nature and the primary duty is not to perform all aspects of medical assessment, treatment, and care for patients.

[Statutory Authority: RCW 41.24.290. WSR 09-06-060, § 491-03-020, filed 2/27/09, effective 7/1/09.]

WAC 491-03-030 What level of activities do I have to participate in to be eligible for participation/membership in the volunteer firefighters' and reserve officers' pension? All departments are required to develop volunteer participation requirements that meet or exceed the participation requirements as set by the state board. If a department does not develop their own requirements, the board requirements will be in effect.

(1) The board requires that all volunteers:

(a) Attend a minimum of ten percent, or twenty hours, of all drills and/or training annually, whichever is less.

(b) Respond to a minimum of ten percent of all calls at the member's assigned station or twenty-four calls annually, whichever is less; or ninety-six hours of standby time annually.

For the purposes of this section, standby time means time that the volunteer is assigned to be near at hand and ready to respond to emergency calls immediately. A volunteer who merely carries a cellular telephone, pager, or similar device is not considered to be in standby status.

(c) Meet the requirements to be a qualified member under WAC 491-03-020.

(d) Be certified as having met the standards by the local board chair and by the fire chief, police chief, or sheriff annually on the board for volunteer firefighters and reserve officers provided forms.

(2) An exemption of up to twelve weeks in a twelve-month period may be granted for:

(a) A participant's serious health condition;

(b) A participant to care for a parent, spouse, or minor/dependent child who has a serious health condition;

(c) The birth of and to provide care to a participant's newborn, adopted, or foster child as provided in WAC 357-31-460.

For the purposes of this section, "serious health condition" means an illness, injury, impairment, or physical or mental condition

that involves any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, and any period of incapacity or subsequent treatment or recovery in connection with such inpatient care; or that involves continuing treatment by or under the supervision of a health care provider or a provider of health care services and which includes any period of incapacity (i.e., inability to work, attend school, or perform other regular daily activities).

(3) An exemption of up to twenty-six weeks in a twelve-month period may be granted for: A participant who is the spouse, son, daughter, parent, or next of kin of a covered service member who is suffering from a serious health condition incurred in the line of duty. The leave described in this subsection shall only be available during a single twelve-month period.

For the purposes of this section, "covered service member" is a member of the armed forces, including the National Guard or reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on a temporary disability retired list for a serious health condition.

(4) An exemption of up to one year may be granted for injuries covered under chapter 41.24 RCW; or up to one year for reserve officers injured in the line of duty and covered under Title 51 RCW.

(5) Departments granting exemptions shall submit written documentation on the board for volunteer firefighters and reserve officers provided forms for state board review.

(6) Members joining service after January 1st, or separating from service before December 31st, will have their requirements prorated for the calendar year.

[Statutory Authority: RCW 41.24.290. WSR 09-06-060, § 491-03-030, filed 2/27/09, effective 7/1/09.]