



**PUBLIC PROTECTION & SAFETY STANDING COMMITTEE OF THE RTM
SPECIAL MEETING MINUTES
MONDAY, JANUARY 5, 2023
6:00 P.M. WATERFORD TOWN HALL
LOUISE APPLEBY ROOM**

RECEIVED FOR RECORD
WATERFORD, CT
2023 JAN 11 P 12:01
ATTEST: *[Signature]*
TOWN CLERK

- 1.) Meeting called to order at 6:03 P.M. by Chairperson Timothy Condon
- 2.) Pledge of Allegiance
- 3.) Roll Call
Present: Timothy Condon (chair), Thomas Dembek, Susan Driscoll, Timothy Fioravanti, Steve Garvin.
Absent: None
Others Present: Director of Fire Services Mike Howley, Labor Attorney Kristi Kelly.
Public Comment: None
- 4.) Consider and Act upon the September 14, 2022 Special Meeting Minutes
MOTION by Dembek, seconded by Garvin to approve the minutes from the September 14, 2022 Special Meeting.
VOTING IN FAVOR: Unanimous
- 5.) Consideration and possible action on item referred to committee:
 - a.) **Review of Ordinance 2.36 – Volunteer Firefighters Incentive Program, RTC 06/06/22.** Chairperson Condon gave a brief overview of the last meeting and turned the floor over to Kristi Kelly to summarize the legal review. Attorney Kelly reviewed a document prepared by Eileen Dugan. Committee continued the review process of the ordinance and began debating language changes. Multiple changes to the ordinance were proposed and reduced to writing in the form of a draft. Committee agreed to meet again to review the changes. Proposed changes and draft document enclosed.
NO MOTIONS
 - b.) **Fire Marshal Permits Fee Schedule Ordinance, RTC 10/03/22**
Chairperson Condon opened discussion explaining that other communities are billing for Marshal Services and how this possible ordinance may offset operating costs for the Fire Marshal's Office. Director Howley

presented the committee with multiple ordinances from around the area and the fees associated. Committee agreed in spirit to investigate the matter further and requested that the Director propose a possible fee structure for review.

NO MOTIONS

6.) MOTION by Dembek, seconded by Fioravanti, to adjourn at 7:50 P.M.

VOTING IN FAVOR: Unanimous

Respectfully submitted,
Timothy Condon, Chair

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2023 JAN 17 A 11:41

ATTEST: *Daniel L. Campos*
TOWN CLERK

Title 2 — ADMINISTRATION AND PERSONNEL

Chapter 2.36 FIRE SERVICE

2.36.080 - Volunteer firefighters and fire police incentive program.

- A. *Purpose.* Pursuant to § 7-148(c)(4)(B) of the Connecticut General Statutes, the Town of Waterford may enact an ordinance to organize, maintain and regulate the persons providing fire protection. This volunteer firefighters and fire police incentive program is designed to provide monetary compensation to active, volunteer firefighters and fire police members in the Town of Waterford Fire Department, in an effort to assist in covering volunteers' expenses during the execution of their duties, while complying with the federal Fair Labor Standards Act of 1938 as amended, 29 U.S.C. § 201 et seq. ("FLSA"). The FLSA permits payments for reimbursement of expenses, reasonable benefits and nominal fees to volunteers without impairing their status as volunteers. These benefits are in addition to the existing property tax abatement program for volunteer firefighters in Title 3, Chapter 3.12 of this Code of Ordinances. Town of Waterford Fire Department personnel employed by the Town of Waterford are not eligible for this volunteer firefighters and fire police incentive program.
- B. *Definitions.*
1. *Program:* The term "program" means the volunteer firefighters and fire police incentive program.
 2. *Program year:* Program year is the fiscal year, i.e., July 1—June 30.
 3. *Implementation date:* The implementation date of the program is July 1, 2020¹. ^H
 4. *Volunteer member in good standing in the Waterford Fire Department:* A volunteer member in good standing is defined as:
 - a. A certified firefighter (i.e., State of Connecticut Firefighter ~~1~~⁺¹ or higher) who has participated in the minimum training sessions designated by the director of fire services and including, but not limited to required training (as set forth in paragraph B.8), by June 30 of the year preceding the year of eligibility (e.g., complete training by June 30, 2020¹ to be eligible for the program for the fiscal year July 1, 2020—June 30, 2021, absent a modification of the June 30 date by the director of fire services on an individual basis pursuant to paragraph B.8); and/or
 - b. A member of the fire police who has participated in the minimum training sessions designated by the director of fire services and, including but not limited to, required training (as set forth in paragraph B.8.d), by June 30 of the year preceding the year of eligibility (e.g., complete training by June 30, 2020¹ to be eligible for the program for the fiscal year July 1, 2020—June 30, 2021, absent a modification of the June 30 date by the director of fire services on an individual basis pursuant to paragraph B.8); and who has been sworn in by the town clerk.

A volunteer member in good standing does not include any member terminated from volunteer service by the Town of Waterford or otherwise separating from volunteer service for any reason, voluntary or involuntary.

5. *Active volunteer firefighter in the Waterford Fire Department:* An active volunteer firefighter is a certified firefighter and member in good standing who, during the year of eligibility, has participated in a minimum number of approved training drills and maintains the minimum training requirements as set forth by the director of fire services.
6. *Active volunteer fire police member in the Waterford Fire Department:* An active volunteer fire police member is a member in good standing who has been sworn in by the town clerk and who maintains the minimum training requirements as set forth by the director of fire services.
7. *Approved training drill:* An approved training drill is a Waterford Fire Department level drill that is approved in advance by the director of fire services and will result in credit towards the town's insurance service organization, fire protection classification rating.
8. *Required training:* Required training is state and federal minimum requirements to function at emergency scenes. These requirements shall include, but are not limited to, the yearly certifications and ~~re-certifications~~recertifications along with the approved training drills. The director of fire services maintains the discretion, upon a showing of good cause by the volunteer, to excuse temporarily and/or until a date certain, the absence of any such certifications, ~~re-certifications~~recertifications and/or approved training drills.

Training shall include, but is not limited to, the following titles and substantive content (training titles and reference numbers may change from time to time):

a. Minimum certifications:

State of Connecticut Firefighter ~~1~~1

Hazardous Materials - Operational Level

IS-700: National Incident Management System

ICS-100: Introduction to the Incident Command System

ICS-200: ICS for Single Resources and Initial Action Incidents

b. Mandatory training:

Attend routine training drills (Monthly)

OSHA Mandates

- Haz-Mat Operational Refresher
- Incident Command System Refresher
- Live Fire Training (Annual)
- ~~Blood-borne~~Bloodborne Pathogens
- SCBA refresher
- Routine Fit Testing
- CPR Certification

c. Certified fire officer requirements (additional):

State of Connecticut Fire Officer ~~41~~

IS-800: National Response Framework

ICS-300: Intermediate ICS for Expanding Incidents

ICS-400: Advanced ICS for Command and General Staff

d. Fire police requirements:

Hazardous Materials - Awareness Level

IS-700: National Incident Management System

ICS-100: Introduction to the Incident Command System

9. *Stipend:* A stipend is an amount of money awarded to any active volunteer firefighter or active fire police member who meets the criteria set forth below and as may be modified, from time to time, by the director of fire services.
10. *Point:* A point represents participation by an active volunteer firefighter or active fire police member in an emergency fire response or approved training drills as described in paragraph B.7. To receive a point, an active volunteer firefighter or active fire police member must actually attend an incident and/or respond to and arrive at an activated station before the incident commander dismisses the assignment and/or attend and complete approved training drills. Individuals serving as volunteers or employees of the Waterford Ambulance Service when attending and/or responding to a particular incident will not receive points related to that incident.
11. *Incident commander:* The incident commander sets priorities and defines the incident command system organization for the particular response and is responsible for the safety, accountability, and welfare of personnel through an incident.

C. Program components.

1. *Stipend schedule:* Active volunteer firefighters and fire police members who meet the criteria set forth below are eligible for stipends issued on a quarterly basis as follows:

First Quarter	=	July through September (Issued in October)
Second Quarter	=	October through December (Issued in January)
Third Quarter	=	January through March (Issued in April)
Fourth Quarter	=	April through June (Issued in July)

2. Reporting requirements:

- a. An incident report shall be generated and completed for every dispatched incident.
- b. All active volunteer firefighters and active volunteer fire police members must sign the report within fifteen minutes of the last vehicle returning to the station at the termination of the event.
- c. If an active volunteer firefighter or active volunteer fire police member is not able to sign the report within the allotted time set forth in subsection C.2.b, he or she must file a report with twenty-four hours of the incident.

- d. Anyone documenting another member's name on the report shall initial next to that entry for validation purposes.
 - e. Attendance records shall be recorded and maintained on the town's approved records management software.
 - f. The director of fire services or his/her designee shall prepare the quarterly reports for payment.
 - g. All quarterly reports will be reviewed and approved by the director of fire services prior to the approval of issuance of quarterly stipend.
 - h. The director of fire services shall also submit quarterly reports to the RTM on the status of the program.
3. *Stipend eligibility and amount:* An active volunteer firefighter or active volunteer fire police member shall not receive any stipend until receiving a minimum of ~~fifty~~thirty points during that fiscal year. The active volunteer firefighter or active volunteer fire police member will then be provided a stipend at the rate of seven dollars for each prior and subsequent point earned during that fiscal year (e.g., an active volunteer firefighter who has fifty-five points will receive three hundred eighty-five dollars; an active volunteer firefighter with twenty points will receive zero dollars). The director of fire services may propose changes to the mandatory/minimum eligibility criteria, point value (increase or decrease), stipend rate or amount (increase or decrease) to the RTM, which may act on such proposed changes by majority vote. As part of its determination, the RTM must evaluate continued compliance with the federal Fair Labor Standards Act.

(R.T.M. X-X-23 (part))

4. *Discretionary decisions on awarding of points:* The director of fire services, in the exercise of his/her discretion, will decide any disputes regarding the awarding of points under paragraph B.10. The director of fire services, ~~in the exercise of his/her discretion,~~ also may, in accordance with departmental policy, award points for reasons other than those expressly set forth in paragraph B.10. These decisions shall be documented in the quarterly report.

(R.T.M. X-X-23 (part))

5. *Higher level of training stipend:* An active volunteer firefighter who receives at least ~~fifty~~thirty points during a fiscal year and who is also a certified fire officer and meets all the additional requirements outlined above (i.e., State of Connecticut Fire Officer ~~1~~1; IS-800: National Response Framework; ICS-300: Intermediate ICS for Expanding Incidents; ICS-400: Advanced ICS for Command and General Staff), will receive an additional one hundred fifty dollars on an annual basis in recognition of his/her high level of training. An active volunteer firefighter who receives at least thirty points during a fiscal year and meets the requirements for both Fire Officer 1 and EMT certification will receive an additional two hundred dollars on an annual basis. ~~This~~ These ~~one hundred fifty dollar stipends~~ will be issued at the same time as the stipend for the initial ~~fifty~~thirty points. The director of fire services may propose changes to the higher level of training

stipend amount (increase or decrease) to the RTM, which may act on such proposed changes by majority vote.

(R.T.M. X-X-23 (part))

6. Initial education stipend: An active volunteer firefighter or active volunteer fire police member will receive points commensurate with certification in the courses listed below. Education stipends will be issued in the quarter following certification and/or receipt of at least thirty points during a fiscal year, whichever is earlier.

Firefighters Courses

<u>Emergency Medical Technician (180 hrs)</u>	<u>=</u>	<u>90 points</u>
<u>Firefighter 1 (160 hrs)</u>	<u>=</u>	<u>80 points</u>
<u>Firefighter 2 (48 hrs)</u>	<u>=</u>	<u>24 points</u>
<u>Fire Officer 1 (96 hrs)</u>	<u>=</u>	<u>48 points</u>
<u>Fire Officer 2 (80 hrs)</u>	<u>=</u>	<u>40 points</u>
<u>Fire Officer 3 (56 hrs)</u>	<u>=</u>	<u>28 points</u>
<u>Fire Officer 4 (56 hrs)</u>	<u>=</u>	<u>28 points</u>
<u>Incident Safety Officer (24 hrs)</u>	<u>=</u>	<u>12 points</u>
<u>Health & Safety Officer (24 hrs)</u>	<u>=</u>	<u>12 points</u>
<u>Fire Service Instructor 1 (48 hrs)</u>	<u>=</u>	<u>24 points</u>
<u>Fire Service Instructor 2 (40 hrs)</u>	<u>=</u>	<u>20 points</u>
<u>Q or CDL Endorsement (32 hrs)</u>	<u>=</u>	<u>16 points</u>
<u>Aerial Operator (48 hrs)</u>	<u>=</u>	<u>24 points</u>
<u>Pump Operator (48 hrs)</u>	<u>=</u>	<u>24 points</u>
<u>Rescue Technician-CORE (48 hrs)</u>	<u>=</u>	<u>24 points</u>
<u>Confined Space Rescue Technician (56 hrs)</u>	<u>=</u>	<u>28 points</u>
<u>Rope Rescue Technician (64 hrs)</u>	<u>=</u>	<u>32 points</u>
<u>Vehicle Rescue Technician (48 hrs)</u>	<u>=</u>	<u>24 points</u>
<u>Trench Rescue Technician (56 hrs)</u>	<u>=</u>	<u>28 points</u>
<u>Haz-Mat Rescue Technician (40 hrs)</u>	<u>=</u>	<u>20 points</u>

Fire Police Courses

<u>Traffic Incident Management (6 hrs)</u>	<u>=</u>	<u>3 points</u>
<u>Hazardous Material Awareness (8 hrs)</u>	<u>=</u>	<u>4 points</u>
<u>ICS-100 (2 hrs)</u>	<u>=</u>	<u>1 point</u>
<u>ICS -200 (2 hrs)</u>	<u>=</u>	<u>1 point</u>
<u>IS-700 (2 hrs)</u>	<u>=</u>	<u>1 point</u>

(R.T.M. X-X-23 (part))

~~67.~~ *Ineligibility due to misconduct or separation from ~~waterford~~ Waterford fire ~~Fire~~ department Department:* The ordinance codified in this section incorporates by reference, the Waterford Fire Department Policy 103 - Disciplinary Procedures, as may be renumbered and/or amended from time to time.

In the event that the director of fire services decides to impose disciplinary action short of termination against any active volunteer firefighter or active volunteer fire police member, the director of fire services retains the discretion to suspend any active volunteer firefighter or active volunteer fire police member from the program, as either the discipline or as a component of the discipline. The director of fire services retains the discretion to determine the status of any existing points (e.g., forfeited, retained) at the time of suspension.

Any active volunteer firefighter or active volunteer fire police member who is terminated from volunteer service by the Town of Waterford immediately forfeits all points and is not eligible for any stipend. The director of fire services and the human resources director shall evaluate and determine, in their discretion, the eligibility for a stipend of an active volunteer firefighter or active volunteer fire police member who voluntarily separated from volunteer service as of the end of a quarter.

D. Funding and administration.

1. Funding:

- a. Through its normal, annual budget process, the town shall determine whether or not to fund the program and, if so, in what amount.
- b. Any portion of the annual appropriation not expended during a fiscal year does not carry over to the next fiscal year.
- c. Should the total expenses for the program exceed the annual appropriation, then the quarterly stipends for the then-current quarter will be prorated to reflect the total amount available for distribution for that quarter. If the program exceeds the annual appropriation in a quarter other than the last quarter of the fiscal year, the program may be unfunded for quarters following the pro-rated quarter.

2. Modifications: Any modifications allowed under this section without an ordinance amendment (e.g., change in the stipend rate) will be recorded in an annual program update each July and maintained on file in the office of the director of fire services.

3. Termination: The town shall have the right through the representative town meeting to terminate the program at any time through the ordinance process.

(Amend. of 10-5-20(4))

Footnotes:

--- (1) ---

Depending on the date of enactment of this Ordinance, the Implementation Date is retroactive to July 1, 2020.

TO: Public Protection and Safety Standing Committee

FROM: Attorney Eileen Duggan

DATE: December __, 2022

RE: Proposed Changes to Volunteer Firefighters and Fire Police Incentive Program

RECEIVED FOR RECORD
WATERFORD, CT

2023 JAN 17 A 10:47

ATTEST: *[Signature]*
TOWN CLERK

Town of Waterford Code of Ordinance Section 2.36.080 "Volunteer firefighters and fire police incentive program" went into effect January 2021. A copy of this Ordinance is attached. When adopting the Ordinance, the Town carefully evaluated the nature and scope of the plan to ensure that the provision of various incentives would not transform volunteer firefighters into employees under state and/or federal wage and hour laws. The Town further built into this incentive program flexibility to modify specific aspects of the program by simple majority vote of the RTM, rather than by amendment to the Ordinance. Upon reviewing the incentive program after over a year of data, Director of Fire Services Michael Howley ("Director Howley"), in conjunction with the Public Protection and Safety Standing Committee ("PPSSC") of the Representative Town Meeting ("RTM"), is seeking to make enhancements to the incentive program for the ongoing purposes of recruitment and retention of volunteer firefighters and fire police.

I. Recap of Existing Program

The existing program allows active, qualified volunteer firefighters and/or fire police (as defined in the Ordinance) to earn "points" for certain emergency responses and approved training drills. Once a volunteer reaches 50 points in a fiscal year, the volunteer will be eligible for quarterly stipend payments, equivalent to \$7 per point. Paragraph C3 provides that modifications to point system may be made as follows:

The director of fire services may propose changes to the mandatory/minimum eligibility criteria, point value (increase or decrease), stipend rate or amount (increase or decrease) to the RTM, which may act on such proposed changes by majority vote.

As part of its determination, the RTM must evaluate continued compliance with the federal Fair Labor Standards Act.

The Director of Fire Services also may award points for reasons other than emergency responses and approved training drills.

In addition, paragraph C5 provides for additional training stipends, as follows:

Higher level of training stipend: An active volunteer firefighter who receives at least fifty points during a fiscal year and who is also a certified fire officer and meets all the additional requirements outlined above (i.e., State of Connecticut Fire Officer I; IS-800: National Response Framework; ICS-300: Intermediate ICS for Expanding Incidents; ICS-400: Advanced ICS for Command and General Staff), will receive an additional one hundred fifty dollars on an annual basis in recognition of his/her high level of training. This one hundred fifty dollar stipend will be issued at the same time as the stipend for

the initial fifty points. *The director of fire services may propose changes to the higher level of training stipend amount (increase or decrease) to the RTM, which may act on such proposed changes by majority vote.*

Per Paragraph D2 of the Ordinance, modifications permitted under the Ordinance through RTM majority vote “will be recorded in an annual program update each July and maintained on file in the office of the director of fire services.”

II. Recap of Proposed Changes

The proposed changes by Director Howley are set forth in a memo presented to the PPSSC at its meeting on September 14, 2022. A copy of this memo is attached.¹ The primary proposed changes are:

1. Lower the benchmark eligibility criteria to begin receiving stipend payment from 50 points to 30 points.
2. Add 20 individual stipends for volunteer firefighters for successful completion of specific courses, trainings and/or certifications.
3. Provide opportunity for volunteer firefighters to receive annual stipend for 3 specific courses, when the following point criteria are met during a given year:

Firefighter 1	-	Upon reaching 30 points, receive \$200
EMT	-	Upon reaching 30 points, receive \$200
Fire Officer 1	-	Upon reaching 40 points, receive \$150
4. Add 6 individual stipends for volunteer fire police for successful completion of specific courses, trainings and/or certifications.
5. Add additional basis for volunteer fire police to obtain points by responding to Waterford Police Department requests for assistance with traffic management.

III. Analysis of Proposed Changes

A. Points

Director Howley has not suggested a change in the dollar value of a point (i.e., \$7). As such (and given that the cost of a paid Waterford Firefighter have not decreased since the inception of the program), a new analysis of the value of a point for FLSA compliance purposes is not needed. In item 1 above, Director Howley does seek to reduce the mandatory minimum point requirement to qualify for a stipend from 50 to 30. Such a reduction will not impact FLSA compliance and falls within the parameters set forth in paragraph C3 for consideration by the RTM by majority vote.

¹ This memo is updated from that attached to the PPSSC meeting agenda for September 14, 2022.

In item 5 above, Director Howley seeks to add a new point category for fire police of “traffic management”. The Ordinance doesn’t provide for the opportunity to expressly add new point categories for particular duties. The Ordinance does, however, in paragraph C4, allow the Director of Fire Services “in the exercise of his/her discretion [to] . . . award points for reasons other than those set forth in paragraph B10. These decisions shall be documented in the quarterly reports”. Absent an amendment to the Ordinance, the Director of Fire Services may utilize his/her discretion to award points for traffic management to fire police under paragraph C4.

B. Stipends

Paragraph C5 provides for a “higher level of training stipend” for a volunteer who meets the requisite point requirement and holds certification as a fire officer. Fire officer, in general, is the only training/certification identified; there are multiple levels of fire officers – 1, 2, 3 and 4. Paragraph C5 further states that the Director of Fire Services “may propose changes to the higher level of training stipend amount (increase or decrease) to the RTM, which may act on such proposed changes by majority vote.” The RTM may consider and act on by majority vote proposed amounts for a stipend for each of the different levels of fire officer (any fire officer certification equates to \$150 stipend at present), but stipends for **additional** level trainings or certification (whether “higher level” or otherwise e.g., Incident and Safety Officer, Fire Services Instructor, Haz-Mat Technician, Rope Technician) require amendment to the Ordinance.

Here, the Director Howley proposes for firefighters new one-time stipends for the completion of certain trainings or certifications, annual stipends of \$200 for reaching 30 points and maintaining EMT and/or Firefighter 1 status, and a lower threshold (40 points instead of 50 points) for an annual Fire Officer stipend. Director Howley also proposes for fire police new one-time stipends for the completion of certain trainings (e.g., Traffic Incident Management Course) specific to fire police duties.

Director Howley determined the dollar value for the new, one-time stipends by dividing the number of required training hours required by 2 to arrive at a point value, and multiplying that point value by \$7 (e.g., a 96 hour training = 48 points *\$7 = \$336 one-time stipend). Although framed in terms of points, these are training stipends that fall outside of the provisions in paragraphs B10 (regular award of points) or C4 (discretionary award of points), and should be analyzed under paragraph C5 regarding higher level training stipends. The RTM has the authority, by majority vote, to increase or decrease the amount of the stipend for fire officer certifications. *Adding* stipends for other training certifications, however, requires amendment of the Ordinance.

Should the RTM consider amending the Ordinance to *add* stipends, there are a number of issues to consider, including

1. Eligibility for quarterly stipends based on the point system requires Firefighter I certification and other trainings outlined in the Ordinance. Consideration should be given to whether one-time stipends are appropriate for participating and completing trainings that a volunteer must already have to be eligible for the program (e.g., Firefighter I) and/or whether adding annual stipends for such trainings are appropriate.
2. Current eligibility for annual firefighter training stipends is limited to “higher level

training", specifically Fire Officer. Consideration should be given to the definition of "higher level training" and ensuring that the trainings proposed to be included fall within the definition (and/or whether the definition should be expanded).

3. With the exception of the proposed firefighter stipends for EMT, Firefighter I and Fire Officer I certifications (ranging from \$336-\$630), proposed one-time firefighter stipends fall in the more modest range of \$84-\$280. One-time stipends for fire police are in the even more modest range of \$7-\$28. As these are intended to be one-time stipends (and any individual at a given time likely would not receive more than \$1000 in such stipends (a high estimate)), it is unlikely that adding many of the proposed stipends would, in conjunction with the other potential payments, transform volunteer firefighters into employees under state and/or federal wage and hour laws. Nevertheless, placing an overall limit on the amount an individual may receive in these training stipends in a given year (e.g., \$500-\$750) should eliminate potential state and/or federal wage and hour law concerns.

As to the proposal to decrease the number of points to be eligible for the annual Fire Officer stipend from 50 points to 40 points, the Ordinance allows the RTM to change the amount of the stipend by majority vote, but it does not expressly allow for modification of the points required for eligibility by majority vote. Decreasing the points in this instance requires an amendment to the Ordinance.

IV. Summary

In sum, some changes to the current program may be made via majority vote of the RTM, some by amendment to the Ordinance and others in the discretion of the Director, as follows:

The RTM may decrease the eligibility requirement to receive a stipend from 50 points to 30 points by majority vote.

The Director of Fire Services may use his/her discretion to award points to fire police for traffic management.

In order to create new categories of training or certification stipends, or to decrease the points necessary to qualify for the existing Fire Officer stipend, the Town must amend the Ordinance.