

RESOLUTION AUTHORIZING A MODIFICATION OF THE LOSAP POINT SCHEDULE
PURSUANT TO N.J.S.A. 40A:14-185(F)

WHEREAS, P.L. 1998 Ch. 388 (N.J.S.A. 40A:14-183 et seq.), known and cited as the “Emergency Services Volunteer Length of Service Awards Program Act” (LOSAP), was enacted into law by the state legislature and signed by the governor on January 19, 1998; and

WHEREAS, the Board of Fire Commissioners of Fire District No. 4, Township of Howell, County of Monmouth, State of New Jersey, found the retention and recruitment incentives under the LOSAP Program to be beneficial for the District and volunteers; and

WHEREAS, the Board of Fire Commissioners of Fire District No. 4 enacted an enabling resolution authorizing said program be established and submitted to the voters for public referendum; and

WHEREAS, the public, at a duly noticed referendum at the District annual election, approved the LOSAP Program; and

WHEREAS, the enabling resolution included a point schedule the volunteers need to achieve to receive an award; and

WHEREAS, the Board of Fire Commissioners of Fire District No. 4 finds and determines that further modification of the point system is now in the best interest of the District and personnel; and

WHEREAS, the New Jersey Department of Community Affairs, Division of Local Government Services, Local Finance Division, requires the passage of a resolution when a LOSAP point schedule is modified pursuant to N.J.S.A. 40A:14-185(f), after public hearing; and

WHEREAS, the Board held a public hearing on December 13, 2016.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Fire Commissioners of Fire District No. 4, Township of Howell, County of Monmouth, State of New Jersey, that it amend or otherwise modify its LOSAP point schedule as per Schedule A attached hereto and made a part hereof; and

BE IT FURTHER RESOLVED, that the LOSAP point schedule become a part of the codified Length of Service Award Program attached hereto as Schedule B and that the updated codified program be effective simultaneously with the modified point schedule; and

BE IT FURTHER RESOLVED, that the point schedule be effective retroactive to November 1, 2016; and

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to the District Auditor for his records and use in District audits as well as any administration and/or accounting relative to said program; and

BE IT FURTHER RESOLVED, that a copy of the revised point schedule be forwarded to Ramtown-Howell Fire Company No. 2; and

BE IT FURTHER RESOLVED, that the within Resolution shall be effective immediately upon passage; and

BE IT FURTHER RESOLVED, that any resolution or part of a resolution inconsistent herewith is hereby repealed or otherwise revoked; and

BE IT FURTHER RESOLVED, that if any section, paragraph, sentence, clause or phrase in this Resolution is for any reason held or determined to be unconstitutional or invalid, same shall not affect the remainder of this Resolution; and

BE IT FURTHER RESOLVED, that notwithstanding anything set forth herein to the contrary, the Board shall be permitted to amend, modify, repeal or otherwise act as to those topics which are the subject of this Resolution provided said acts are consistent with public policy, Board bylaws, township ordinances, local, state and federal laws and rules and regulations promulgated thereunder; and

BE IT FURTHER RESOLVED, that an original signed, conformed and compared copy of this Resolution be accessible and maintained as an official Board record pursuant to and in accordance with the "Open Public Records Act"; N.J.S.A. 47:1A-1, *et seq.* and the "Destruction of Public Records Law (1953)"; N.J.S.A. 47:3-8.1, *et seq.* as set forth by the State of New Jersey Municipal Agency Record Retention Schedule promulgated by the Division of Archives and Record Management; and

CERTIFICATION

I, MICHAEL L. ACAMPORA, Clerk of the Board of Fire Commissioners of Fire District No. 4, Township of Howell, County of Monmouth, State of New Jersey, do hereby certify that the foregoing is a true and compared copy of an original Resolution now on file and of record in the District office which was duly adopted at a public meeting held on the 13th day of December, 2016.

I do further certify that the said Board of Fire Commissioners of Fire District No. 4, Township of Howell, County of Monmouth, State of New Jersey, is composed of - 5 - members, and that - 5 - members were present and - 5 - members voted affirmatively for the adoption of the Resolution and - 0 - members voted against the adoption of the Resolution.

The undersigned further certifies that the above Resolution has not been repealed or amended and remains in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Board of Fire Commissioners of Fire District No. 4, Township of Howell, County of Monmouth, State of New Jersey, on this 13th day of December, 2016.



MICHAEL L. ACAMPORA, CLERK
Board of Fire Commissioners
Fire District No. 4
Township of Howell

SCHEDULE A

POINT SCHEDULE

A member participant must annually (LOSAP year) accumulate one hundred (100) LOSAP eligible points to receive an annual LOSAP contribution.

Fifty percent (50%) participation in Ramtown-Howell Fire Company No. 2 activities, as defined by Ramtown-Howell Fire Company No. 2, shall represent one hundred (100) points. Eligible activities shall include training courses, drills, meetings, emergency dispatch (fire/other emergency calls) and other activities and events not otherwise listed, including administrative drills, Company fund raisers, parades, fire prevention activities and funeral details. Only those events or activities that are open to and announced (noticed) to all members shall qualify.

Members participating in less than fifty percent (50%) of Fire Company activities or events shall receive two (2) LOSAP points for each percent of participation between one percent (1%) and forty-nine percent (49%) (For example, thirty-eight percent [38%] participation results in seventy-six [76] points).

LOSAP points shall be awarded for the following positions and values:

- | | |
|------------------|-----------|
| 1. Life Member | 35 Points |
| 2. Ex-Chief | 20 Points |
| 3. Exempt Member | 10 Points |

SCHEDULE B

**LENGTH OF SERVICE
AWARD PROGRAM
(LOSAP)**

for

**FIRE DISTRICT NO. 4
TOWNSHIP OF HOWELL**

Sponsored by

**BOARD OF FIRE COMMISSIONERS
FIRE DISTRICT NO. 4
IN THE TOWNSHIP OF HOWELL
COUNTY OF MONMOUTH**

ADOPTED: DECEMBER 13, 2016
REVISED:
SECOND REVISION:
THIRD REVISION:

TABLE OF CONTENTS

	Page
Mission Statement	1
Definitions	2
Length of Service Award Program	4
Point Schedule	8
Training Requirement	9
Drill Requirement	10
Meetings Requirement	11
Fire and Other Emergency Calls Requirement	12
Miscellaneous Activities Requirement	13
Special Situations	14
Emergency Service Organization Injury	15
Chief's/President's Annual LOSAP Certification Under Oath	Appendix A

MISSION STATEMENT

The Board of Fire Commissioners of Fire District No. 4 in the Township of Howell, County of Ocean, deems it appropriate and necessary to act to insure retention of existing volunteer members and to provide incentives for recruiting new volunteer firefighters. In furtherance of this endeavor, the Board created a Length of Service Award Program within the District upon determining that said Program will enhance the ability of the Fire District to retain and recruit volunteer firefighters. The Program will be designed to provide a monetary incentive to award members of the volunteer firefighting service for their loyal, diligent and devoted services to the residents and community within Fire District No. 4 and to encourage others to perform such community service. The Program will further utilize the monetary incentive to maximize deployment of personnel in a manner consistent with the needs of the District so as to maximize the efficiency and performance of firefighting services consistent with fulfilling its statutorily mandated charge.

DEFINITIONS

For the purposes of this program:

“Active Volunteer Member” means a person who has been so designated by the governing board of Ramtown-Howell Fire Company No. 2 or of a duly created Emergency Service Organization and who is faithfully and actually performing volunteer service in such organizations.

“Certification List” means a list prepared annually by the Chief of Ramtown-Howell Fire Company No. 2 certifying to the Board of Fire Commissioners the names of members of the Company who have qualified to receive a length of service award.

“Contractor” means an authorized third party entity that provides investment and other services regarding the Sponsoring Agency’s length of service award plan agreement.

“Director” means the Director of the Division of Local Government Services in the Department of Community Affairs.

“Emergency Service Organization” means Ramtown-Howell Fire Company No. 2 or a fire or first aid organization, whether organized as a volunteer fire company, volunteer fire department, fire district or duly incorporated volunteer first aid, emergency or volunteer ambulance or rescue squad association.

“Elected or Appointed Position” means a line officer, company officer (administrative), trustee or commissioner of the Ramtown-Howell Fire Company No. 2 or Board of Fire Commissioners, or a duly established position in a municipality as determined by the governing body of the municipality.

“Length of Service Award Program” means the within program established to provide tax deferred income benefits to Active Volunteer Members of the Ramtown-Howell Fire Company No. 2 by means of investment in those products permitted pursuant to applicable law.

“Local Government Unit” means the Board of Fire Commissioners of Fire District No. 4 in the Township of Howell, County of Monmouth, having control of, or which is serviced by Ramtown-Howell Fire Company No. 2 of which is organized under the laws of the State of New Jersey.

"LOSAP Coordinator" means the individual(s) responsible for maintaining accurate LOSAP records and shall report to the Sponsoring Agency at its regular December meeting a Certification List of all volunteer members qualifying for credit and contribution the previous year.

“Participant” means an Active Volunteer Member who is eligible for a benefit under the service award program set forth herein.

“Plan Administrator” means the local public official appointed by the Sponsoring Agency to act as the plan representative with respect to the Contractor and to perform the plan agreement duties, if any, that are not performed by the Contractor. The Plan Administrator shall also monitor, manage and otherwise administer the LOSAP program.

"Separation from Service" means any member no longer performing active firefighting duties on behalf of the District. Examples of Separation from Service shall include:

- Member resigns from Fire Company.
- Member is removed from Fire Company.
- Member is deceased.
- Member changes his/her primary residence to one which is not in our response area (i.e. out-of-region or out-of state).
- Member submits a letter stating that he/she no longer is performing active firefighting duties in the Fire Company (even though he/she still may be a member). Such member shall turn in his/her fire gear and shall be deemed a non-firefighting member of the Fire Company.
- Member ceases to be an active firefighting member for more than twenty-four (24) months (i.e. no longer has fire gear, no longer maintains basic minimum annual Board and Fire Company training standards for SCBA training, drills, Bloodborne, Right-to-Know, etc.).

“Sponsoring Agency” means the Board of Fire Commissioners of Fire District No. 4 in the Township of Howell, County of Monmouth, which adopted a Length of Service Award Program pursuant to the provisions of the “Emergency Services Volunteer Length of Service Award Program” (P.L. 1998, c. 388).

“Year of Active Emergency Service” means a twelve (12) month period during which an Active Volunteer Member participates in the fire service and satisfies the minimum requirements of participation established by the Board of Fire Commissioners as set forth herein on a consistent and uniform basis. The LOSAP year shall be from November 1 to October 31 of each year. In the Active Volunteer Member's initial year, said volunteer shall be eligible to receive one-half (1/2) of the annual contribution for that year if the member joins the Company after November 1, but before May 1, and satisfies the minimum requirements of participation for that year. No member shall be eligible for an annual contribution who joins either Company after May 1.

LENGTH OF SERVICE AWARD PROGRAM

BENEFITS:

LOSAP benefit amounts are established by state statute. The Board's Program provides for the maximum amount of contribution as set forth by the statute inclusive of automatic annual increases that are tied to the consumer price index which is issued by the Division annually. No partial or pro rata distribution shall be given unless otherwise excepted therein.

PARTICIPATION:

A volunteer member of Ramtown-Howell Fire Company No. 2 is eligible to participate in the LOSAP program immediately upon becoming an Active Volunteer Member of either organization, subject to any exception herein set forth.

VESTING:

A volunteer "vests" upon completion of at least five (5) qualified LOSAP years.

POINT SYSTEM:

The Board has established, by Resolution, a point system that reflects the range of volunteer services that may be provided to the Board of Fire Commissioners, Ramtown-Howell Fire Company No. 2. One Year of Active Emergency Service is awarded for each calendar year in which the active volunteer accumulates the minimum number of points that are required by the Board as set forth in the point system attached. Periodically the Board may make minor amendments, modifications or other adjustments in the point system, by Resolution, to accommodate the District's needs. Any change in the point system will only occur upon notice to both the Ramtown-Howell Fire Company No. 2 and will only take effect on November 1 of the subsequent LOSAP year.

AWARD PROCESS:

1. By the Board's regular meeting in December of each year the Chief and President (LOSAP Coordinators) of the Ramtown-Howell Fire Company No. 2 shall certify to the Board of Fire Commissioners an annual list of all Participant members who have qualified for credit under the LOSAP program for the previous year. See attached Appendix A. Notwithstanding the above, the LOSAP coordinators shall forward to the Board, prior to each regular Board meeting, the Company's monthly percentage.

2. Upon receipt of the certification by the Board, the LOSAP Plan Administrator shall review same and recommend approval of the list by the Board for final certification.

3. If the Plan Administrator and/or Board has any questions concerning the eligibility of any Participant member, it may request supplemental documentation from the Chief of the above Fire Company.

4. Once the list has been approved by the Board it shall be returned, with the appropriate certification set forth thereon, to the Chief and President of the Fire Company who will post said final certified list at Ramtown-Howell Fire Company No. 2 for at least thirty (30) days for review by the membership. The Board Clerk shall also post the list at the District Office.

APPEAL PROCESS:

Any active member whose name does not appear on the approved Certification List may appeal, within thirty (30) days of the posting of the Certification List, in writing and mailed to the Clerk of the Board at 88 Ramtown-Greenville Road, Howell, New Jersey 07731. The Plan Administrator and Board must investigate the appeal which is subject to judicial review.

In conducting its investigation, the Board shall give due consideration to evidence submitted by the active volunteer member in support of the appeal, and evidence submitted by the Company in support of its decision. All such evidence shall be in the form of records or other written materials which clearly substantiate the reasons for filing an appeal by the active volunteer member, and the reasons for denying certification or credit for prior service, as determined by the Company.

Upon receiving an appeal, and prior to conducting its own investigation, the Board may, at its discretion, and within ten (10) days, refer the matter back to the Company in an effort to settle the dispute internally.

If the appeal and all written documentation is referred back to the Company, and the Company fails to settle or take action on the issue within thirty (30) days, the Board shall then investigate the appeal as set forth above.

If an appeal is not referred back to the Company, or within thirty (30) days of receiving an unresolved appeal from the Company, the Board shall conduct its own investigation, as set forth above, and shall submit a non-binding recommendation to the Company with respect to the matter. The Company shall either accept, modify or deny the Board's recommendation and, thereby, decide the matter.

The final decision by the Company shall be subject to appropriate judicial review.

CONTRIBUTION:

Once the thirty (30) days have elapsed, and subject to holding any member's contribution being appealed, payment shall be made by the Board to the Contractor for deposit in the individual member's account in the deferred income program selected by the

individual through the Plan established by the Board. In no event shall disbursement to the Contractor be delayed beyond sixty (60) days from posting of the certified list, subject to the holding of any member's contribution being appealed.

The Sponsoring Agency has resolved to contribute to each qualified Participant the maximum amount permitted by law, as adjusted annually.

DISTRIBUTION:

- Separation from Service before "vesting" as defined herein: no distribution.
- Separation from Service after "vesting" as defined herein: Total vested amount payable to him/her under the LOSAP plan.
- In-service distribution after "vesting" as defined herein: Total vested amount payable to him/her under the LOSAP plan. No partial distribution shall be permitted. If a Participant elects in-service distribution, the Participant must thereafter complete at least five (5) years of emergency service to again vest in the program. Participant does not have to separate himself/herself from service.
- Unforeseeable emergency distribution after "vesting" as defined herein: A Participant may apply to the Sponsoring Agency to receive part of the vested value of his account which is reasonably needed to satisfy an emergency need (including any amounts that may be necessary to pay any federal, state or local income taxes or penalties reasonably anticipated to result from the distribution. If such application for withdrawal is approved by the Sponsoring Agency, the Sponsoring Agency shall direct the issuer, trustee or custodian to pay the Participant such value as the Sponsoring Agency deems reasonably necessary to meet the emergency need.

DORMANT ACCOUNTS:

The Plan Administrator shall annually review non-vested Participants' accounts for the purpose of identifying those Participants who have separated from service as defined herein. Those accounts that are dormant due to Separation from Service shall be closed and the funds shall revert to the general account. The annual review shall be conducted during January of each year and the Plan Administrator shall report his/her findings to the Sponsoring Agency at its regular February meeting.

AUDIT:

The Sponsoring Agency shall have the LOSAP Plan and Program audited on an annual basis, no later than June 30th of each year.

CONFIDENTIALITY:

All records regarding participation, amounts awarded, account balances, withdrawals and any other information regarding a Participant's account shall be held confidential by the local Plan Administrator and Contractor.

POINT SCHEDULE

A member participant must annually (LOSAP year) accumulate one hundred (100) LOSAP eligible points to receive an annual LOSAP contribution.

Fifty percent (50%) participation in Ramtown-Howell Fire Company No. 2 activities, as defined by Ramtown-Howell Fire Company No. 2, shall represent one hundred (100) points. Eligible activities shall include training courses, drills, meetings, emergency dispatch (fire/other emergency calls) and other activities and events not otherwise listed, including administrative drills, Company fund raisers, parades, fire prevention activities and funeral details. Only those events or activities that are open to and announced (noticed) to all members shall qualify.

Members participating in less than fifty percent (50%) of Fire Company activities or events shall receive two (2) LOSAP points for each percent of participation between one percent (1%) and forty-nine percent (49%) (For example, thirty-eight percent [38%] participation results in seventy-six [76] points).

LOSAP points shall be awarded for the following positions and values:

- | | |
|------------------|-----------|
| 1. Life Member | 35 Points |
| 2. Ex-Chief | 20 Points |
| 3. Exempt Member | 10 Points |

TRAINING REQUIREMENT

The Fire Company shall provide training and education for all Fire Company active members commensurate with the duties and functions that they are expected to perform.

For every two (2) hours of instruction/training attended, the Active Volunteer Member will receive credit.

Credit accumulated for instruction/training will be given in the same year as the Instruction/Training occurred and no other year.

If the instruction/training class had a pass/fail test, you must receive a passing grade or have acquired a certificate of completion to receive credit.

The date on any certificate is the year in which credit will be given.

Training will only be approved that directly relates to Fire Company functions.

Training shall include but not be limited to:

- a. Officer training mandated by Board of Fire Commissioners;
- b. Special training (Fire Company related);
- c. Advanced training; and
- d. Training required by regulatory agencies (e.g., PEOSHA, OSHA, etc.).

Not included as training are Fire Company Drills or any training required by regulatory agencies (e.g., PEOSHA, OSHA, etc.) such as Bloodborne Pathogen and Right-to-Know training.

Training shall be provided at local/regional Fire Academies, or in-house, by qualified persons.

DEFINITIONS:

"Qualified Person"

A person who by possession of a recognized degree, certificate, professional standing or skill, and who by knowledge, training and experience, has demonstrated the ability to deal with problems associated with the subject matter, the work or the project. This person shall be approved by or acceptable to the authority having jurisdiction.

DRILL REQUIREMENT

The actual practice of Fire Company operations or other specialized units such as Technical Rescue, Dive/Water Rescue, etc.

Members who engage in emergency operations shall be trained commensurate with their duties and responsibilities. Training shall be as frequent as necessary to ensure that members can perform their assigned duties in a safe and competent manner.

Credit will be acquired for every drill attended.

Drills must be scheduled, announced and open to the membership to qualify.

The Active Volunteer Member must be in attendance for the total duration of the drill, faithfully and actually performing volunteer service in the organization.

The Active Volunteer Member must be ready, willing and able to perform volunteer services.

Drills start at the stated time and are not complete until the apparatus and/or equipment are put back together and ready for emergency service.

DEFINITIONS:

"Drill"

The process of continued repetition of a fire department or related exercise; to instill (ideas, facts, procedures, etc.) by repeated exercises.

MEETINGS REQUIREMENT

Attendance at regular Fire Company monthly meetings and special meetings.

Credit will be acquired for every monthly meeting and special meeting attended.

Meetings must be regularly scheduled monthly meetings or announced special meetings and must be open to the membership to qualify.

The Active Volunteer Member must be in attendance for the total duration of the meeting.

Meetings start at a stated time and will commence with the call to order and not be concluded until adjournment.

FIRE OR OTHER EMERGENCY CALLS REQUIREMENT

Fire percentages shall be submitted monthly by the Chief. The fire percentage submitted may contain extra credits (officer credit, duty crew credit, other types of extra credit or make-up credit as determined by the Chief) *in reasonable and rational amounts in relation to the Volunteer Member's actual performance and attendance* at fire calls or other emergency service operations. Actual attendance shall be the *primary* component of Fire Percentage and earned extra credits shall be a *secondary* component of fire percentage.

The Active Volunteer Member must be in physical attendance, faithfully and actually, performing volunteer emergency services (or authorized extra credit) to receive credit.

The Active Volunteer Member must be ready, willing and able to perform volunteer emergency services.

MISCELLANEOUS ACTIVITIES REQUIREMENT

Other Fire Company Activities not otherwise listed. Examples include:

- Administrative Drills
- Company Fund Raisers
- Parade Duty
- Fire Prevention Duty (2 hour minimum)
- Funeral Duty

Activity must be open to and announced to all members to qualify.

The Active Volunteer Member must be in physical attendance, faithfully and actually, performing the required task(s) at hand to receive credit.

SPECIAL SITUATIONS

PERSONAL LEAVE OF ABSENCE:

No points will be awarded unless the Active Volunteer Member is participating (faithfully and actually) in activities on the Length of Service Award Program Point Schedule.

MEDICAL LEAVE OF ABSENCE:

No points will be awarded unless the Active Volunteer Member is participating (faithfully and actually) in activities on the Length of Service Award Program Point Schedule.

FEDERAL FAMILY AND MEDICAL LEAVE ACT:

No points will be awarded unless the Active Volunteer Member is participating (faithfully and actually) in activities on the Length of Service Award Program Point Schedule.

STATE FAMILY LEAVE ACT:

No points will be awarded unless the Active Volunteer Member is participating (faithfully and actually) in activities on the Length of Service Award Program Point Schedule.

EXTENDED MILITARY LEAVE OF ABSENCE:

No points will be awarded unless the Active Volunteer Member is participating (faithfully and actually) in activities on the Length of Service Award Program Point Schedule. An exception will be made for any member who is called to Military Duty for a period of more than fourteen (14) consecutive days. A copy of the orders, with a written request for LOSAP credit, shall be presented to the Fire Company LOSAP Coordinator.

DEATH PRIOR TO VESTING:

If a member dies prior to becoming fully vested, the Board may grant the entire account balance to the member's assigned beneficiary.

BEREAVEMENT TIME:

In the event that an Active Volunteer Member misses any activity listed on the Length of Service Award Program Point Schedule due to a death in the immediate family, they shall notify the person in charge of record keeping for the program at the next monthly meeting.

An Active Volunteer Member will be allowed a maximum of five (5) days for which they will receive points for activities missed for the following:

Death of a father, mother, spouse, child, stepchild, brother, sister, grandparent, grandchild, mother-in-law, father-in-law, brother-in-law or sister-in-law.

EMERGENCY SERVICE ORGANIZATION INJURY
(Fire Department/Fire District Related Injury)

An injury from Fire Service (Emergency Service Organization) shall be handled as follows:

No Active Volunteer Member in the Emergency Service Organization will ever be penalized for an injury while in the performance of duties in the Emergency Service Organization.

Immediately following any incident, the Active Volunteer Member is required to complete a State of New Jersey Employer's First Report of Accidental Injury or Occupational Disease Report. This report will be turned over to the person in charge of Workers' Compensation Claims for the Organization.

Should immediate attention be warranted, the Active Volunteer Member will be seen by the Hospital Emergency Room. The person in charge of Workers' Compensation Claims for the Organization will be notified.

Should the Emergency Room Doctor give the Active Volunteer Member a Prescription/Disability Certificate (No Work) due to the injury, he/she shall receive full credit for activities during the absence or injury.

Should an injury from the Fire Company (Emergency Service Organization) turn into a Workers' Compensation claim against the Board of Fire Commissioners of Fire District No. 4 in the Township of Howell at a later date, the Active Volunteer Member will be given credit for activities during the absence or injury, back to the date of the injury.

In both cases above they will terminate upon the Active Volunteer Member being released to return to full active duty at the Fire Company (Emergency Service Organization).