

TOWN OF SOUTHTON
BOARD OF FIRE COMMISSIONERS

Chairperson Bunko called the meeting of the Board of Fire Commissioners, held at Headquarters on October 20, 2016, to order at 6:01 p.m. Commissioners Bunko, Baker, Stanforth, and Kanute were present. Also in attendance were Chief Clark and Asst. Chief Wisner. Commissioner Robertson was absent.

Roll Call

NEW BUSINESS:

MOTION: by Kanute, seconded by Baker, to approve the minutes of September 15, 2016, regular meeting as circulated. Motion carried unanimously.

MOTION: by Kanute, seconded by Baker, to approve the minutes of October 5, 2016, special meeting as circulated. Motion carried unanimously.

MOTION: by Baker, seconded by Kanute, to approve the minutes of October 13, 2016, special meeting as circulated. Motion carried unanimously.

MOTION: by Baker, seconded by Kanute, to approve the minutes of October 17, 2016, special meeting as circulated. Motion carried unanimously.

MOTION: by Stanforth seconded by Kanute, to approve payment of bills for September 2016 for \$47,292.06. Motion carried unanimously.

Secretary's Report:

A memo from Chief Clark recommending the approval of FF Don Tardif's six-month leave of absence request.

A memo from Chief Clark recommending for the town to pursue an AFG grant to purchase a Mobile Live Fire Training Trailer and new heavy rescue stabilization equipment.

A memo from Chief Clark recommending to change the Rules and Regulations Section L. General Rules, 22, to rename the positions of 1st and 2nd lieutenant to lieutenant.

A memo from the four members who attended the Firehouse Software conference thanking the Board and Chief Clark for the opportunity and the plan to utilize the knowledge they have gained.

CHIEF'S REPORT:

CERT:

- CERT will participate in the Statewide Emergency Drill on November 2
 - CERT has received a vehicle that was donated by the Calendar House
 - CERT members will be activated to participate in the live drills
 - Most of the drill will be done as a table top exercise
 - The EOC will be set up in Headquarters Training Room
 - In the future, the EOC plan will be changed that making Headquarters' Training Room as the operations center

Recruitment and Retention:

- The committee met on October 17, 2016, and discussed the following:
 - Joinsfd.org website has been updated
 - The Committee has contacted the Parks Department about putting a sign on the town green
 - Sign needs to be made
 - There was a door to door recruitment drive in Company 5's area with help from members of other companies
 - Decals advertising joinsfd.org for the engines are being considered
- Changes have been made to the volunteer firefighter ineligibility letter, referring people that may not be able to become firefighters to CERT if they want to become involved locally

Equipment and Apparatus:

- Portable radios were ordered and should be in-service shortly
- R-1 is back in service and has had its generator rebuilt and the generator drive shaft was sent out for inspection, and no problems were found
- R-1's had new wheels and rear tires, which needed to be replaced because of corrosion caused by salt
- L-1's air-conditioner pump has been delivered but has not been installed yet, and has an estimated cost of \$1500 - \$2000
- The 2012 Ford Expedition is back in-service after recall repairs were made
- E-12's fuel gauge sending-unit and a large butterfly valve need to be replaced, and the fuel gauge parts have been delivered and we are waiting on the valve parts

I Am Responding and NexGen:

- All monitors for I Am Responding and NexGen have been installed
- I am Responding app has been activated
- Deputy Chief DiBattista and Jay Baker are working out the bugs, however, the system is working well

Budget:

- A letter requesting permission to apply for a grant to buy a live burn trailer and to replace ageing stabilizing struts used in rescue operations has been included in your packets for action; Total cost of the project is \$432,398, and the cost to department is \$39,308, that would need to be found in our budget

Miscellaneous:

- SOP Committee members are:
 - Deputy Chief Scott DiBattista
 - Assistant Chief Wisner
 - Battalion Chief Alan Zygmunt
 - Lieutenant Chris Martin
 - No activity as of yet
- Strategic Planning Committee members are
 - Commissioner Wayne Stanforth
 - Chief Clark
 - Deputy Chief Scott DiBattista
 - Battalion Chief Alan Zygmunt
 - Firefighter Ben Hogan
 - Two meetings were held so far and good progress has been made with the next meeting set for next Wednesday, October 26
- A Volunteer Officers Meeting was held on October 13
- The Apple Harvest Parade was well attended by volunteer members and we received lots of cheers when we passed by the different crowds
- The Fire Prevention Trailer was busy throughout the festival, and at one point R-2 was sent down for some of our future firefighter to look at
- Fireworks and all other aspects of the festival went well
- On October 2, 2016, Captain Douglas Roy retired after 27 years of service, Firefighter Richard Jones was promoted to captain of "A" Shift, and Firefighter Jeffery Roy started his first day as a Southington firefighter.
- The Federal Department of Labor has turned the two labor complaints of volunteer firefighters not being paid minimum wage, over to the State DOL. Investigator ReAnne Fraczek, from the Connecticut Department of Labor Wage an Hour, is returning to the town to follow up next week.

MOTION: by Baker, seconded by Stanforth, to accept the Chief's Report.
Motion carried unanimously.

ASSISTANT CHIEF'S REPORT:

Activities of the Southington Fire Department for the month of September 2016:

1. Fire Marshal's inspections – 58
2. CRRs - 2

3. Reports to the State Fire Marshal – 194
4. Damage to property involved in fire - \$25,000
5. Damage to motor vehicles involved in fire - \$5,400
6. Other losses - \$27,750
7. Total - \$58,150
8. Total units responded were - 836

The following are recent fire incidents with significant damage:

- On September 20 there was a garage fire that was a total loss
- On October 6, there was a propane explosion in a residence that put two people in the hospital, one was admitted to the Connecticut Burn Center at Bridgeport Hospital

Assistant Chief Wisner also reported:

- Construction at 99 Executive Blvd. continues to progress
- The Bread for Life building is almost completed
- The Calendar House's new building budget has been approved and the plans are expected soon
- The Holiday Inn Express is doing a four million dollar renovation
- The department is preparing for holiday walk-throughs
- There are still problems with the Arts Building and the inspectors are trying to help resolve them

Commissioner Stanforth asked about the climbing number of Rescue and Emergency Medical calls. Assistant Chief Wisner reported that the department has been called out when AMR is on overload and/or there are not any police officers available to respond. Chief Clark stated that they would look into the issue and check if there is an increasing trend and the volume size.

MOTION: by Baker, seconded by Stanforth, to accept the Assistant Chief's Report. Motion carried unanimously.

COMMISSIONS COMMENTS AND COMMUNICATIONS:

Chairperson Bunko reminded the Board that the November meeting would be held on Tuesday, November 15, 2016.

Chairperson Bunko stated that the Board appreciated the participation in the volunteer officers and strategic planning committee meetings, and expects positive advancement from them.

Chairperson Bunko thanked the administration and the Board on all the time and research that was spent on finding a plan for the reimbursement of the volunteer force. Bunko also told of a scheduled meeting next week with the Connecticut Department of Labor Wage an Hour and the town.

Vice Chairperson Baker discussed the awards ceremony, and congratulated the award recipients.

Vice Chairperson Baker also discussed the monthly visits to Company 1 and the good discussions that were held. Baker also mentioned that the Board also has the I Am Responding app and views the responses.

COMMUNICATIONS FROM THE PUBLIC:

Captain Richard Kowalec of Company 2 asked that action on the Volunteer Reimbursement be tabled for 30 days. Kowalec stated that the members received the proposal two days ago and most members have not had time to digest it. Kowalec stated that the members had expected that there would be an opportunity to have input into the decision.

FF Walter Lappen of Company 1 addressed the Board with an alternative plan that he had put together based on his interpretation of the 20% rule and FSLA (Attached). His calculations are based on the number of calls and hours Company 1 had done in 2015 and concluded that \$11.79 per call is the highest amount the town could pay a member. Lappen also urged the Board to table the motion of volunteer reimbursement.

Training Officer Thomas O'Hare of Company 2 stated that he wanted to echo what the other two members had said and added that the Board should wait for the state's recommendation. O'Hare also said that there are members who count on the pay and feel the proposed amount is too low and would like other options looked at. O'Hare stated that he had hoped that there would be an opportunity to meet with the members so they could have input into the decision.

MOTION: by Baker, seconded by Stanforth, to have a recess at 6:27 p.m.
Motion carried unanimously.

Returned to regular session at 6:32 p.m.

UNFINISHED BUSINESS: None

OLD BUSINESS:

MOTION: by Kanute, seconded by Baker, to adopt the Volunteer Reimbursement Plan that pays volunteer firefighters and fire police \$7.02 per call, volunteer officers \$7.67 per call, and stipends of \$50 for Live Burn Training, \$60 for Storm Watch, \$60 for CPR Training, \$50 for EMT Recertification, and \$30 for an Officers Meeting.
Motion carried unanimously.

Commissioner Stanforth read Wikipedia's definition of volunteering being "generally considered an altruistic activity where an individual or group provides services for no financial gain to benefit another person, group, or organization."

Commissioner Stanforth discussed why the Board needed to take action on the volunteer reimbursement tonight and that the primary focus was to comply with DOL laws, while maintaining historical levels. Stanforth addressed the suggestion of meeting with all the members by stating that it was not practical to meet with all members. Stanforth also assured the members that the rate approved tonight is a beginning and with meaningful dialog and open communication, the Board would consider amending or changing it.

Vice Chairperson Baker thanked all the members that serve the department and recognized the vital part the volunteer members play in the department. Baker told of the three special meetings held to find a solution and the inclusion of the town's labor attorney who advised the Board on DOL laws.

NEW BUSINESS:

MOTION: by Stanforth, seconded by Kanute, to accept the Fire Chief and Assistant Chief Benefit Package. Motion carried unanimously.

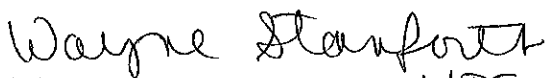
MOTION: by Baker, seconded by Stanforth, to adjourn to Executive Session, excluding the public and the press with the exception of Chief Clark to discuss personnel and contractual matters at 6:35 p.m. Motion carried unanimously.

EXECUTIVE SESSION:

No action was taken.

Return to regular session

MOTION: by Stanforth, seconded by Kanute, adjourn the meeting at 6:49 p.m. Motion carried unanimously.


Wayne Stanforth, Secretary *MSF*
Board of Fire Commissioners

Volunteer Nominal Fee Reimbursement - Option B
Non Officers

Career Firefighter Budget from SFD HQ Report:	\$ 1,340,928
SFD Career Firefighters	18
Average compensation per Firefighter	\$ 74,496
20% Rule per FLSA Compliance	\$ 14,899
Tax Abatement	\$ 1,000
Pension	\$ 500
Stipend proposed by SFD:	
Live Burn	50
CPR Training	30
EMT Recert	100 Max
Storm Watch	120 Two Shifts Max per FF
Total Stipens Proposed	\$ 300
Net Amount for 20% FLSA Compliance	\$ 13,099
Number of Calls made by 2015 top responder	380
Average Number of calls made per responder	123 (3807/31 = 123 Calls)
Assume 500 Calls is maximum possible to make	500
Maximum Stipend per Call for FLSA Compliance	\$ 26 \$ 13,099 / 500
Total Calls made by Company 1 in 2015	3807
Total Hours made by Company 1 in 2015	5446
Current Payment Per Hour	8.24
Equivalent Payment Per Call	11.79 Less than 1/2 the \$26 for FLSA Compliance

Southington Fire Department Company One Monthly Calls Made 2015

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	J	F	M	A	M	J	J	J	A	S	O	N	D	YTD
FF 01	13	15	5	5	7	9	2	9	9	1	2	4	2	74
FF 02	23	21	27	21	23	13	12	13	0	0	0	0	0	140
FF 03	9	7	5	14	17	8	7	8	8	15	4	10	17	121
FF 04	7	0	0	0	0	0	0	0	0	0	0	0	0	7
FF 05	0	14	26	10	12	11	17	11	16	16	14	12	15	163
FF 06	0	5	9	10	11	8	9	8	11	6	14	13	10	106
FF 07	10	4	10	6	5	7	3	7	3	12	3	10	13	86
FF 08	0	0	3	0	0	1	3	1	7	3	5	2	3	27
FF 09	19	9	8	9	2	6	10	6	23	28	23	33	19	189
FF 10	0	0	9	15	17	12	13	12	14	17	15	23	15	150
FF 01	3	4	5	3	12	4	2	4	2	4	6	8	3	56
FF 02	0	5	12	5	1	0	0	0	0	0	0	0	0	23
FF 03	0	1	2	3	0	0	0	0	1	0	0	0	0	7
FF 04	10	16	13	1	4	11	5	11	3	11	6	11	11	102
FF 05	7	11	9	5	6	10	1	10	0	0	0	0	0	49
FF 06	0	0	0	0	2	3	3	3	3	0	0	1	1	13
FF 07	8	9	13	6	10	7	5	7	9	10	12	11	6	106
FF 08	0	0	1	0	0	0	0	0	0	0	0	0	0	1
FF 09	15	8	11	14	15	2	2	2	0	0	0	0	0	65
FF 10	1	2	2	2	1	2	2	2	2	1	0	1	0	16
FF 01	4	10	5	6	10	3	1	3	1	0	2	2	2	46
FF 02	19	20	12	19	20	7	10	7	18	22	11	21	23	202
FF 03	27	29	29	19	28	21	22	21	20	29	25	25	29	303
FF 04	40	31	41	21	29	19	29	19	32	35	27	38	29	371
FF 05	30	34	30	19	26	15	22	15	23	31	22	32	25	309
FF 06	14	7	1	2	0	2	2	2	1	0	0	0	0	29
FF 07	36	17	15	23	41	15	31	15	37	39	23	0	16	293
FF 08	0	0	0	0	0	0	0	0	0	0	5	1	1	7
FF 09	0	0	0	6	23	11	16	11	12	24	20	17	13	142
FF 10	4	5	10	20	32	30	43	30	56	44	45	49	42	380
FF 01	16	16	21	9	19	15	24	15	9	26	17	26	26	224

Total Calls: 3807

Southington Fire Department Company One Monthly Hours 2015

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	J	F	M	A	M	J	J	A	S	O	N	D	YTD
FF 01	37	18	5	8	8	14	8	5	1	2	5	5	116
FF 02	35	37	36	25	38	21	16	0	0	0	0	0	208
FF 03	34	20	6	16	23	13	10	10	19	4	19	23	197
FF 04	9	0	0	0	0	0	0	0	0	0	0	0	9
FF 05	0	17	36	15	20	17	30	16	21	16	22	18	228
FF 06	0	6	11	12	15	11	15	12	8	14	31	17	152
FF 07	18	8	13	7	7	9	4	3	17	4	18	18	126
FF 08	0	0	5	0	0	1	4	8	4	6	10	6	44
FF 09	29	14	13	14	4	8	23	27	35	26	56	24	273
FF 10	0	0	14	24	22	18	19	15	26	18	43	20	219
FF 01	8	18	6	3	17	4	3	2	5	6	17	4	93
FF 02	0	5	18	5	2	0	0	0	0	0	0	0	30
FF 03	0	1	2	3	0	0	0	1	0	0	0	0	7
FF 04	18	19	15	18	6	18	6	5	12	8	20	6	151
FF 05	16	12	11	6	10	15	2	0	0	0	0	0	72
FF 06	0	0	0	0	2	6	4	4	0	0	8	2	26
FF 07	11	11	17	6	13	8	6	11	14	14	22	9	142
FF 08	0	0	1	0	0	0	0	0	0	0	0	0	1
FF 09	26	10	13	18	20	3	0	0	0	0	0	0	90
FF 10	1	4	2	2	2	4	3	1	1	0	8	0	28
FF 01	9	10	10	8	15	6	1	1	0	2	10	5	77
FF 02	28	26	13	22	26	12	17	19	26	13	38	30	270
FF 03	58	38	37	27	37	30	33	24	39	30	33	40	426
FF 04	68	51	65	29	41	28	41	37	48	32	56	44	540
FF 05	55	46	41	27	42	22	37	28	44	25	55	41	463
FF 06	23	20	1	2	0	2	2	1	0	0	0	0	51
FF 07	49	24	18	29	58	24	46	37	50	28	0	20	383
FF 08	0	0	1	0	0	0	0	0	0	5	2	1	9
FF 09	0	0	10	9	30	15	29	14	34	24	27	18	210
FF 10	4	5	17	25	41	43	64	64	57	55	74	56	505
FF 01	20	27	26	11	25	23	30	10	34	21	40	33	300

Total Hours: 5,446

CHAPTER 2.

PAYMENTS TO VOLUNTEERS

In accordance with DOL regulations, public employers may pay volunteers expenses, reasonable benefits, a nominal fee, or any combination thereof, without jeopardizing their volunteer status.³ Public employers must be careful, however, to not exceed these permissible payments to volunteers. If payments to volunteers rise to the level of "compensation" for services rendered, the individual will no longer qualify as a *bona fide* volunteer, but will be deemed an employee for purposes of FLSA minimum wage and overtime liability. Ultimately, DOL will evaluate "the total amount of payments made (expenses, benefits, fees) in the context of the economic realities of the particular situation" to determine whether the individual loses volunteer status by virtue of payments made by the public agency.⁴

EXPENSES

Public employers can reimburse volunteers for approximate, out-of-pocket expenses incurred by volunteers incidental to providing services for the public agency,⁵ which include the following:

- Meals
- Transportation
- Uniforms and Related Equipment
- Tuition and Other Costs involved in Attending Classes Related to Volunteer Services
- Books, Supplies or Other Materials for Training

REASONABLE BENEFITS

A public employer does not risk the status of volunteers by providing reasonable benefits to volunteer employees,⁶ including:

- Liability Insurance
- Health Insurance
- Life Insurance
- Disability Insurance
- Workers' Compensation
- Pension Plans
- Length of Service Awards
- Personal Property Tax Relief⁷

NOMINAL FEE

Although public employers can pay a nominal fee to volunteers, the fee must not be a substitute for wages and must not be tied to productivity.⁸ Public employers who compensate volunteers with more than a nominal fee likely will create an employment relationship, thereby destroying the volunteer status of the individuals. DOL has indicated that fire departments may consider the following factors when providing nominal fees to *bona fide* volunteers:

- Distance traveled
- Time and effort expended
- Whether the volunteer has agreed to be available around-the-clock or only during certain specified time periods
- Whether the volunteer provides services as needed or throughout the year⁹

In addition, DOL provided the following additional guidance in various opinion letters:

- **Per Call Basis** – Although generally the amount of a nominal fee may not be tied to productivity and may not vary based on time spent on the activity, DOL's regulations specify that the payment of a nominal amount on a per-call basis to volunteer firefighters is acceptable. In its most recent letter, DOL noted that "compensation 'per call' or other similar bases may be acceptable so long as they may fairly be characterized as tied to the volunteer's sacrifice rather than productivity-based compensation."¹⁰
- **Monthly or Annual Stipend** – DOL has stated that the payment of a nominal monthly or annual stipend to an individual who volunteers on a year-round basis is allowed.¹¹
- **Hourly Rate** – DOL has determined that payment to volunteer firefighters on a per hour basis destroys *bona fide* volunteer status and creates an employment relationship. This type of payment is akin to hourly wages based on productivity.¹²

THE 20 PERCENT RULE

In the August 7, 2006 opinion letter, DOL finally provided definitive clarification as to what amounts will qualify as a nominal fee. IAFIC sought this opinion letter to elicit a bright-line test to assist fire departments in defining the line between what constitutes a nominal fee to volunteers and what amounts to compensation.

In its November 10, 2005 opinion letter, DOL stated that a public school employee could receive a nominal fee to volunteer as a coach or advisor for extracurricular activities so long as the fee does not exceed 20 percent of what the public school would otherwise pay to hire a full-time coach or advisor.¹³

Expanding application of the 20 percent rule to volunteer firefighters, in the August 7, 2006 opinion letter, DOL explained that "generally, an amount not exceeding 20 percent of the total compensation that the employer would pay to a full-time firefighter for performing comparable services would be deemed nominal."¹⁴ Further, DOL indicated that – so long as the fee is 20 percent or less of total compensation for comparable services – DOL will be less likely to focus on whether the fee is paid on an annual, monthly or daily basis.

Fire departments can apply the 20 percent rule to evaluate whether a fee paid to a volunteer firefighter is a nominal amount based on market information, including:

- Compensation paid to a full-time firefighter on the fire department's payroll
- Information from neighboring jurisdictions, the state or the nation (including data from DOL's Bureau of Labor Statistics, www.bls.gov)

DOL did not clarify whether fire departments must use the compensation for a specified level of firefighter (for example, entry level or advanced) when calculating fees based on the 20 percent rule. DOL explained that the information necessary to make this calculation generally is within the knowledge and control of fire departments, and thus, the actual determination should be made by fire departments in good faith based on "[a]ny full-time firefighter a particular fire department has on its payroll." Although DOL's guidance on this issue is unclear, it is possible that fire departments may vary the level of the firefighter used as the benchmark for the 20 percent rule to correspond to the level of the volunteer firefighter receiving the fee. For example, a fire department may use

CHAPTER 2. continued

the salary paid to a full-time beginner firefighter as a benchmark to determine whether a fee paid to a volunteer firefighter for his first year of service is nominal.

Under the 20 percent rule, for example, if a volunteer firefighter staffs four shifts during a month, a nominal fee should not exceed 20 percent of what it would cost to employ a full-time firefighter to staff the equivalent of four shifts.

EXAMPLES:

A county fire department pays \$50,000 to hire a full-time firefighter for one year. The fire department pays an annual stipend of \$9,500 to a volunteer firefighter to perform the same services. This payment would constitute a nominal fee under the 20 percent rule.

A county fire department pays \$50,000 to hire a full-time firefighter for one year. The fire department pays an annual stipend of \$15,000 and life insurance to a volunteer firefighter to perform the same services. This payment would not constitute a nominal fee under the 20 percent rule.

Responding to a series of hypotheticals posed by IAC, DOL found that the following payments may qualify as nominal fees:

AMOUNT OF PAYMENT	REQUIREMENTS	ADDITIONAL PAYMENTS	AVERAGE WORKED (MINIMUM)
1) \$1,200 per year	Regardless of number of shifts or amount of time spent responding to calls	n/a	24 shifts and/or 60 hours responding to calls per year
2) \$100 per month	Regardless of number of shifts or amount of time spent responding to calls	n/a	4 shifts and/or 8 hours responding to calls per month
3) \$100 per month	Minimum of 2 shifts and/or 5 hours responding to calls	\$25 for each additional shift-over 4 and/or each additional 2.5 hours responding to calls over 12 hours	n/a
4) \$25 per 4-hour block of time	Regardless of the amount of time spent at the station house or responding to calls	n/a	n/a
5) \$20 per shift	Regardless of the length of shift or amount of time spent responding to calls	n/a	6 hour shift and/or 2 hours responding to calls per shift
6) \$25	Minimum of 8 hours per shift and/or 2.5 hours responding to calls	\$15 per shift after exceeds 8 hours and/or 5 or more hours responding to calls	n/a
7) \$15,000 annual fee	n/a	n/a	3,000 hours waiting and responding to calls per year*
8) \$20 per shift	Regardless of the length of shift or amount of time spent responding to calls	Fee increases by \$1 per shift for each year with a minimum of 12 shifts**	n/a

* Although DOL found that a \$15,000 annual payment may qualify as nominal under the 20 percent rule, DOL also observed that "it is unlikely that 3,000 hours of service (50+ hours per week) is 'volunteering' rather than employment."** If a volunteer is compensated annually for a comparable, high level of hours, DOL likely will determine that a full-time employment relationship exists.

** DOL reminded public employers that a nominal fee must not vary depending on the productivity of the volunteer or the amount of time spent on volunteer activities. Although it did not definitively answer whether a fire department can increase the yearly, monthly or per shift payment to volunteers for every year the volunteer staffs a requisite number of shifts, DOL noted that this may constitute impermissible "compensation via a seniority or productivity system based on services rendered."**

Fire departments should use the 20 percent rule to determine if a payment to volunteer firefighters constitutes a nominal fee. Remember that the 20 percent rule does not apply to expenses and reasonable benefits. Even if a payment constitutes a nominal fee under the 20 percent rule, however, this payment must be considered in totality with other expenses or benefits received by volunteer firefighters to determine if the entire amount of payments precludes volunteer status under the "economic realities" test.

EXAMPLE:

A volunteer firefighter receives an annual stipend of \$8,000, reimbursement for the cost of transportation, uniforms and training, and payments by the fire department for health and life insurance. The fire department should determine whether the \$8,000 stipend exceeds 20 percent of what it would cost to employ a full-time firefighter to perform the same services. The fire department does not have to evaluate whether the reimbursement of expenses or provision of insurance benefits are 20 percent of the amount of expenses and insurance received by full-time firefighters performing similar services.

CONCLUSION: TOTAL PAYMENTS

Step 1: Evaluate whether each specific payment to volunteers qualify as either (1) expenses; (2) reasonable benefit; or (2) a nominal fee.

Step 2: The nominal fee cannot exceed the total compensation paid to a full-time firefighter for performing comparable services.

Step 3: Analyze the entire package of payments made to volunteers "in the context of the economic realities of the particular situation" to determine whether furnishing these payments results in loss of volunteer status.

* 20 C.F.R. § 553.106(a) (2006). ** Id. at § 553.106(a). ** Id. at § 553.106(a). ** DOL has found that provision of personal property tax relief in the amount of \$100 annually during the term of volunteer service constitutes a permissible reasonable benefit. DOL Wage and Hour Division Opinion Letter (Aug. 7, 2006). ** 20 C.F.R. § 553.106(a) (2006). ** Id. ** DOL Wage and Hour Division Opinion Letter (Aug. 7, 2006). ** Id. ** DOL Wage and Hour Division Opinion Letter (Nov. 10, 2005). ** DOL Wage and Hour Division Opinion Letter (Aug. 7, 2006). ** Id. ** Id.

Volunteer Nominal Fee Reimbursement Option

The following are the nominal fee reimbursement recommendations to make the volunteer ranks bone fide volunteers:

- A two tier - pay per call system

- Volunteer firefighters and fire police per call stipend:

Career Firefighter Budget = \$1,340,928/18 firefighters

= \$74,796/2184 hours (52 weeks x 42 hours)

= \$34.11 per hour

20% Rule = \$34.11 x 20%

= \$6.82 x 2.95% negotiated raise

= \$7.02 per call

- Volunteer officers per call stipend:

Career Captain Budget = \$325,611/4 captains

= \$81,403/2184 hours (52 weeks x 42 hours)

= \$37.27 per hour

20% Rule = \$37.27 x 20%

= \$7.45 x 2.95% negotiated raise

= \$7.67 per call

- Live Burn Training - \$50.00 stipend
- Storm Watch - \$60.00 stipend per shift (shift not to exceed 8 hour)
- CPR Training - \$30.00 stipend
- EMT Recertification - \$50.00 stipend per day with a max of two days
- Officer Meetings - \$30.00 stipend

Existing Compliant Stipends:

- Fire Officer I stipend - \$500
- Fire Instructor I stipend - \$250
- Volunteer Training Officer - \$250 per quarter

Existing Non-Compliant Stipends

- The current custodian quarterly stipend given to designated members in Company 2, 3 and 5, does not qualify.