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### **New Laws Regarding Service Credit Certifications and Volunteer Emergency Medical Personnel**

*By Julie Blaha, State Auditor*

I'm Julie Blaha, your new State Auditor, and I am excited to say hello to all those reading the *Minnesota Fire Chief* magazine. I am humbled that Minnesota has trusted me with this important job. We are here to provide public officials, including relief association trustees, the data and analysis they need to be successful. I want all of you to know where you stand – as a partner with me and the entire State Auditor's office. Thank you for the important work that all of you do. Let's go!

This article discusses two of the new state laws that went into effect on January 1. If you have any questions regarding these new laws, please do not hesitate to contact my Pension Division staff at (651) 282-6110 or at [pension@osa.state.mn.us](mailto:pension@osa.state.mn.us).

#### **Certification of Service Credit**

A requirement was added to Minnesota statute that the fire chief annually, by March 31, certify service credit information for each volunteer firefighter who rendered active service with the fire department during the previous calendar year. For purposes of this requirement, a "volunteer firefighter" includes paid-on-call or part-time firefighters who are members of the applicable relief association and are eligible to receive service credit for pension purposes in the relief association for the service rendered.

Fire departments are responsible for establishing the minimum service requirements to earn service credit, calculating the service credit for each firefighter, and determining whether each firefighter is in good standing. Administratively, relief associations need this service credit information when determining eligibility for pension credit. The new certification requirement will help ensure that relief association trustees have the information they need to correctly award service credit for pension purposes.

The certification should be provided by the fire chief to an officer of the relief association

and to the municipal clerk or clerk-treasurer of the largest municipality in population served by the associated fire department. The relief association and municipality must keep the certification for the length of time required by each entity's record retention policy.

The fire chief must also provide to each active volunteer firefighter notification of the amount of service credit rendered by the firefighter for the previous calendar year. The service credit notification must be provided to the firefighter 60 days prior to the fire chief's certification to the relief association and municipality, along with a description of the process and deadlines for the firefighter to challenge the fire chief's determination. This annual notification to each firefighter will help resolve service credit disputes in a timely manner, rather than when the firefighter requests the service pension distribution.

A copy of the certification is not required to be submitted to the Office of the State Auditor (OSA), and there is not a specific form or format that must be used to make the certification. The fire chief has flexibility to create a form that contains a firefighter service credit listing that meets the needs of the relief association and complies with this new statutory requirement.

The certification may contain private member data, such as years of service and leaves of absence. Private data must be protected in accordance with Minnesota's Data Practices Act. The fire chief and relief association, therefore, should not post a copy of the certification in the fire hall or other public place without first redacting (removing or covering up) all private data.

### **Volunteer Emergency Medical Personnel**

Beginning on January 1, volunteer emergency medical personnel who are members of a fire department are now permitted to become members of the affiliated relief association and to be eligible for service pensions from the relief association on the same basis as volunteer firefighters. In order for this membership expansion to take place a relief association must amend its bylaws to authorize the change and the municipality must approve the change.

There has been a gap in pension coverage for individuals who are solely providing emergency medical services on a volunteer basis. This change is seen by some communities as an important tool to help recruit and retain individuals who are solely providing medical services for volunteer fire departments. If the local community decides to expand its relief association membership to include volunteer emergency medical personnel, a relief association's liabilities and contribution requirements may increase, which is why municipal approval of the change is required. A relief association receives no additional state aid to help offset the increase in liabilities.

For city and town fire departments, the addition of volunteer emergency medical personnel to a relief association's membership must be approved by the city council or

town board. If the fire department is a joint powers entity, the membership expansion must be approved by the joint powers board. If the fire department is an independent nonprofit firefighting corporation, the municipality or municipalities that contract with the fire department must approve the membership expansion.

The statutes were also updated to authorize volunteer emergency medical personnel who receive a relief association service pension or benefit to be eligible for the supplemental benefit distribution. Relief associations are able to seek reimbursement of these supplemental benefit payments, using the same reimbursement form and process as used for firefighter supplemental benefit payments.

### **To Learn More**

Additional information about firefighter service credit determinations is available on the OSA website at [www.auditor.state.mn.us](http://www.auditor.state.mn.us). A Statement of Position entitled Firefighter Service Credit Determinations, can be found by going to “For Local Officials” on the home page and clicking on “Statements of Position.” The Statement can be found on that page under the “Pensions” heading.

The OSA’s Sample Bylaw Guides have been updated to include optional language authorizing the inclusion of volunteer emergency medical personnel. The Sample Bylaw Guides can be found by going to “For Local Officials” on the OSA home page and clicking on “Pension Documents” and then “Bylaw Guides.”