

**THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**

RESOLUTION NO. 2019 - 5

**A RESOLUTION MODIFYING THE SANTA FE COUNTY FIRE DEPARTMENT'S
VOLUNTEER RECRUITMENT AND RETENTION INCENTIVE PROGRAM AND
RESCINDING RESOLUTION NO. 2007-158, AS AMENDED BY RESOLUTION
NOS. 2009-10 AND 2014-62**

WHEREAS, the Santa Fe County Fire Department relies heavily on volunteer firefighters and emergency medical providers to supplement its career firefighters and emergency medical providers; and

WHEREAS, in 2007, the Board of County Commissioners of Santa Fe County (BCC) passed Resolution No. 2007-158 adopting the Volunteer Recruitment and Retention Incentive Program (VRRI Program) to provide a nominal incentive program for volunteers to the Santa Fe County Fire Department in response to a decline in volunteerism nationwide; and

WHEREAS, Resolution 2007-158 was subsequently amended by Resolution No. 2009-10 and Resolution No. 2014-62, in order to increase incentives provided to volunteers with the fire department and to amend some of the VRRI Program procedures; and

WHEREAS, the Fire Chief, in collaboration with the Volunteer District Chiefs, has evaluated on-going difficulty in recruiting and retaining volunteers; and

WHEREAS, the Fire Chief determined that obstacles to gaining participation of volunteers includes the dramatically increasing emergency call volumes in Santa Fe County, and increased training and certification requirements for volunteers; and

WHEREAS, the Fire Chief and the Volunteer District Chiefs agree that the decline in volunteer participation in Santa Fe County is a concern, and believe it should be addressed through a more flexible volunteer incentive program that can be efficiently modified over time to address changing concepts for a successful program; and

WHEREAS, the necessary flexibility can be accomplished by granting the Fire Chief the authority to periodically adjust the training and certification requirements for volunteers who participate in the program; and

WHEREAS, the necessary flexibility can be augmented by granting the Fire Chief authority to make a periodic increase in the nominal fee paid to volunteers; and

WHEREAS, the County has historically budgeted funds from the Emergency Communications and Emergency Medical Services Gross Receipts Tax to support the VRRRI Program; and

WHEREAS, the Fire Chief will always be constrained in his authority to increase the nominal fee paid through the VRRRI Program by the amount budgeted annually for the VRRRI Program, if any, by the BCC, and by laws restricting the amount of the nominal fee allowed for volunteer firefighters; and

WHEREAS, the policy attached hereto as Exhibit A, is the policy which the Fire Chief and the Volunteer District Chiefs agree will best structure the VRRRI Program at this time.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Santa Fe County that:

A. This Resolution shall go into effect on February 1, 2019, simultaneous with the repeal of Resolution 2007-158, as amended by Resolution No. 2009-10 and Resolution No. 2014-62;

B. The Fire Chief is hereby authorized to adopt a new Volunteer Recruitment and Retention Incentive Program in the form of a policy, in substantially the same form as that attached hereto as Exhibit A, which policy shall be approved and periodically updated by the Fire Chief to ensure the program remains viable through revisions to training requirements and other features of the program;

C. The BCC shall determine annually the budget, if any, to allocate to the VRRRI Program;

D. The amount of the nominal fee, referred to as a recruitment and retention incentive, paid to volunteers, if the BCC budgets for such payments, shall be made only to those eligible for such payments in accordance with requirements of the VRRRI Program Policy and only to the extent budget exists for such payments;

E. The recruitment and retention incentive is hereby set at \$9.00 for each training and fire prevention activity approved by the Fire Chief and \$14.00 per emergency response, until such time as the Fire Chief utilizes the authority delegated to him in Paragraph F below to increase the recruitment and retention incentive;

F. The Fire Chief is hereby granted authority to adjust upward the amounts set forth in Paragraph E above through modifications of the VRRRI Program Policy, provided such increases occur on or after July 1, 2020, no more than once annually, and in increments of no more than three percent of the nominal fee in effect at that time;

G. At no time shall the Fire Chief include provisions in the VRRRI Program Policy which would result in violations of any law, including restrictions on the amount and structure of retention and incentive pay for volunteer fire fighters established by the Fair Labor Standards Act, 29 U.S.C. Section 201 et seq., which permits payments of a nominal fee to persons volunteering for a public agency so long as the fee does not exceed twenty percent of what the public agency would otherwise pay to hire a person for the same services and so long as the fee is not tied to productivity;

H. The Fire Chief is granted authority to adopt and amend a VRRRI Program Policy only to the extent the policy does not create an employment relationship between any volunteer and Santa Fe County.

PASSED, APPROVED, AND ADOPTED this 8th day of January, 2019.

**BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**

By: Anna Hansen
Anna Hansen, Chair



ATTEST:

Geraldine Salazar
Geraldine Salazar
Santa Fe County Clerk

APPROVED AS TO FORM:

R. Bruce Frederick
R. Bruce Frederick
Santa Fe County Attorney

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC RESOLUTIONS
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I Hereby Certify That This Instrument Was Filed for
Record On The 9TH Day Of January, 2019 at 11:01:23 AM
And Was Duly Recorded as Instrument # **1876435**
Of The Records Of Santa Fe County



Witness My Hand And Seal Of Office
Geraldine Salazar
Deputy Estrella Martinez County Clerk, Santa Fe, NM

Volunteer Incentive Program

- Policy
- Guideline
- Directive
- Informational

I. Purpose

The Santa Fe County Fire Department (SFCFD) Volunteer Recruitment & Retention Incentive Program, (Program) was formally adopted by the Board of County Commissioners for Santa Fe County (BCC) on September 25, 2007, and has been amended over time, with this amendment authorized by the BCC on January 8, 2019. The Program provides a nominal fee reimbursement system for emergency response and training and fire prevention activities approved by the Santa Fe County Fire Chief.

II. Policy

The Program is intended to have a positive impact on the recruitment and retention of volunteer firefighters and emergency medical technicians and to ensure the ongoing viability of its force of volunteer firefighters and emergency medical technicians and ensure that their efforts on behalf of the citizens of Santa Fe County are both appreciated and directly rewarded. Payment is not based upon productivity. In other words, the qualified participant is eligible for a nominal reimbursement per emergency response, and approved trainings and fire prevention activities, regardless of how long the event lasts. Such payment does not qualify a volunteer as an employee of Santa Fe County (County) or the SFCFD.

The nominal fee paid to volunteers for approved trainings and fire prevention activities and for emergency responses shall be \$9.00 for each training or fire prevention activity and \$14.00 for each emergency response. The Fire Chief may exercise the authority granted to him by Resolution 2019- , to increase the amount of the nominal fee by amendment of this policy.

Volunteer Status Confirmed

Volunteer members acknowledge that their participation in this program is not intended and does not create an employment relationship between the participant and the County. Payments are not wages or salary. Participants are required to acknowledge they are volunteers for the County, and by reading and signing the Application and accepting nominal fees, acknowledge this legal relationship, and further acknowledge they are not employees of the County and shall not accrue leave, participate in county employee retirement plans, insurance plans or any county employee benefit designated for county employees. Volunteers are covered under the County volunteer firefighter insurance program and the state Volunteer Retirement Plan as defined in other department policies, state law, and state rules and regulations.

Emergency Response

To the extent funds are budgeted, available, and such payments will not exceed limits placed on the annual total nominal fee available to each volunteer, payment for an emergency response for fire, rescue or emergency medical service emergency is authorized. Payment is not dependent upon the amount of time spent engaged in mitigating the emergency event. Emergency Response is further defined as follows:

1. A response to any emergency call per the standard county radio communication policy and procedure. This occurs when a SFCFD volunteer firefighter or EMT is requested or dispatched by the RECC to an emergency call in the County or an adjoining mutual aid jurisdiction and whose response is verified via radio communication. Members who are not dispatched but who observe an emergency response and stop to provide assistance may be eligible for a nominal fee, at the discretion of the Fire Chief.

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2. The member must actually respond to the emergency in order to be paid for the emergency response. Just because a member was 'available' and/or the volunteer was 'subject' to call because they were on-duty or listed on a duty roster does not qualify them for payment. The member must respond to the emergency in order to qualify for response payment.
3. Verification of a member's response by an officer completing the incident report is the minimum proof necessary to qualify for payment.

Approved Training

In order to qualify for a nominal fee for participation in a training, the training must be approved in advance and in writing by the Fire Chief and participation must be certified. Generally, participation will be certified by an attendance roster, recorded in the department's electronic records management system, which will include the date, time, subject matter covered, instructor name, and student name. The member must be present for the entire training session to be paid for the training. Such training information must be entered into the department's electronic records management system for verification prior to payment unless this requirement is waived by the Fire Chief due to deficiencies in the electronic records management system inputs. The electronic signature of the District Chief or Instructor is sufficient for verification purposes.

Fire Prevention Activities

In order to qualify for a nominal fee, participation in a fire prevention activity must be approved in advance and in writing by the Fire Chief, and generally participation must be certified by an attendance roster, recorded in the department's electronic records management system, and include the date, time, subject matter covered, and participant name, unless this requirement is waived by the Fire Chief due to deficiencies in the electronic records management system inputs. The member must be present for the entire event to be paid. Fire prevention activities include events intended to educate the public regarding fire and life safety, injury reduction and prevention, and property conservation. Fundraising events are not considered eligible for the incentive program.

Taxable Income

Nominal fee payments in excess of \$30.00 per month may be considered taxable income by the Internal Revenue Service and the completion of appropriate forms as required by the County Finance Department and the IRS is required for participation in this program. At the end of each calendar year the participant will receive a W-2 from the County.

Maximum Payment

This Program was established in reliance on a Wage and Hour Opinion Letter FLSA-2005-51 of the Wage and Hour Division of the United States Department of Labor interpreting provisions of the Fair Labor Standards Act. The Letter opined that payment of a nominal fee to persons volunteering services for a public agency so long as the fee does not exceed twenty-percent of what the public agency would otherwise pay to hire an individual for the same service, is permissible. No volunteer shall be eligible for nominal fee payments in excess of limits established by the Fair Labor Standards Act for persons volunteering services for a public agency. The twenty-percent cap has been set at \$8,235. This represents the limit of payments that may be made to a volunteer firefighter and/or emergency medical technician for the calendar year beginning January 1, 2019. That amount will be reevaluated by the Fire Chief each year, and increased by an amendment to this policy, which policy will not be amended more frequently than once per year, with the first amendment possible on or after July 1, 2020. For volunteers who elect to continue to provide volunteer services after receiving nominal fee payments equal to the cap in a given calendar year, those services will be provided without eligibility for payment of a nominal fee.

Random Audits

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Emergency Response, Training, and Fire Prevention records may be audited on a random basis to determine accuracy of the reported information. Applications and/or records deemed to be false, fraudulent or misleading may lead to suspension or termination.

Disciplinary Action

The department may take all appropriate actions with respect to an application or record it deems to be false, fraudulent or misleading, including suspension or termination of the volunteer from further service and/or other action deemed necessary by the Fire Chief. No payment shall be made based upon an application or record that is deemed to be false, fraudulent or misleading.

Availability of Funds

Payment is contingent upon sufficient availability of funds. Payments are subject to appropriation by the BCC, who may elect not to fund the program at any time without notice. When expenses exceed the amount budgeted, the nominal fees available through this program will be discontinued until such time as funds are allocated for the purpose of reinstating the nominal fees set forth in Section III, Procedure, below.

III. Procedure**Application and Certifications**

The SFCFD Volunteer Incentive Program Application must be completed, submitted to Fire Administration, and approved by the Santa Fe County Fire Chief prior to participation in the program and payment. The following documents must be attached to any application in order to be approved for participation in the program.

1. IRS Form W-4. This form is required for all participants. Keep the worksheet for your records.
2. Current certifications as listed (a-h) are required for all participants:
 - a. ICS-100 Introduction to the Incident Command System
 - b. ICS-200 ICS for Single Resources & Initial Action Incidents
 - c. IS-700 NIMS. An Introduction
 - d. IS-800 National Response Framework. An Introduction.
 - e. IS-3 Radiological Emergency Management
 - f. AWR-160 WMD/Terrorism Awareness for Emergency Responders
 - g. CEVO – Certified Emergency Vehicle Operator
 - h. CPR
3. Firefighter I – current certificate indicating successful completion of an approved Firefighter 1 training program.
4. NM EMT – current New Mexico EMT Basic (or higher) license.
5. Wildland and Support – S130/190 Introduction to Wildland Fire Behavior (including field day).

Emergency Response/Training Record & Supporting Documentation

An "Activity for Personnel" report (ER Report # 1674) must be completed by the member requesting payment under the program for each month of the calendar year and submitted to the District Chief for verification and approval. Training and prevention activities must be approved by the Department Fire Chief or his designee in writing in advance of the training, and recorded in the Fire Department's electronic records management system for verification. The member requesting a nominal fee for emergency responses must be listed on the incident report in the department's electronic records

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management system.

The activity report shall be given to the District Chief who is responsible for assuring it accurately reflects the member's participation. In order to confirm the member's participation the District Chief shall compare the member's record to the official records maintained in the department's electronic records management system.

The District Chief shall then sign the record and submit it to the Fire Administration Assistant no later than the date of the normally scheduled County Fire Chief's Association meeting (the final Thursday of every month) of the following month. If the record is not timely received by Fire Administration, there may be a delay in issuing payments for that month's activity.

The Fire Department Administrative Assistant shall then prepare the payroll spreadsheet based on the records received and forward them to the Volunteer Coordinator for verification and final approval.

Payments will be processed the following month.