

## **CORNING JOINT FIRE DISTRICT**

### **Resolution for Adoption of a Length of Service Award Program (LOSAP) and Notice for Referendum**

**Resolution of the Corning Joint Fire District in the County of Steuben, State of New York, Calling for the Creation of a LOSAP to be Sponsored by the Corning Joint Fire District Subject to Mandatory Referendum at the Annual Fire District Election to be Held on the 12th Day of December 2023, Directing the Publication of a Notice of Election, and Determining Other Matters in Connection Therewith.**

**BE IT RESOLVED**, BY THE BOARD OF FIRE COMMISSIONERS OF THE CORNING JOINT FIRE DISTRICT IN THE TOWN OF CORNING, COUNTY OF STEUBEN, STATE OF NEW YORK, BY A UNANIMOUS VOTE OF THE MEMBERS OF SAID BOARD, AS FOLLOWS:

**SECTION ONE:** The Corning Joint Fire District shall conduct a mandatory referendum of the resident electors of the Corning Joint Fire District to determine whether the Fire District shall establish a LOSAP ("Program") as provided in Article 11-A of the General Municipal Law.

**SECTION TWO:** The type of Service Award Program shall be a Defined Contribution Plan Service Award Program as described in Section 218 of the General Municipal Law.

**SECTION THREE:** The District shall provide a Service Award Program Benefit for each participating qualifying active volunteer firefighter of the North Corning Volunteer Fire Department, Inc., the South Corning Area Volunteer Fire Company, Inc., and the East Corning Fire Department, Inc. for a period of active volunteer firefighting service of up to forty (40) years.

**SECTION FOUR:** The Corning Joint Fire District shall be the Program Sponsor ("Sponsor") and shall act the Program Administrator ("Administrator"). As the Sponsor and Administrator, the Board of Fire Commissioners of Corning Joint Fire District shall have the authority to delegate administrative responsibilities to third parties. The Board of Fire Commissioners of Corning Joint Fire District shall serve as the trustees of the Corning Joint Fire District Service Award Program Trust.

**SECTION FIVE:** The entitlement age under the program shall be age 62.

**SECTION SIX:** The estimated annual cost of the program is forty-three thousand dollars (\$43,000) including estimated annual administrative costs and fees of four thousand dollars (\$4,000). The estimated annual cost per participant is one thousand one hundred three dollars (\$1,103) including estimated annual administrative costs and fees per participant.

The estimated annual cost of the first five years of the program is sixty thousand dollars (\$60,000) including estimated annual administrative costs and fees of four thousand dollars (\$4,000). This cost includes funds necessary to provide funding for the five-year prior fire service credit for entitled participants. The estimated annual cost per participant is one thousand six hundred forty-one dollars (\$1,641.00) including estimated annual administrative costs and fees per participant.

**SECTION SEVEN:** The number of years of fire service required to obtain a nonforfeitable right to a service award is five (5) years. A participant's accrued service award shall become fully vested (i.e. the participant shall obtain a non-forfeitable right to his or her accrued service award) after the Participant: earns at least five (5) years of service award program service credit; attains age 62 or any subsequent age while an eligible volunteer; or, is awarded a service award program total and permanent disability benefit payment. In all cases, the service award benefits of a participant who dies or is awarded a finding of total and permanent disability will be deemed to be fully vested in the Program one day prior to the date of their determination of disability or death.

**SECTION EIGHT:** The activities for which points will be granted toward a year of fire service credit include: participation in department responses, drills, training courses, stand-by assignments, sleep-in assignments, attendance at meetings, parades, elective or appointive office positions, teaching fire prevention and miscellaneous activities as approved by the program sponsor and as authorized under General Municipal Law Section 217(c).

**SECTION NINE:** In order to qualify for a year of firefighting service under the program, the participant must earn a minimum of fifty points in such year, such points to be awarded under a point system adopted by the Corning Joint Fire District in accordance with Section 217(c) of the General Municipal Law. Points counting towards a year of firefighting service shall be granted in accordance with a system adopted by the Sponsor and as attached hereto and incorporated herewith as Appendix "A".

**SECTION TEN:** The amount of the contribution to the program to be made on behalf of each participant credited with a year of fire service is one thousand dollars (\$1,000).

**SECTION ELEVEN:** Pursuant to General Municipal Law Sections 216(1)(viii) and 217(d), the program will provide for the crediting of prior years' firefighting service for each qualifying participant having faithfully performed firefighting duties in the five-year calendar period immediately prior to the effective date the program up to a maximum of five years per participant, provided such participant obtains fifty points (one "year of firefighting service") under the program between January 1, 2024 and December 31, 2024. Credit for prior years of firefighting service will be given only to those participants who are active volunteer firefighters of the North Corning Volunteer Fire Department, Inc., the South Corning Area Volunteer Fire



Company, Inc., and the East Corning Fire Department, Inc. on December 31, 2023. Any credit given to a participant for prior years of firefighting service shall be included when calculating a participant's qualifying years of firefighting service toward obtaining a non-forfeitable right to a service award.

**SECTION TWELVE:** The timing and method of financing contributions for prior years' fire service rendered by participants during one or more of the five calendar years immediately preceding the effective date of the program shall be made over the course of the first five years of the program by the making of annual contributions to cover the liability for the prior years of service credit. The amount of the credit for prior years of firefighting service will be one thousand dollars (\$1,000) per year for calendar year 2020 and thereafter. The amount of the credit for prior years of firefighting service will be seven hundred dollars (\$700) per year for calendar year 2019.

**SECTION THIRTEEN:** The date as of which the program will take effect is January 1, 2024. The program, if approved, upon mandatory referendum at the 2023 Annual Election of the Corning Joint Fire District will be effective January 1, 2024 with benefit payments to commence after January 1, 2025.

**SECTION FOURTEEN:** In order to qualify as a participant in the Program and accumulate credit, the person must be an active volunteer firefighter in the North Corning Volunteer Fire Department, Inc., the South Corning Area Volunteer Fire Company, Inc., or the East Corning Fire Department, Inc. and must earn one (1) year of firefighting service credit under the Program and be at least 16 years of age and must have completed at least one year of firefighting service. In order to receive payment under the Program, the participant must attain the Entitlement Age of sixty-two (62) years old. Upon reaching the Entitlement Age, the participant may elect to defer receiving payment for a period of up to three years and continue to accrue service points, up to the program maximum of forty (40) years. Nothing shall prohibit a participant from attaining points for the entire calendar year in which the participant reaches the Entitlement Age.

**SECTION FIFTEEN:** A participant shall be paid in the form of a lump-sum payment, annuity, or in any other equivalent forms of payment selected by the participant as may be permitted under the terms and conditions set forth in the Program Document.

**SECTION SIXTEEN:** An active volunteer firefighter whose service is interrupted by fulltime extended obligatory military service or by a single volunteer enlistment not exceeding four years in the armed forces of the United States, shall be considered on military leave and shall receive the minimum number of fifty points per year during the period of his or her absence. An active volunteer firefighter whose service is interrupted for a period of less than one year will be entitled to a pro rata

allotment of service award points in an amount equal to 1/12<sup>th</sup> of the requisite fifty points for each month the participant is on military leave.

**SECTION SEVENTEEN:** The vote upon the proposition to be submitted to the qualified voters shall be by paper ballot and the Secretary of the Fire District is hereby authorized and directed to have the necessary ballots prepared for use in voting and have the necessary records, registers and list of qualified electors obtained from the Steuben County Board of Elections.

**SECTION EIGHTEEN:** The date on which the proposition authorizing the adoption of the program shall be submitted to mandatory referendum at the Fire District Annual Election on December 12, 2023 from the hours of 6:00 PM to 9:00 PM or upon such additional hours as may be approved.

**SECTION NINETEEN:** The Secretary is hereby authorized and directed to prepare a ballot proposition setting forth the mandatory referendum in substantially the form set forth in Section 19 and give legal notice of said proposition and Annual Election in appropriate form not less than twenty-seven (27) days and no more than thirty-four (34) days prior to the date of such Annual Election in the *The Leader*, a newspaper having a general circulation within the Fire District and heretofore designated as the official newspaper of the Fire District for such publication, and to provide such additional postings and publication of such notice as required by law.

**SECTION TWENTY:** Said Notice of Annual Election shall be in substantially the following form:

(Continued on next page)



## **ANNUAL ELECTION OF THE CORNING JOINT FIRE DISTRICT**

NOTICE, is hereby given pursuant to the Town Law of the State of New York, that the Annual Election of the Corning Joint Fire District will take place on the 12<sup>th</sup> day of December 2023, between the hours of 6:00 p.m. and 9:00 p.m. at the Corning Town Hall, 20 South Maple Street, Corning, New York, 14830 for the purposes of voting on the following matters:

1. electing one commissioner for a five-year term commencing on January 1, 2024 and ending on December 31, 2028; and
2. voting on the following Proposition 1, a Resolution adopted September 13, 2023 by the Board of Fire Commissioners of the Corning Joint Fire District entitled: "Resolution for Adoption of a Length of Service Award Program (LOSAP) and Notice for Referendum". The ballot for Proposition 1 shall read substantially as follows:

### **PROPOSITION 1**

Shall the Resolution of the Board of Fire Commissioners of the Corning Joint Fire District adopted September 13, 2023 entitled: Resolution for Adoption of a Length of Service Award Program (LOSAP) and Notice for Referendum authorizing the establishment of a Defined Contribution Plan Service Award Program sponsored and administered by the Board of Fire Commissioners of the Corning Joint Fire District for the benefit of the volunteer firefighters of the North Corning Volunteer Fire Department, Inc., the South Corning Area Volunteer Fire Company, Inc., and the East Corning Fire Department, Inc.; stating the estimated annual cost for the first five years of the program to be approximately \$60,00.00 based on the existing number of firefighters; stating the estimated annual cost thereafter to be approximately \$43,000.00 based on the existing number of firefighters including estimated annual administrative fees of \$4,000.00; stating that the estimated projected monthly award to be paid to an eligible volunteer firefighter at age 62 is calculated to be one-twelfth (1/12) of the planned annual payment of \$1000.00 for each year of qualifying service credit; and the estimated annual cost for a covered participant to be approximately \$1641.00 for the first five years decreasing to approximately \$1,103.00 thereafter; stating that the normal form of payment of the benefit shall be a lump sum or a continuous and certain life annuity with optional actuarially equivalent forms of payment allowed; stating that death and total and permanent disability benefits are payable under the program; and authorizing a five-year prior service credit for prior service; with the plan to be effective January 1, 2024, be approved?

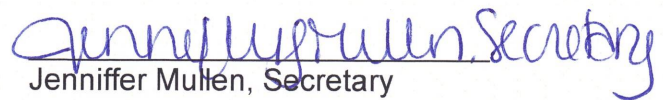
Motion to approve the Resolution on behalf of was made by Commissioner Eccleston:  
and seconded by Commissioner Clarkson.

The Board voted as follows:

	Aye	Nay	Abstain
Commissioner John Clarkson	X		
Commissioner Dave Shafer	X		
Commissioner Larry Eccleston	X		
Commissioner Stan Gridley, Jr.	X		

The Resolution was thereby duly adopted.

Dated: September 13, 2023

 Secretary  
Jenniffer Mullen, Secretary



## APPENDIX 'A'

**CORNING JOINT FIRE DISTRICT (CJFD/"District")**  
**LENGTH OF SERVICE AWARD PROGRAM (LOSAP)**  
**Point System**  
*Effective: January 1<sup>st</sup>, 2024*

**Introduction:** The following program establishes the manner in which CJFD will grant and accumulate performance-based points to its active members for the purpose of determining their eligibility for a year of Service Award credit.

**Eligibility:** An active volunteer member will be eligible to participate in CJFD's Service Award Program if s/he has reached the age of sixteen (16) and has completed at least one year of emergency response services with CJFD.

**Points Requirement to Receive a Year of Service Award credit:** A year of emergency response Service Award credit shall be granted to each active member of CJFD who has accumulated at least fifty (50) performance-based points in accordance with the following system:

**1. DISTRICT EMERGENCY RESPONSE EVENTS (25 Points)**

Twenty-five (25) points are earned for responding to the required minimum percentage of District calls. If a member responds to the minimum percentage of calls, s/he will be credited with twenty-five (25) points. The required minimum percentage is:

- 10% if the District responds to less than 500 total calls during the calendar year.
- 7.5% if the District responds to at least 500 but fewer than 1,000 total calls during the calendar year.
- 5% if the District responds to at least 1,000 but fewer than 1,500 total calls during the calendar year.
- 2.5% if the District responds to 1,500 or more total calls during the calendar year.

**Examples:** If the Fire District responds to 400 calls during a calendar year, a volunteer must respond to a minimum of 40 calls during the calendar year to receive 25 points ( $400 \times 10\% = 40$  calls). If the Fire District responds to 700 calls during a calendar year, a volunteer must respond to a minimum of 53 calls during the calendar year to receive 25 points ( $700 \times 7.5\% = 52.5$  calls, which must be rounded up to 53).

**2. DISTRICT-APPROVED TRAINING COURSES (Maximum of 25 Points)**

Points are awarded based on duration of District-approved training courses:

**Under 20 hours:**

1 Point per hour,  
NO more than 5 points per course.

**20 to 45 hours:**

5 Points plus 1 point per hour for each hour over 20 hours;  
NO more than 10 points per course.

**Over 45 hours to 100 hours:**

15 Points

**Over 100 hours:**

25 Points



**NOTES:**

- To receive Service Award points, training courses must be approved in advance by the District Chief or his District Officer designee and satisfactorily completed (i.e., As evidenced by passing licensing exam or receiving a certificate of completion) to receive LOSAP points).
- Members who are paid to attend training courses as part of their job or profession will not receive any Service Award points for attending that course.
- Volunteers cannot earn credit for each class under the "Drill" category if they are also applying for points under the "Training" category.

**3. DRILLS** *(Maximum of 20 Points)*

One (1) Point for each District drill in which a member actively participates. Drill must be 2 hours or greater in duration.

**4. AUTHORIZED NON-EMERGENCY STAND-BY** *(Maximum of 20 Points)*

One (1) Service Award point will be awarded for each stand-by event. A stand-by event is defined under General Municipal Law (S217(c)(iii)) as "a line of duty activity of the volunteer fire department, lasting for four hours, not falling under one of the other categories." A Mutual Aid response to stand-by at another department's quarters while they are engaged in fire suppression is considered a fire response and not a non-emergency stand-by.

Examples of non-emergency stand-by events include:

- EMS stand-by for sporting events
- Stand-by for another department at installations, parades etc.
- Weather-related stand-by
- Power outages

**5. HOLDING SPECIFIED ELECTED OR APPOINTED POSITIONS** *(Maximum of 25 Points)*

Service Award points are earned and awarded for completion of a full calendar-year term as an elected or appointed District Officer according to the following protocol:

District Line Officers – 25 Points

- Chief and Deputy Chief of District
- 1st Assistant Chief
- 2nd Assistant Chief
- 3rd Assistant Chief

District Line Officers – 20 Points

- Captain
- 1st Lieutenant
- 2nd Lieutenant

Other District Officers – 8 Points

- Chief District Instructor
- Asst Chief Instructors
- Quartermaster
- Department Statistician

- Budget Officer
- District Program Managers (*ie. EMS, Academic Services, Community Relations, Recruitment & Retention, Asset Control, etc*)
- Wardens
- LOSAP Service Award Coordinator

#### NOTES:

- A term commences on January 1<sup>st</sup> annually and ends on December 31<sup>st</sup> of that same year. Points will be awarded after serving the full 12 months actively. The Chief of the district will notify the LOSAP Coordinator if any District Officer doesn't actively serve their term.
- If an Officer is suspended for a period greater than 30 days, s/he will NOT receive any points for the year!
- Members can combine points to a maximum of 25 points if they hold more than one position.

#### 6. **MEETINGS** (*Maximum of 10 Points*)

One (1) Point is earned for attendance at an officially scheduled meeting of the District or a member Fire Company (*however, only 5 of the allowed 10 points may derive from Fire Company meetings*) that all members are expected to attend. The meeting must last at least 1 hour in duration.

**NOTE:** Meetings of District and Fire Company committees DO NOT receive a point in this category. Points opportunities for District committee meetings are addressed in Section 9. Miscellaneous Activities.

#### 7. **LINE OF DUTY DISABILITY** (*5 points per month to a maximum of 60 Points*)

In the event that an active volunteer firefighter is either totally and temporarily disabled, or partially and permanently disabled, as certified by a competent authority approved by the District, and the disability occurs during the course of service as a volunteer, while actively engaged in providing line of duty services, as defined in subdivision one of section five of the Volunteer Firefighters' Benefit Law, the active volunteer firefighter shall receive five points for each full calendar month that such disability remains total and temporary or partial and permanent as certified by a competent authority approved by the Fire District.

#### 8. **PUBLIC EDUCATION IN FIRE PREVENTION** (*Maximum of 5 Points*)

One (1) point per class for a firefighter who at the direction of the District, and for no remuneration, presents a public education class on fire prevention to a school, not-for-profit corporation, or civic organization organized and existing under the laws of this state or authorized to conduct activities in New York State.

#### 9. **MISCELLANEOUS ACTIVITIES** (*Maximum of 15 Points*)

One (1) point for attendance at other activities for which points cannot be earned in another category described herein and at which a firefighter would be covered by the Volunteer Firefighter's Benefit Law while participating in such activity. Examples of miscellaneous activities include:



<u>Activity</u>	<u>Points</u>
Firefighter Experience Camp	2 per 4-hour shift
Inspections	1 per Inspection
Parades	1 per Parade
Fund Raising Events	1 per day – 2 hours or greater in duration
Work Details	1 per detail – 2 hours or greater in duration
District Committee Meetings	1 per meeting – 2 hours or greater in duration
District Award Ceremony	1 per Event
District Sporting Activity	1 per Event
Participation in a District-approved physical fitness program	2 for 24hrs/calendar-yr

### **GENERAL NOTES ON THE LOSAP PROGRAM**

- In order for a member to receive LOSAP points s/he must be an ACTIVE member of the District. ACTIVE is defined as an Interior or Exterior Firefighter, Fleet Operator, and/or EMS Provider with an active NYS EMT-B license or CFR certificate.
- All "LOSAP & Training Attendance Records" and "Response Attendance Records" must be signed and dated by all members present.
- The individual who validates the attendance record must print and sign their name and include the date of the event in the designated section of the training record.
- The LOSAP Coordinator will email out to the company's monthly reports.
- The year-end LOSAP meeting to review the final points report prior to its submission to the Board of Fire Commissioners will be held the week before the Board's monthly meeting in January annually.
- After the Board of Fire Commissioners approves the final report, it will be posted in each fire station for a 30-day period. Any member that wants to file a grievance about their points total must do so during this 30-day period. Grievances must be filed in writing to the District Chief and include documentation to support their position. No changes will be made to the year-end report after this 30-day posting!

Adopted by the CJFD Board of Fire Commissioners  
October 11<sup>th</sup>, 2023

  
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David Shafer, Chairman

*Developed in accordance with NYS General Municipal Law §217 General Requirements for a Service Award Program*