

ASSEMBLY, No. 5283

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED JANUARY 27, 2021

Sponsored by:
Assemblyman ROBERT AUTH
District 39 (Bergen and Passaic)

SYNOPSIS

Allows local unit to provide service award to volunteer for qualifying service performed for each emergency service organization.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the Emergency Services Length of Service
2 Award Program and amending P.L.1997, c.388.

3
4 BE IT ENACTED by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 3 of P.L.1997, c.388 (C.40A:14-185) is amended to
8 read as follows:

9 3. a. A local government unit that is a county or municipality
10 in which a fire district does not exist may by ordinance establish or
11 terminate a length of service award program for the active volunteer
12 members of the emergency service organizations operating under
13 the county's or municipality's jurisdiction.

14 b. The board of fire commissioners of any fire district may by
15 resolution establish or terminate a length of service award program
16 for the active volunteer members of the emergency service
17 organizations operating under the district's jurisdiction.

18 c. No such ordinance or resolution shall take effect until it is
19 presented as a public question, for a municipality or county at the
20 next general election, and for a fire district at the next annual
21 election, and ratified by the voters. Each ordinance or resolution
22 proposing the establishment of a length of service award program
23 after the effective date of P.L. , c. (C.) (pending before the
24 Legislature as this bill) may provide that a person who is faithfully
25 and actually performing volunteer service in more than one
26 emergency service organization may qualify to receive a length of
27 service award for volunteer service performed in each emergency
28 service organization. Each [such] ordinance or resolution shall be
29 adopted by the governing body or the board of fire commissioners
30 no less than 60 days prior to the election at which [such] a public
31 question is presented for ratification.

32 d. In addition to any other procedures provided by law, every
33 ordinance or resolution creating a length of service [awards] award
34 program shall include:

35 (1) A general description of the program;

36 (2) A statement of the proposed estimated total amount to be
37 budgeted for the program;

38 (3) A statement of the proposed maximum annual contribution
39 for an active volunteer member or, if applicable, the proposed
40 maximum contribution for an active volunteer member's service in
41 each emergency service organization;

42 (4) If the proposed program authorizes the crediting of prior
43 year service, a statement of the number of prior years of service
44 available for crediting for each active volunteer member or, if
45 applicable, the number of prior years of service available for

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 crediting for an active volunteer member's service in each
2 emergency service organization; and

3 (5) Any such other provisions as may be reasonably required by
4 the director to carry out the purposes of **【this act】** P.L.1997, c.388
5 (C.40A:14-183 et al.).

6 e. No ordinance, resolution or public question related to a
7 length of service award program shall require prior approval of the
8 director.

9 f. (1) Subsequent to the adoption of a length of service award
10 program as provided in this section, the maximum annual
11 contribution may be increased, from time to time, without public
12 hearing or public question, provided **【such】** the increased
13 contribution does not exceed a number calculated by multiplying
14 the original contribution as approved by public question by the
15 consumer price index factor. As used in this **【section】** paragraph
16 "consumer price index factor" means a fraction the denominator of
17 which shall be the "Revised Consumers Price Index-All Items,
18 Philadelphia Area (1967-100)" (the "CPI") published by the Bureau
19 of Labor Statistics of the United States Department of Labor for the
20 month in which the length of service award program passes public
21 question and whose numerator shall be the CPI for the most recent
22 month available at the time the increased contribution or benefit
23 takes effect. If the publication of the CPI is discontinued, the
24 director shall issue regulations pursuant to the "Administrative
25 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), setting forth
26 such revisions in the method of computation of the consumer price
27 index factor as the circumstances require to carry out the purposes
28 of this subsection.

29 (2) Subsequent to the adoption of a length of service award
30 program as provided in this section, the sponsoring agency may
31 provide by ordinance or resolution, without public hearing or public
32 question, that a person who is faithfully and actually performing
33 volunteer service in more than one emergency service organization
34 may qualify to receive a length of service award for volunteer
35 service performed in each emergency service organization.

36 (3) Except as otherwise provided in **【this act】** P.L.1997, c.388
37 (C.40A:14-183 et al.), all other material changes to a length of
38 service award program subsequent to its adoption shall be effected
39 without public question but by ordinance or by resolution subject to
40 public hearing, as appropriate to the sponsoring agency.

41 g. Any amounts appropriated annually for a length of service
42 award program shall be included in the budget of the local
43 government unit as a separate line item. In the case of a fire
44 district, the budget to be voted on at the time of the public question
45 to establish a length of service award program shall include the first
46 year's appropriation for funding **【such】** the program, which
47 appropriation, if the public question is defeated, shall be removed

1 from the budget. In the case of a municipality or county,
2 appropriations for length of service award programs shall
3 commence with the budget immediately following enactment of
4 **【such】** the program.

5 h. No length of service award program shall be adopted by any
6 local government unit other than pursuant to **【this act】** P.L.1997,
7 c.388 (C.40A:14-183 et al.).
8 (cf: P.L.1997, c.388, s.3)
9

10 2. Section 6 of P.L.1997, c.388 (C.40A:14-188) is amended to
11 read as follows:

12 6. No emergency service organization shall be required to
13 provide a length of service award for its active volunteer members
14 pursuant to the provisions of **【this act】** P.L.1997, c.388 (C.40A:14-
15 183 et al.). Any length of service award provided to an active
16 volunteer member shall be governed by the provisions of **【this act】**
17 P.L.1997, c.388 (C.40A:14-183 et al.). No length of service award
18 program shall be provided under the provisions of **【this act】**
19 P.L.1997, c.388 (C.40A:14-183 et al.) unless the following
20 requirements are met:

21 a. An active volunteer member shall be eligible to participate
22 in a length of service award program immediately upon the
23 commencement of the active volunteer member's performance of
24 active emergency services in **【any】** an emergency service
25 organization, and shall be eligible to vest in **【any】** a length of
26 service award program provided under the provisions of **【this act】**
27 P.L.1997, c.388 (C.40A:14-183 et al.) if the active volunteer
28 member has completed at least five years of emergency service in
29 **【any】** an emergency service organization in the State.

30 b. Under a length of service award program, a year of active
31 emergency service commencing after the establishment of the
32 program shall be credited for each calendar year in which an active
33 volunteer member accumulates a number of points that are granted
34 in accordance with a schedule adopted by the sponsoring agency.
35 The program shall provide that points shall be granted for activities
36 designated by the sponsoring agency, which activities may include
37 the following:

38 (1) Training courses;

39 (2) Drills;

40 (3) Sleep-in or standby. A "standby" means line of duty activity
41 of the volunteer fire company, lasting for four hours, not falling
42 under one of the other categories;

43 (4) Completion of a one-year elected or appointed position in
44 the organization;

45 (5) Election as a delegate to an emergency service convention;

46 (6) Attendance at official meetings of the sponsoring agency;

47 (7) Participation in emergency responses; or

- 1 (8) Miscellaneous activities including participation in
2 inspections and other non-emergency fire, first aid or rescue
3 activities not otherwise listed.
- 4 c. If provided for in the enabling ordinance or resolution
5 adopted pursuant to section 3 of P.L.1997, c.388 (C.40A:14-185), a
6 length of service award program may provide for the crediting of
7 not more than 10 years of active emergency service periods prior to
8 the establishment of **such a** the program. **Such** A credit may be
9 granted to **the** an active volunteer over as many years as deemed
10 appropriate by the sponsoring agency, except that the total amount
11 contributed in any one year shall not exceed the maximum amount
12 allowed by law to be contributed by a sponsoring agency.
- 13 d. To provide credit for service prior to the establishment of
14 **the** a service award program **,** pursuant to subsection c. of this
15 section, **each** a sponsoring agency shall review the prior
16 membership rosters of the emergency service organizations subject
17 to the program to determine the number of years' credit for each
18 participant who is entitled to credit. In making the analysis, the
19 standards for active service set forth in subsection b. of this section
20 and adopted by the sponsoring agency shall be used. The amount of
21 the contribution provided to participants for past service may differ
22 from the amount of the current contribution provided for under the
23 plan. The definition of **years** year of active emergency service
24 shall be determined by the bylaws of the participating emergency
25 service organization at the time service was earned. Approval for
26 **such** prior service shall require certification by the duly
27 designated persons in each participating emergency service
28 organization, as determined and defined by the sponsoring agency
29 **of the participating emergency service organization**. If an active
30 volunteer member requests credit for service in more than one
31 **volunteer** participating emergency service organization, each
32 such emergency service organization shall provide a certification
33 for the appropriate number of years. **That credit** Credit for prior
34 years of service may be awarded at the discretion of the sponsoring
35 agency of the plan in which the volunteer member seeks to apply
36 the credit. **In no event, however, shall a** A participant shall not be
37 credited for the same year of active emergency service in more than
38 one service award program unless the participant has satisfied the
39 minimum requirements of participation established by the
40 sponsoring agency on a consistent and uniform basis in more than
41 one participating emergency service organization.
- 42 e. (Deleted by amendment, P.L.2001, c.272).
- 43 f. An active volunteer member whose name does not appear on
44 the approved certification list or who is denied credit for service
45 prior to the establishment of the service award program may appeal
46 within 30 days of posting of the list or within 30 days of denial of
47 past service credit. The appeal shall be in writing and mailed to the

1 clerk or secretary of the governing body of that local government
2 unit, which shall investigate the appeal. The decision of a
3 participating emergency service organization shall be subject to
4 appropriate judicial review.

5 (cf: P.L.2001, c.272, s.1)

6
7 3. Section 7 of P.L.1997, c.388 (C.40A:14-189) is amended to
8 read as follows:

9 7. a. Each active volunteer member's service award shall be
10 subject to contribution requirements set forth in this section. In
11 determining whether contribution requirements have been satisfied,
12 all benefits provided under all service award programs instituted by
13 a sponsoring agency shall be considered as one program. A
14 program adopted by a sponsoring agency shall set contributions
15 within these requirements.

16 b. **【A】** Except as provided in subsection c. of this section, a
17 program shall have minimum and maximum contribution
18 requirements as follows: the minimum contribution for each
19 participating active volunteer member shall be \$100 per year of
20 active emergency service; and the maximum contribution for each
21 active volunteer member shall be \$1,150 per year of active
22 emergency service, subject, however, to periodic increases
23 permitted pursuant to subsection f. of section 3 of P.L.1997, c.388
24 (C.40A:14-185).

25 c. If a sponsoring agency allows a person who has performed
26 volunteer service in more than one emergency service organization
27 during the same year to qualify to receive a length of service award
28 for volunteer service performed in each emergency service
29 organization, the length of service award program shall have
30 minimum and maximum contribution requirements as follows: the
31 minimum contribution for each participating active volunteer
32 member shall be \$100 per year of active emergency service in each
33 emergency service organization; and the maximum contribution for
34 each active volunteer member shall be \$1,150 per year of active
35 emergency service in each emergency service organization, subject,
36 however, to periodic increases permitted pursuant to subsection f.
37 of section 3 of P.L.1997, c.388 (C.40A:14-185).

38 (cf: P.L.1997, c.388, s.7)

39
40 4. This act shall take effect immediately.

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42
43 STATEMENT

44
45 This bill would amend the "Emergency Services Volunteer
46 Length of Service Award Program Act," P.L.1997, c.388
47 (C.40A:14-183 et al.), to allow a local government unit to
48 encourage people to provide volunteer service to more than one

1 emergency service organization. Current law allows a local unit to
2 provide a person more than one length of service award program
3 (LOSAP) award if the person satisfies program requirements for
4 service provided to more than one emergency service organization,
5 however, current law limits the amount a local unit can contribute
6 for each active volunteer member to \$1,150 per year of active
7 emergency service.

8 Under the bill, if a person serves as a volunteer firefighter for a
9 fire organization providing service within a municipality and also
10 serves as an emergency medical service volunteer for a first aid
11 organization providing service within the same municipality, the
12 municipality would be able to contribute the maximum amount
13 annually for each type of volunteer service the person provides to
14 the municipality.

15 In some municipalities, emergency service organizations have
16 difficulty recruiting and retaining a sufficient number of volunteers
17 to provide adequate emergency services. The bill recognizes that
18 some people may be willing to volunteer and serve more than one
19 emergency service organization, and encourages those people to do
20 so by allowing local units to provide a maximum contribution to a
21 LOSAP award for each year of eligible service a person provides to
22 an emergency service organization.