

## WEEKEND MAINTENANCE DUTIES

The Hartsel Fire Protection District is dependent upon its volunteer firefighters for emergency response. A "volunteer" firefighter is defined by Sec. 31-30-1102 (9), C.R.S., as a firefighter who does not receive compensation as a firefighter and who is not classified as an "employee" under the federal Fair Labor Standards Act, ("FLSA"). The FLSA allows nominal payments as incentives or rewards, provided that such payments do not exceed 20% of what a paid firefighter would be paid for performing the same services.

Under state law, the term "compensation" does not include (and therefore is permissible without jeopardizing volunteer status for pension purposes):

- o actual expenses incurred and reimbursed to a firefighter,
- o reimbursement to the firefighter of lost wages from his/her regular employer and caused by such volunteer service;
- o federal payments for participation in a temporary emergency incident (whether paid directly to the firefighter or paid to the firefighter through the District; or
- o nominal fees or benefits paid on a per-call basis or as part of an annual merit or recognition awards program or other awards program.

Additionally, the FLSA prohibits a paid firefighter from volunteering his/her firefighting services for the same department. However, a person may be paid for non-firefighting activities and also volunteer his/her firefighting services. Whether the volunteer is performing the same type of services for which he/she is compensated depends upon the specific paid job's duties. The duties for which the firefighter is paid can not include any firefighting activities or any firefighting related incidental activities such as cleaning or maintaining equipment used for firefighting. For example, a firefighter normally washes and cleans trucks/equipment, but would not normally perform fire apparatus mechanical maintenance that is normally performed by a mechanic. Similarly, a firefighter is not engaged in firefighting or related activities if he/she is roofing the station, fixing the plumbing, performing carpentry work or engaging in landscaping tasks. The main prohibition is that the paid duties can not include fighting fires.

For these reasons, the District hereby establishes the following rules for part-time paid weekend non-firefighting work.

1. Paid part-time employees shall be compensated on an hourly basis at such rates as the Board may approve.
2. The part-time employees will performing the following non-firefighting duties:

Landscaping (mowing, trimming, planting etc.)  
Painting  
Roofing repairs  
Carpentry  
Plumbing repairs  
General mechanical repairs to apparatus

3. Hourly compensation will be determined by the Board from time to time. Normal withholdings will be made from all such payments as required by law.

4. **While on paid duty, part-time paid employees shall NOT engage in direct or incidental firefighting activities while performing the above duties.** Activities that are incidental to firefighting include: cleaning and normal maintenance of firefighting gear and equipment, making reports, filing, general record-keeping duties involving firefighting activities, etc.

5. If a part-time paid employee is also a volunteer firefighter, he/she MAY (but is not required to) respond to an incident at the firefighter's discretion but if the firefighter does respond, he/she will not be compensated for the time spent engaged in firefighting activities.

6. Part-time paid employees shall accurately keep track of their time spent on the job, including logging out for responding to any incidents.

Adopted: 7-8 2009

HARSTEL FIRE PROTECTION DISTRICT

By: 