



WADING RIVER FIRE DISTRICT BOARD OF FIRE COMMISSIONERS

6.3 Line of Duty Injury / Death Policy

OBJECTIVE:

To have a reporting method / procedure in place for volunteers of the Wading River Fire Department that sustain injuries, illness or death as a result of activities as an active member while covered under the Wading River Fire District VFBL / workers compensation carrier. Nothing construed in this policy shall allow the fire district to supersede the VFBL or Workers Compensation Law.

DEFINITIONS:

GML – General municipal law

IME – Independent medical exam

LODD – Line of duty death

LODI – Line of duty injury or illness

VFBL – Volunteer firefighter benefit law

FIRE DISTRICT RESPONSIBILITIES:

1. The fire district shall evaluate insurance and worker compensation carriers as needed and shall identify the vendor(s) to be used at the annual organizational meeting of the board of fire commissioners. This shall not prevent the board from changing any carrier(s) during the calendar year.
2. The fire district shall assist with filing and monitor all VFBL claims submitted on behalf of a volunteer member.
3. The fire district will continuously work with its respective carriers and associated agencies governing workplace injuries, illnesses and fatalities, in an effort to eliminate or reduce future occurrences.

4. The fire district will keep a record of all injuries and illnesses sustained by volunteer members utilizing VFBL form VF-1. A copy of the VF-1 shall also be provided to the injured / ill member.
5. The fire district shall initiate an investigation with the proper authorities and agencies if fraud is suspected.

LINE OF DUTY INJURY / ILLNESS PROCEDURE:

Any active member while performing duties as a volunteer, who becomes sick or injured under a category outlined in the VFBL and cannot fulfill the obligation as an active volunteer member of the fire department due to the sickness or injury sustained, shall be automatically placed on a line of duty leave (LODL). The chief shall notify the Board of Fire Commissioners at the next scheduled district meeting of this status. LOSAP will continue to accumulate for the length of the LODL incident and VFBL claim. While on this type of leave, no further participation in any VFBL activity will be covered other than the initial incident which caused the sickness or injury. Any member on LODL for a period of more than thirty days upon direction from the Chief shall submit a written statement on the form provided by the Chief's Office documenting their inability to perform their firematic duties and monthly thereafter. The Board of Fire Commissioners reserves the right to direct a member on LODL to submit to a physical evaluation by the District's Physician to determine their ability to return to active duty as a volunteer firefighter. The Board further reserves the right to direct the District Physician to consult with the member's personal physician with regard to the medical condition of the member.

The member can remain a social member of the fire department in accordance with their by-laws.

Any member, prior to returning duty from a LODL shall pass a district physical before being put back on active roles of the VFBL.

After clearance from a district physical, members returning to active duty shall be subject to complete any training necessary before actually engaging in alarm response with the fire department. The chief shall notify the Board of Fire Commissioners at the next scheduled district meeting of this status.

Any member on LODL for eighteen months shall be removed from the active roles of the Wading River Fire Department and shall be assigned to the appropriate non active status as determined by the rules and regulations of Fire District and the Fire Department.

LINE OF DUTY DEATH PROCEDURE:

1. This procedure shall apply only to active volunteer members of the Wading River Fire Department while performing tasks identified under the VFBL. The chief of the fire department, or his designee, along with the fire district manager, shall complete all necessary paperwork.
2. The following forms should be completed within ninety (90) days of the LODD;
 - A) VFBL form VF-62 is to be completed by the fire district.
 - B) VFBL form C-64 is for proof of death. It shall be completed by the physician in last attendance of the deceased.
 - C) VFBL form C-65 is for proof of burial and funeral expenses. It must be completed by the funeral director.

RELATED POLICIES

1.3 LOSAP Policy
1.4 Active Status Policy
1.12 Disciplinary Procedure Policy
5.0 Leave Policy
5.5 Physical Examination & Fitness Policy

RELATED LAWS

NYS Volunteer Firefighter Benefit Law
NYS Workers Compensation Law

Revised by the Wading River Fire District Board of Fire Commissioners on Monday, 08/26/2019.

James Meier, Chairman
Michael Harrigan, Commissioner
John McManus, Commissioner
Kevin McQueeney, Commissioner
Joseph Moreno, Commissioner