



LAGRANGE FIRE DISTRICT

504 Freedom Plains Rd • Poughkeepsie, NY 12603



MINUTES BOARD OF FIRE COMMISSIONERS Regular Meeting – June 25, 2024

ATTENDEES: Chairman Marc Komorsky Commissioner Richard Sassi
Commissioner Barry Ward Commissioner Robert Taft
Commissioner Anthony Pignataro Secretary Bria Le
Attorney Michael Hekle (Via Teams) Treasurer Mark Pozniak

At 6:07 pm, Chairman Marc Komorsky called the Board of Fire Commissioners Regular Meeting to order for Tuesday, June 25th, 2024 and led the Pledge of Allegiance. He welcomed everyone to the meeting.

MINUTES: - 6/11/24 Regular Meeting

Upon a MOTION made by Commissioner Pignataro and SECONDED by Commissioner Sassi, the Board RESOLVED to approve the 6/11/24 Regular Meeting minutes. Sassi – Aye, Ward -Aye, Taft – Aye, Pignataro – Aye, Komorsky - Aye. **Motion Carried.**

CORRESPONDENCE:

- A notice from Camp Hillcroft regarding its operation from June 20 to August 23, 2024, was received.
- A thank you card from the LaGrange Parks & Recreation Department was received for the Fire District's participation in the Community Day festivities.

ROOM USE REQUESTS:

There were none at this time.

OLD BUSINESS/UNRESOLVED ITEMS:

- Station 1 Building Update – Commissioner Ward stated they are waiting until the fall to do anything further on his three projects.
- Station 3 Storage Room – Commissioner Ward stated there is no update at this time.
- Station 2 Brick Pointing – Commissioner Ward stated there is no update at this time.
- Physicals status update – Commissioner Sassi said there is nothing new and he recommends that they drop this off of the agenda at this point. He met with the Chief, and they made a report at the last meeting.
- Staffing Community Events – Chairman Komorsky stated there will be no discussion on this item in the Chief's absence.
- ESO Reporting status update – Chairman Komorsky stated there will be no discussion on this item in the Chief's absence.

BoFC Regular Meeting 6/25/24

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- Grant update – Chairman Komorsky stated there will be no discussion on this item in the Chief’s absence.
- Station 2 Meeting Room Videoconferencing System – Chairman Komorsky stated there will be no discussion on this item in the Chief’s absence.
- Diesel Tank Accessories - Chairman Komorsky stated there will be no discussion on this item in the Chief’s absence.
- HIPAA Compliance – Chairman Komorsky stated there will be no discussion on this item in the Chief’s absence.
- Building Repairs/Repair Requests – Chairman Komorsky asked if anybody had anything that they had not already spoken about. There was none.

NEW BUSINESS: -

- Quote to rekey Station 2 locks – Chairman Komorsky stated everyone had a copy of the estimate from MYA Locksmith in the amount of \$12,624.00. He reviewed each line item. Commissioner Taft asked for an explanation of the parts required. Secretary Le stated they have the key fob's for entry, but all of the doors still have key access and can be used that way instead of with the electronic key fob. Commissioner Ward asked if this was for all of the doors that currently have key cylinders and Secretary Le said yes. This will eliminate any key access. Every door that has a fob will have the cylinder removed. The exit devices are for the door here and in the stairwell. They are the panic bar accesses as the current ones do not function properly. Chairman Komorsky asked if this went out for more than one price and Secretary Le stated that Chief Champion was having a very difficult time having locksmiths return his calls or to come out for price quotes. He has been working on this for quite a while. Commissioner Sassi asked if the Chief had provided a list of locksmiths he had contacted. Chairman Komorsky stated he believes they should hold off until the next meeting to see what additional information the Chief could provide. Treasurer Pozniak suggested waiting until the Chief is back. He said they could use failed attempts as a legitimate quote, but it would be nice to see at least one additional quote. Commissioner Sassi stated this quote is dated December and it may not still be good. Secretary Le stated he resent the quote within the last two weeks. Chairman Komorsky asked that this be held over until the next meeting.
- 2024 Records Destruction Schedule – Chairman Komorsky stated that Secretary Le will schedule the shred truck to come out. This will include shredding of the EMS and fire check sheets, diesel fuel logs, duplications from the Treasurer's desk, duplications from the EMS Administrator's desk, controlled substance check sheets, and payment vouchers. Commissioner Taft asked if there was a cost associated with this yet and Secretary Le stated they typically come and put the district boxes into their shred container and charge a specific amount for the first one and a lesser amount for each additional one.

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Upon a MOTION made by Commissioner Ward and SECONDED by Commissioner Pignataro the Board RESOLVED to approve the 2024 records Destruction Schedule as presented. Sassi– Aye, Ward – Aye, Pignataro – Aye, Taft – Aye, Komorsky - Aye. **Motion Carried.**

- New member approval for John Merkle – Secretary Le stated he is applying to become a Station 1 member as a Fire Police. He is interested in returning. He has passed his background check and physical.

Upon a MOTION made by Commissioner Ward and SECONDED by Commissioner Sassi, the Board RESOLVED to approve the membership of John Merkle as a member of Station 1 for the Fire Police. Sassi– Aye, Ward – Aye, Pignataro – Aye, Taft – Aye, Komorsky - Aye. **Motion Carried.**

Chairman Komorsky asked if anyone had any additional new business. There was none.

REPORTS: (by officers present)

- **Treasurer Pozniak** - Treasurer Pozniak stated the Board had bank reconciliations through May 2024 for all but two of the accounts. The remaining two will be done and then everything will be up to date. The two that are missing are the General Disbursement Account and the EMS Cost Recovery Account. He is working on a different way of inputting the data into QuickBooks to be more thorough. It should be done very shortly. One thing that has happened over the last year or two is the increase in interest rates. He asked if the Board had ever heard of NYClass. It is a municipal savings program that a lot of the towns, villages, and fire districts are participating in. Right now, they are offering rates at around 5%. It is not FDIC insured but they do have third-party collateralization. They guarantee the participants funds against a second set of holdings sort of like an insurance pool. LaGrange is currently getting around 2 1/4%. Depending on the amount they were to deposit they could see interest of anywhere from \$10,000-\$50,000 annually. Chairman Komorsky asked if this was in line with a state fiduciary fiscal responsibility and Treasurer Pozniak stated this is specifically designed for New York municipal entities. They are the only ones that can participate in this. It is not state-sponsored but it is a state approved. It is a legitimate investment vehicle for municipalities. Chairman Komorsky asked how much the Treasurer recommended depositing. Treasurer Pozniak stated he believed they could deposit a couple of million in there. It can be taken in and out by transfer that takes approximately 2 days. Chairman Komorsky asked if there were any charges or fees and the Treasurer said no. Commissioner Taft asked if it was guaranteed safe. Treasurer Pozniak stated it is not 100% guaranteed, but it is as guaranteed as much as it can be. Commissioner Pignataro asked if it were as guaranteed and safe as it would be at Tompkins. Treasurer Pozniak stated FDIC does not cover all of the deposits. They have their own third-party collateralization on the District's funds as well. Even the money at Tompkins is not 100% guaranteed. It is all pretty darn close. It is as low risk as you can get. If, in six months, the rates are not better than what they are getting at Tompkins if can be transferred back. Commissioner Pignataro asked if there were any charges from Tompkins for moving money back and forth like this. Treasurer Pozniak stated right now they are only keeping what they need to cover checks in the checking account and doing transfers as well. That would still happen. This is in addition to the Positive Pay that Tompkins does checking the written checks. He feels that that is working great and is confident in this security option. Chairman Komorsky

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stated Charles Schwab has a money market fund called SNAXX that is over five and half percent right now. There is a \$1 million minimum, and it is very safe. That has checks attached to it so checks can be written directly from there. Treasurer Pozniak stated he would ask what happens if you fall below their minimum and what kind of guarantee is there for the funds as far as collateralization that accounts have. These others are designed to have that because they are designed specifically for municipalities. There are no minimums for this. He stated he is not saying they should not do something like Charles Schwab, but he would need more information. He stated he has seen programs like that where it is structured in such a way that \$5 million would be separated into \$250,000 chunks of FDIC insured money and that way they are insured up to the \$5 million. They use a network of different banks, and each one is covering up to the \$250,000. He stated if this is what the board is interested in looking into, he can do that as well. Chairman Komorsky stated he is interested in hearing more about NYClass and their guarantees but would also like to look into the other options as well. Treasurer Pozniak stated he will get more information over the next few meetings. He stated he had an update on the 207 A but that may be an Executive session item. Commissioner Sassi stated that is already covered.

- **Chief Anthony Champion** – There was no report in the Chief’s absence.
- **Department** – Chairman Komorsky stated there was nothing to report. He did speak with Bob McCord who said that Commissioner Ward had better be doing a good job. He may be up this summer and would love to stop in and see everyone.
- **Union** – There was nothing to report.

ABSTRACT: \$238,732.82

Upon a MOTION made by Commissioner Pignataro and SECONDED by Commissioner Taft, the Board RESOLVED to pay the bills for the month of June as per the abstract for \$238,732.82. Sassi – Aye, Ward– Aye, Pignataro – Aye, Taft– Aye, Komorsky – Aye. **Motion carried.**

PUBLIC COMMENTS:

At 6:27 PM, Chairman Komorsky opened the meeting to public comments. There were none.

At 6:27 PM, Chairman Komorsky closed the public comment section of the meeting.

EXECUTIVE SESSION:

At 6:28 PM, upon a MOTION made by Commissioner Pignataro and SECONDED by Commissioner Sassi, the Board RESOLVED to go into Executive Session to discuss one contractual and one personnel issue from Commissioner Ward, one personnel issue from Commissioner Sassi, and one personnel issue from Secretary Le. Sassi – Aye, Pignataro – Aye, Ward – Aye, Taft – Aye, Komorsky – Aye. **Motion carried.**

OPEN SESSION:

At 8:27 PM, the Board resumed Open Session.

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PREPARE 7/09/24 MEETING AGENDA: Secretary Le will prepare this.

Upon a MOTION made by Commissioner Ward and SECONDED by Commissioner Pignataro, the Board RESOLVED to promote Fred Wern to a permanent Lieutenant position effective next pay period. Sassi – Aye, Ward– Aye, Pignataro – Aye, Taft– Aye, Komorsky – Aye. **Motion carried.**

Chairman Komorsky stated for the record that the Board has audited the financial banking statements from January through May 2024 on the Trust & Agency account at Tompkins Community Bank; the Tompkins Personal Services Account January through May 2024; the Tompkins Community Banking Land & Building Reserve Account for Lagrange Fire for January through May 2024; the Lagrange Fire Apparatus Reserve Account at Tompkins from January through May 2024; the Savings Account at Tompkins January through May 2024; and the Money Market account from Tompkins from January to May 2024. Every Commissioner has reviewed this and sign off on it.

Chairman Komorsky stated he is pleased to announce that after a lot of effort from Commissioner's Pignataro and Ward, and the legal team, there is a policy for adoption granting benefits under Section 207 A of the General Municipal Law with the Union:

Whereas the LaGrange Fire District Board of Commissioners has actively been engaged in negotiations regarding the policy that would govern benefits granted under Section 207A of the General Municipal Law; and

Whereas the Board of Commissioners and the Union have reached a mutual agreement on the wording of such policy;

Now therefore be it resolved that this Board of Commissioners hereby adopts the enclosed policy that will control the process around the disbursements of benefits to firefighters under General Municipal Law Section 207A.

Upon a MOTION made by Commissioner Ward and SECONDED by Commissioner Pignataro, the Board RESOLVED to accept the resolution as read. Chairman Komorsky polled the Board: Sassi – Yay, Ward– Yes, Pignataro – Yay, Taft– Yes, Komorsky – Aye. **Motion carried.**

Chairman Komorsky stated the Chief submitted a written report.

Upon a MOTION made by Commissioner Sassi and SECONDED by Commissioner Pignataro, the Board RESOLVED to accept the Chief's report as written and wait until he returns to elaborate on it. Sassi – Aye, Ward– Aye, Pignataro – Aye, Taft – Aye, Komorsky – Aye. **Motion carried.**

ADJOURNMENT:

At 8:33PM, upon a Motion made by Commissioner Pignataro and SECONDED by Commissioner Sassi, the Board RESOLVED to adjourn the meeting. Ward – Aye, Pignataro – Aye, Sassi – Aye, Taft – Aye, Komorsky – Aye. **Motion carried.**

Respectfully submitted by Julie Beyer,
on behalf of Bria Le – District Secretary
Approved by the Board of Fire Commissioners on 7/9/24

BoFC Regular Meeting 6/25/24

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VENDOR	Amount Due	PO #	6/25/2024
AMAZON ✓	\$ 248.45	13362	Parts for reciprocating saw/Trailer side marker lights
AMERICAN RED CROSS ✓	\$ 99.00	5533	Pediatric ALS-BL training
AMERITAS LIFE INSURANCE ✓	\$ 636.64	13403	Dental insurance premium
BOTTINI FUEL ✓	\$ 1,218.94	13439	Diesel fuel delivery Station 2
CENTRAL HUDSON	\$ 2,034.67	13402	Electric, gas & area light station 2
CENTRAL HUDSON	\$ 31.59	13428	Area light station 3
CENTRAL HUDSON	\$ 877.05	13429	Electric & area light station 3
CENTRAL HUDSON	\$ 1,070.07	13437	Electric & area light station 1
CRYO WELD ✓	\$ 66.42	13398	Compressed Oxygen refill
DUTCHESS TIRE ✓	\$ 415.96	13383	Vehicle repair/parts 47-74
HAUN WELDING	\$ 18.87	13369	Medical cylinder rental
HAUN WELDING	\$ 76.33	13424	Nitrous Oxide
JOHN GIAIMO & SON	\$ 1,446.31	13419	Wiring of news scott pack machine
JULIE BEYER ✓	\$ 180.00	2024-BL	Transcription
LB LANDSCAPING ✓	\$ 280.00	13410	Lawn Maintenance station 3
MEDICAL WAREHOUSE	\$ 433.91	2024-AC	Medical supplies
MEDICAL WAREHOUSE	\$ 778.75	2024-AC	Medical supplies
MEDICAL WAREHOUSE	\$ 1,211.06	5535	Medical supplies
MEDICAL WAREHOUSE	\$ 821.35	2024-AC	Medical supplies
MEDICAL WAREHOUSE	\$ 736.69	2024-AC	Medical supplies
MEDICAL WAREHOUSE	\$ 292.86	2024-AC	Medical supplies
MEDICAL WAREHOUSE	\$ 395.98	2024-AC	Medical supplies
MEDICAL WAREHOUSE	\$ 60.81	2024-AC	Medical supplies
MUNICIPAL EMERGENCY SVCS (MES)	\$ 236.89	13392	Pump compartment fittings for 47-11 & 47-12
MUNICIPAL EMERGENCY SVCS (MES)	\$ 804.43	13347	Parts for Chief's vehicle
MUNICIPAL EMERGENCY SVCS (MES)	\$ 311.04	5529	Sensor Module for gas detector
MUNICIPAL EMERGENCY SVCS (MES)	\$ 101,000.00	13261	Compressor system approved by BOFC 4/23/24
MUNICIPAL EMERGENCY SVCS (MES)	\$ 144.41	13411	Uniforms for career staff
MUNICIPAL EMERGENCY SVCS (MES)	\$ 79.58	13431	Uniforms for career staff
MUNICIPAL EMERGENCY SVCS (MES)	\$ 368.00	13421	Battery for flashlights
OPTIMUM STAT 2 ✓	\$ 116.06	13407	Cable service station 2
OPTIMUM STAT 3 ✓	\$ 204.70	13406	Internet & cable service station 3
OPTIMUM STAT 1 ✓	\$ 360.86	13405	Internet & cable service station 1
OPTIMUM STAT 2 INTERNET ✓	\$ 192.43	13427	Internet service station 2
PREMIER FIRE APPARATUS ✓	\$ 86.86	13387	Brake light switches 47-11 & 47-12
PROCLAIM ✓	\$ 8,515.33	13420	Medicaid claims cost recovery
SAFEGUARD BUSINESS SYSTEMS ✓	\$ 203.22	13335	Office supplies-envelopes
SARJO INDUSTRIES ✓	\$ 252.16	5518	Miscellaneous parts for garage
SECURITY MUTUAL LIFE INSURANCE	\$ 344.00	13408	Life insurance annual premium for career employee
SECURITY MUTUAL LIFE INSURANCE	\$ 257.00	13441	Life insurance annual premium for career employee
SECURITY MUTUAL LIFE INSURANCE	\$ 576.25	13442	Life insurance annual premium for retired employee
SHELTERPOINT LIFE INSURANCE ✓	\$ 106.78	13404	Vision insurance monthly premium-career employees
STRYKER SALES	\$ 1,012.44	13023	LP1000 TRAINER #1
STRYKER SALES	\$ 1,012.44	12856	LP1000 TRAINER #2
UNION VALE PARKS & REC ✓	\$ 80.00	13435	Swift water training fees for pool rental @ Tymore Park
TOTAL FROM PAGE 2	\$ 238,732.82		

Signatures on back

VENDOR	Amount Due	PO #	6/25/2024	
✓ VERIZON BUSINESS ✓	\$ ✓ 35.00	13425	Modem account	
✓ VERIZON ✓	\$ ✓ 149.00	13430	Fios Internet Service station 2	
✓ VERIZON ✓	\$ ✓ 80.99	13438	Fios Internet Service station 1	
✓ VESO LIFE ✓	\$ ✓ 332.24	13426	Life insurance premium for volunteers	
✓ VFIS ✓	\$ ✓ 105,739.00	13423	LOSAP investment deposit & admin services	
✓ WORKPLACE FORENSICS ✓	\$ ✓ 2,700.00	13440	Medical exam-Career employee	
TOTAL SUBMITTED		\$ 238,732.82 ✓	Commissioner signatures:	
<i>changes listed:</i>				Date
			<i>[Signature]</i>	06/25/24
			<i>[Signature]</i>	6/25/24
TOTAL APPROVED			<i>[Signature]</i>	6/25/24
KEY:			<i>[Signature]</i>	6/25/24
pre-paid			<i>[Signature]</i>	6/25/24
Paid			<i>[Signature]</i>	6/25/2024

\$ 238,652.82 checks
 + 80.00 union value cut 6/24

 \$ 238,732.82 ✓ balance

**Procedure to Claim a Benefit Under
General Municipal Law Section 207-a
for the
*LAGRANGE FIRE DISTRICT***

SECTION 1. INTENT

The following procedure is to be used by employees of the LaGrange Fire District ("District") to determine coverage provided by General Municipal Law Section 207-a ("GML 207-a").

Unless and until a positive determination is made that the injured, sick, exposed, or otherwise disabled from work firefighter as defined in GML 207-a (hereafter "injured" or "injury") is entitled to 207-a benefits under this policy, any employees absent from work, due to such injury, will be addressed consistent with the terms and benefits of this policy, GML 207-a and case law relative to same, and the Parties' collective bargaining agreement, as applicable.

If a positive GML 207-a determination is made consistent with applicable law, all time used will be restored to the date of the injury.

SECTION 2. DEFINITIONS

- a. A Claimant: A member of the bargaining unit who is injured while performing their duties and seeks benefits under GML 207-a and this policy.
- b. A Recipient: A member of the bargaining unit who is injured while performing their duties and is awarded GML 207-a benefits under this policy and consistent with applicable law.
- c. Representative: Any individual who the Claimant selects to represent them through this process.
- d. Claims Manager: An individual designated by the Board of Fire Commissioners ("Board") who shall be charged with the responsibility of gathering the necessary information and support the Board in its determination of benefit eligibility. The Board shall be the sole party to make 207-a benefit determinations, except for arbitration (See Section 8). The Claimant, Recipient, Union and/or their Representative shall be advised, in writing, by the Board of the individual designated as the Claims Manager. The Claims Manager is not permitted to contact any Claimant/ Recipient nor make decisions regarding 207-a benefit eligibility.
- e. Section 207-a Benefits: Any Claimant who becomes a Recipient under this policy shall receive all benefits the individual is entitled to under GML 207-a and/or the parties' Collective Bargaining Agreement, except the clothing/boot allowance and the continued accrual of personal leave and/or sick leave. The District will also retain the right to schedule a Recipient to the day shift at the District's discretion. A Recipient who retires while eligible and receiving 207-a benefits shall be entitled to be paid out for the Recipient's accrued but unused personal leave.

SECTION 3. ACCIDENT-SICKNESS PACKET & REPORTS AND OTHER DOCUMENTS

Any Claimant who is injured in the performance of his or her duties, regardless of the seriousness of the injury, must complete or cause to be completed the following forms:

1. LaGrange Personal Injury/Illness Report Form;
2. NY State Workers' Compensation C3 Form;
3. Authorization for Release of Health Information Form (HIPAA Form); and
4. Provident Accident and Health Form.

Within twenty-four (24) hours of the injury, or twenty-four (24) hours from the time the Claimant knew or should have known about an injury, medical condition or exposure, the Claimant or their Representative must notify the Chief or the District Secretary of the injury. Within five (5) days after notice is given, the injured Claimant must submit the forms listed above to the Chief or District Secretary.

Representative of the injured Claimant may complete the forms when the Claimant's injury prevents them from filing an application for Section 207-a benefits. All medical reports which are filed shall receive all the protections required under the Health Insurance Portability and Accountability Act ("HIPAA").

It will be the Claimant's responsibility to notify the Chief and/or District Secretary of all new medical providers within five (5) days of the visit and provide an updated HIPAA form for the new provider. To assist the Board with its initial determination, the Claimant will provide medical information and/or records from the initial treatment/evaluation of the injury. The medical information should include Claimant's name, date of injury, diagnosis and any details regarding the injury. All other records shall be obtained by the District, using the authority granted via the Claimant's HIPAA forms. The Claimant will reasonably assist with obtaining records if the District has not received the necessary information within thirty (30) days.

SECTION 4. DETERMINATION OF ELIGIBILITY

The Board is responsible for rendering a determination of eligibility regarding the benefits of General Municipal Law 207-a. Such determination is based upon a review of the accident-sickness packet, any available medical records, and interviews with any witnesses.

Pending the determination of benefit eligibility, except as otherwise provided in this Section, any time taken off by the Claimant that he/she claims is the result of the injury as a result of the performance of his/her duties, consistent with applicable law, giving rise to the application for Section 207-a benefits, shall be charged to the Claimant's chosen accrued leave. .

Within thirty (30) days after the submission of the completed forms and medical information identified in section 3 above, the Claimant will be notified by the Board as to the determination of eligibility for the benefits of General Municipal Law 207-a. Such notification will be made in writing and mailed certified, return receipt to the Claimant's last known address and to their Representative and the union, and shall enumerate the reason or reasons in the event that such claim is denied.

If the Board fails to present an initial, timely determination as defined in the preceding paragraph, the Claimant will thereafter be placed on paid administrative leave until the Board makes its initial determination. If the Board determines the Claimant is not eligible for 207-a Benefits, the Claimant shall be responsible for reimbursing the District for the time the Claimant spent on paid administrative leave. If the

Claimant does not have accrued leave time available prior to his/her initial determination of benefits, they shall receive provisional Paid Administrative Leave which must be returned if the claim is denied or shall be converted to 207-a benefits if the claim is granted.

Following receipt of a fully executed medical release form, the Claims Manager shall be responsible for obtaining the needed medical documentation and providing it to the Board. If requested by the Board, the Claimant shall provide assistance in the collection of medical documentation that may otherwise delay a 207-a benefit determination.

SECTION 5. INFORMAL DEPRIVATION CONFERENCE

In the event that a claim is denied by the Board, or the Board initiates the process to terminate a Recipient's benefits, the Board shall notify the Claimant/Recipient in writing, with a copy to the Union and the individual's Representative. This written notice will contain the reasoning for the Board's decision as well as a date for a proposed deprivation conference which shall be no less than seven (7) calendar days from the date of the notice. The conference will be an opportunity for the Board and the Claimant/Recipient to share their evidence with the opposite side in the attempt to avoid a revocation hearing before an arbitrator. The objectives of this conference include, the Claimant/Recipient asking questions of the Board about their determination process and reasoning and for the Claimant/Recipient providing the Board with information that may impact the Board's decision to deny an initial claim for 207-a benefits or to terminate a Recipient's existing 207-a benefit. The Claimant/Recipient may be represented at this conference by their Representative. The Board shall issue a determination on the status of benefits, in writing, after the conclusion of the conference.

SECTION 6. DENIAL/TERMINATION OF BENEFITS

A Claimant's or Recipient's Section 207-a benefits can be denied or terminated consistent with this Policy, GML 207-a and existing case law. For example:

- a. Failing to receive medical treatment as directed;
- b. Failing to attend medical examinations as directed;
- c. Failing to report/inform the District Secretary or the Chief of a material change in Recipient's condition.

Recipients shall continue to receive all benefits granted by this Policy until the exhaustion of appeals under this Policy.

SECTION 7. MEDICAL TREATMENT AND EXAMINATION

After the filing of an application for benefits and before a determination is made granting or denying Section 207-a benefits, the Board may require a Claimant to submit to one (1) or more medical examinations. All expenses associated with transportation or attendance shall be borne solely by the District. The District will schedule the medical examination within a reasonable distance of the LaGrange Fire District.

The Chief or the Board may require the Claimant or Recipient to submit to one (1) or more medical examination(s) to determine if the Claimant or Recipient is able to perform his/her regular duties as a firefighter or as otherwise applicable under GML 207-a, and/or if medical examinations are required to process an application for a disability retirement.

The Chief, at the direction of the Board, may require a Recipient to submit to medical treatment consistent with GML 207-a. Under such circumstances, the injured firefighter is entitled to seek a

second opinion at the cost of the injured firefighter. Any Section 207-a Recipient who disagrees based upon conflicting medical documentation, may appeal for arbitration (Section 8), within ten (10) calendar days after receipt of the directive. Pending the hearing and determination thereon, the Recipient shall continue to receive his/her Section 207-a benefits as set forth in this procedure.

Payment for Medical and Related Services. All bills for medical treatment and care shall be submitted for payment pursuant to the Workers' Compensation Law if the Recipient is awarded Workers' Compensation benefits. The Recipient shall submit for payment to the Chief or the District Secretary any bills for medical treatment and care not paid pursuant to Workers' Compensation Law that are necessary to treat the 207a injury.

The District shall have the right to review the eligibility of every Section 207-a Recipient throughout the period during which benefits are received, consistent with GML 207-a.

Claimants that either fail to provide the required documentation, fail to provide timely status updates, or fail to undergo medical examinations as ordered by the District will be subject to discipline including potential termination of 207-a benefits, consistent with GML 207-a.

SECTION 8. DENIAL OF 207-A BENEFITS – DISPUTE RESOLUTION BY ARBITRATION

A Claimant or Recipient denied 207-a benefits for the reasons listed above in Section 4, Section 6, or Section 7 or any other appealable reason has the right to appeal.

Once the Board has rejected in writing a Claimant's request or initiated proceedings to withdraw a Recipient's benefits under GML 207-a, a notice of appeal demanding arbitration must be served on the Secretary of the Board within twenty (20) days of the Claimant/Recipient's receipt of the 207-a denial determination or withdrawal of benefits.

Within 30 days of receipt of the notice of appeal or at the next meeting of the Board, whichever is earlier, either the Representative or the Board will file with the New York State Public Employment Relations Board ("PERB") to select an Arbitrator. The arbitration shall be held within ninety (90) days of the Arbitrator's selection. If the Arbitrator is unavailable to provide an arbitration date within the first ninety (90) days after selection, the Parties agree to appointment of the next arbitrator on the PERB list provided she/he has the ability to hear the case within ninety (90) days of the initial arbitrator's appointment. The cost for the services of the Arbitrator shall be paid by the District.

The Arbitrator shall conduct the hearing, de novo. As part of the review, the Arbitrator shall take into consideration this policy and the parties' collective bargaining agreement and otherwise will have the ability to set other standards of review.

The Arbitrator shall have the authority to consider all allegations, issues and defenses of the parties. The Arbitrator's decision will be final and binding on the Parties.

The Claimant/Recipient and the District are allowed to select their own representative at their own expense.

A record will be made of the arbitration, the cost of which shall be borne by the District.

Claimant/Recipient shall be responsible for their own hearing expenses, including payment for any expert medical testimony.

SECTION 9. RECURRENCE OF INJURIES

Claimant claiming GML 207-a benefits due to the recurrence of a prior Section 207-a injury is required to file the forms stated in Section 3 for all new injuries, including recurrences of a prior injury.

The Board will make a determination whether the injury is a new injury, or a recurrence of a prior injury according to the procedure outlined herein for determination of a new GML 207-a injury.

SECTION 10. COORDINATION WITH WORKERS' COMPENSATION BENEFITS

Upon payment of Section 207-a benefits, any wage or salary benefits awarded by the Workers' Compensation Board shall be payable to the Employer for periods during which Recipient received Section 207-a benefits. If the Recipient shall have received any Workers' Compensation benefits hereunder which were required to be paid to the Employer, the Recipient shall repay such benefits to the Employer, or such amounts due may be offset from any Section 207-a benefits thereafter. Upon termination of Section 207-a benefits, any continuing Workers' Compensation benefits shall be payable to the Recipient.

Workers' Compensation and General Municipal Law 207-a are two separate and distinct benefit systems. A positive or negative determination for Workers' Compensation benefits for a work-related injury does not necessarily entitle or exclude a Claimant from benefits intended by the General Municipal Law 207-a.

SECTION 11. EARNINGS AND OUTSIDE EMPLOYMENT

GML 207-a payments may be terminated if a Recipient receiving 207-a benefits is engaged in employment outside the District. Except for "passive income," any and all earnings received from self-employment or from any employer other than the District shall become property of the District and shall be turned over to the District upon request.

In either of the above cases, the amount to be returned to the District shall be limited to the amount paid the firefighter pursuant to the GML 207-a benefit. Even if the District is reimbursed the full amount, the Board reserves the right to terminate 207-a benefits due to a violation of this Section.

Failure to report earned income may result in suspension or termination of 207-a benefits under this policy.

SECTION 12. NOTIFICATION AND APPLICATION TO THE NEW YORK STATE POLICEMAN'S & FIREMEN'S RETIREMENT SYSTEM

The District may notify New York State Police & Firemen's Retirement System of a Claimant's/Recipient's injury.

If a Claimant/Recipient is awarded an accidental or performance of duty retirement by New York State, the Claimant/Recipient will be required to apply for the GML 207-a(2) supplement. In the event of such GML 207-a(2) application, all of the procedures described herein are applicable to that proceeding as well.

SECTION 13. INCORPORATION IN THE PARTIES' COLLECTIVE BARGAINING AGREEMENT

All provisions of this GML 207-a Policy, including the forms referenced in Section 3, shall be incorporated into the parties' collective bargaining agreement as an addendum by this reference the same as if set out therein.

This revised procedure has been adopted effective June 25th, 2024