



## WADING RIVER FIRE DISTRICT BOARD OF FIRE COMMISSIONERS

### *5.0 Leave Policy*

#### **OBJECTIVE:**

To identify and provide for a precise procedure for various leaves from active volunteer service with the Wading River Fire Department, abiding by applicable state law (General Municipal Law – GML) on certain leaves. This policy includes personal, military and line of duty leaves. In some cases, personnel leaves for medical reasons, minimizes the liability of the Wading River Fire District.

#### **APPLICABILITY:**

This policy shall apply to all active volunteer members of the Wading River Fire Department, currently on the rolls of the fire districts insurance for the Volunteer Firefighters' Benefit Law (VFBL). This policy shall not apply to paid personnel of the fire department or fire district.

#### **DEFINITIONS OF LEAVES:**

**Personal leave (LOA):** A member that cannot fulfill the obligation as an active volunteer member of the fire department due to family obligations, work obligations or for medical reasons. Medical reasons include any injury or sickness caused from a work-related incident, outside of the performance of a volunteer member of the fire department.

**Military leave (MLOA):** A member that enlists in any branch of the military that prevents them from fulfilling their obligation as an active volunteer member of the fire department. This type of leave is also referenced under the GML.

**Line of duty leave (LODL):** A member that is injured or becomes sick, while performing duties as an active volunteer member of the fire department and is covered under an activity outlined in the VFBL, which consequently prevents them from fulfilling their obligation as an active volunteer member of the fire department. This type of leave is also referenced in the GML.

**PROCEDURE:**

**Personal leave (LOA):** Any active member in good standing as stated in the district policy, chief rules and department by-laws, shall be eligible for a one (1) year leave of absence from performing the active duties of a volunteer member. The member shall notify the chief of the fire department in writing, who in turn will confirm the standing of the member. If the leave is granted, the chief shall notify the Board of Fire Commissioners at the next scheduled district meeting of this status. The member will not be able to participate in LOSAP or be covered under any activities related to VFBL, but can remain a social member of the fire department in accordance with their by-laws. An additional one (1) year may be granted, providing the member contacts the chief of the fire department in advance, before the expiration of the original leave. Any member that fails to request an additional year will be dropped from the roles of the fire district VFBL and any accumulated LOSAP will remain at the last level achieved.

Any member, prior to returning to duty from personal leave, shall notify the chief of the fire department of those intentions and shall pass a district physical before being put back on the active roles of LOSAP and VFBL. A member out on leave for personal / medical reasons, shall also submit a letter from their physician stating they can return to active duty, before getting authorization for a district physical.

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.

**Military leave (MLOA):** Any active member in good standing as stated in the district policy, chief rules and department by-laws, shall be eligible for a four (4) year leave of absence from performing the active duties of a volunteer member. The member shall notify the chief of the fire department in writing, supplying an official copy of the military order. The chief shall notify the Board of Fire Commissioners at the next scheduled district meeting of this status. LOSAP will continue during the active years of service up to four (4) years, but the member will not be covered by VFBL. The member shall submit information to the chief of the fire department on an annual basis indicating continuing military service. The member can remain a social member of the fire department in accordance with their by-laws.

Any member that continues with military service after four (4) years and will not be able to fulfill their obligations as a volunteer member of the fire department, shall notify the chief of the fire department. LOSAP will no longer accumulate. The member can remain a social member of the fire department in accordance with their by-laws. Any member that fails to notify the chief of the fire department after military leave is completed will be dropped from the roles of the fire district and any accumulated LOSAP will remain at the last level achieved.

Any member, prior to returning to duty upon completion of military leave, shall notify the chief of the fire department of their intentions returning to active duty as a volunteer. The member shall pass a district physical before being put back on the 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.

**Line of duty leave (LODL):** 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.

## **RELATED POLICIES**

- 1.3 LOSAP Policy
- 1.4 Active Member Status Requirements Policy
- 1.12 Disciplinary Procedure Policy
- 5.5 Physical Examination Policy
- 5.6 Drug Free Workplace Policy
- 5.7 HIPAA Policy

## **HISTORICAL NOTE**

Adopted 09/2011  
Revised 08/2017  
Revised 09/2019

Revised by the Wading River Fire District Board of Fire Commissioners on Monday, 09/09/2019.

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