

# NORTH CAROLINA

# FIRE SERVICE REFERENCE MANUAL



Published by

# NC Association of Fire Chiefs

## INTRODUCTION

In an effort to assist the fire chief, officers, and other interested personnel, the North Carolina Association of Fire Chiefs in cooperation with the Office of State Fire Marshal is happy to make available this Fire Service Reference Manual to the North Carolina Fire Service. Its purpose is to provide a current reference of state resources, agencies, and other information relative to statewide fire protection.

The North Carolina Association of Fire Chiefs Executive Board and the Office of State Fire Marshal will continue to work together to update information on an annual basis. Suggestions for changes should be sent to the North Carolina Association of Fire Chiefs at P.O. Box 46, Walkertown, NC 27051.

The Fire Service Reference Manual will be made available on the North Carolina Association of Fire Chiefs web site at [www.ncafc.com](http://www.ncafc.com) and can be downloaded.

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## PREFACE

North Carolina fire protection dates back to the historical colonial days when cities such as New Bern, Washington, Wilmington, Raleigh, Charlotte and Greensboro had fire companies with hand and horse-drawn fire apparatus. Some of those early steam-powered fire pumpers are preserved in those cities today. From those early days until after World War II, fire protection was limited to the cities because water was not available for rural firefighting.

In the late 1940's and early 1950's water became more available in the rural areas and methods of application improved. With the development of the fog method of fire control, tanker trucks used in water supply, and other factors, rural fire protection became possible. Simultaneously, municipal fire protection was improving due to hydrant systems, modernized fire apparatus and protective clothing.

Today, North Carolina can boast of an extremely professional fire service that encompasses over 1300 volunteer and career fire departments, modern apparatus and equipment, and highly trained personnel. Specialized programs such as Fire Fighter Certification, Hazardous Materials Response, Fire and Life Safety Education, Code Enforcement, Incident Reporting, Arson Investigation, Urban Search and Rescue, Water Rescue, and other community services make the North Carolina Fire Service a leader in emergency services throughout the nation.

With the complex issues facing today's fire administrator and the numerous laws and regulations governing the emergency service, it has become an increasingly demanding responsibility of the fire chief to track the numerous administrative aspects of the profession. This manual was developed to assist the Chief in his/her administrative duties by bringing together, into one concise format, many of the rules, regulations, procedures, and recommendations of the Fire Service. Additional information will be added as new laws and regulations are developed or adopted.

# SECTION 1

## FIRE DEPARTMENT ORGANIZATION



### **METHODS AND LEGAL ASPECTS OF PROVIDING FIRE PROTECTION**

Fire protection in North Carolina has always been held to be a function of local government. Cities, counties and sanitary districts are authorized to perform this function.

While municipalities are not required to provide fire protection, General Statute 160A-291 authorizes the municipal government to appoint a fire chief, employ firefighters

and fund fire protection from the city's general fund taxes. This type of fire department is a function of city government which may have paid or volunteer firefighters. All policy is set by the city council, assets are titled to the City, firefighters are paid or volunteer employees of the city. Some cities choose not to furnish their own fire protection, but provide it through a contract with another city or incorporated fire department (nonprofit corporation).

According to General Statute 153A-233 and General Statute 153A-234, counties are authorized to appoint fire marshals, organize, equip, support, and maintain a fire department. They are authorized to fund fire protection from the general fund taxes. Counties usually choose to contract fire protection from an incorporated fire department.

Sanitary Districts are authorized to provide fire protection and fund this protection from the sanitary district taxes. This fire department is a functional department of the Sanitary District. They are also authorized to contract for fire protection through an incorporated fire department.

Incorporated fire departments are legal "persons" in that they can own property, sign contracts, sue and be sued, borrow money, assign its assets, have bank accounts, have vehicles titled in their name, become an employer and all the other privileges that a private citizen enjoys. Most of the rural fire protection is provided through a contract with one governmental entity.

When a group of interested citizens decide to start a fire department and become a nonprofit corporation, a corporation charter (or Articles of Incorporation) must be obtained from the North Carolina Secretary of State's Office in accordance with the General Statute Chapter 55A. A fee is charged for filing and amending the charter. The initial members of the Board of Directors, the purpose of the organization and other information is included in the Articles of Incorporation. The Board of Directors must adopt bylaws and elect officers. Terms and duties of the officers are outlined in Chapter 55A.

A nonprofit corporation may have one or more classes of members. Many of the incorporated fire department charters name every property owner in a fire district as members while others include only the firefighters as members. In either case, the members have an annual meeting and elect the Board of Directors, and the Board appoints or elects officers.

Bylaws set the details and procedural rules that are followed in meetings, the makeup of the Board of Directors, duties of the Board and other officers, names committees to be appointed, how to amend the Bylaws and sets in place department rules and regulations.

Corporate status allows the corporation to raise funds, purchase equipment, set up bank accounts, apply to local government for recognition, negotiate contracts and all other aspects of becoming an operational fire department.

Note: Fire departments are encouraged to obtain a copy of North Carolina Fire and Emergency Service Laws Annotated 2002 Edition, School of Government, Chapel Hill, Telephone (919) 966-5381.

For more information, call or write:  
North Carolina Secretary of State  
Corporations Division  
P.O. Box 29622  
Raleigh, North Carolina 27626-0622  
Tel. (919) 807-2225  
Toll Free: 1-919-807-2039

# SECTION 2

## INSURANCE CLASSIFICATION FOR FIRE DEPARTMENTS



### INITIAL CERTIFICATION AND RESPONSE RATINGS FOR FIRE DEPARTMENTS

Purpose (Section .0501)

The purpose of this Section is to set forth the minimum requirements that a fire department must meet in order to qualify for eligibility for death benefits under Article 12A of Chapter 143 of the North Carolina General Statutes, and the North Carolina Firemen's Pension Fund under G.S. 58-86-25: for initial recognition in insurance



premiums for a responding fire department; and for response rating to designate insurance premiums. Upon meeting the initial requirements for certification, a fire district shall be given a rating of "9S". A fire district may get a rating from "1 through 8" upon improving its response capabilities with "1" being the best rating. For ratings of 1 through 8, the fire department shall be evaluated using the current NCFRSR. Qualifications (Section .0502)

All fire departments previously certified as of the effective date of this Rule are automatically certified and hereby declared eligible for benefits under G.S. 58-86-25 and G.S. 143-166.1.

#### Establishment of Fire Department (Section .0503)

To become a rated and certified fire department, a fire department shall apply and meet the following criteria:

1. the fire department shall be operated by a city, county, or sanitary district as a division of that government or be incorporated under Chapter 55A of the General Statutes unit;
2. if the fire department is incorporated, it shall operate under a contract with either a city, county, or sanitary district or any combination thereof.
3. boundaries defining the area of responsibility shall be established by a County Board of Commissioners for areas outside municipalities pursuant to G.S. 153A-233; and
4. the fire department shall provide OSFM with a hand drawn map with a written description or a GIS computer generated map of its initial or revised fire insurance district, with the proper documentation of the approval by the County Commissioners.

#### Personnel (Section .0504)

Upon initial or re-inspection for certification as a Class "9S" fire department, the fire department shall have 20 personnel. No eligible firefighter may be counted as a primary member of two, (2) on-call, volunteer departments. At the time of reinspection, a fire department shall maintain 20 primary personnel on their certified state roster. At least one engine with four personnel must respond to each reported structure fire, which includes fire alarm activations where fire or damage has occurred. For the purpose of this section "primary personnel" means an eligible firefighter that is associated with the fire department for the purpose of satisfying certification inspection requirements.

#### Drills and Meeting Requirements (Section .0505)

- (a) All members of fire departments shall comply with the drills and meetings requirements of G.S. 58-86-25.

(b) The chief officer of each fire department shall:

(1) within one year of appointment, complete a class on basic management of fire department operations and records approved by the North Carolina Fire and Rescue Commission for chief officer based upon National Fire Protection Association (NFPA) standards for chief officer. NFPA Standard 1021 is incorporated into this Subchapter by reference, including but not limited to subsequent amendments or editions.

(2) and complete the course as described in Subparagraph (1) of the Paragraph, which shall be titled "Chief 101" a minimum of every five years.

#### Alarm and Communications (Section .0506)

Communications facilities shall be provided for the receipt of reported emergencies, documentation of responding fire apparatus, and notification of firefighters. The communications system shall provide facilities for dispatching assistance to fire emergencies 24 hours a day, seven days a week. The communications facility shall have the capability of activating all types of systems utilized to dispatch the fire apparatus and notify all firefighters of an emergency. The alert may be provided by pagers, portable radios with alerting capabilities, siren activation from the communications center, or station alerting devices with paid personnel. Text paging or phone paging shall not be a means of notification.

#### Records and Documents (Section .0507)

(a) The city or county manager or fire department chief or county fire marshal shall keep records on dates, times and locations of all emergencies on the current version of the National Fire Incident Reporting System (NFIRS) as prescribed in Rule .0101 of this Subchapter; and shall submit the following documents to the Department of Insurance upon request prior to an inspection: certified state roster, charter, contracts(s) with city(ies) and county(ies), service test report, weight tickets, an inventory of protective clothing and verification of workers compensation coverage.

(b) A fire department shall comply with G.S. 58-79-45 by using the NFIRS reporting requirements found at no charge at the following link:

<https://www.ncosfm.gov/fire-rescue/nfirs-incident-reporting-and-records-management-software>. All reports shall be submitted within 120 days of incident occurrence.

#### Apparatus (Section .0508)

To qualify for initial certification and receive a minimum rating of Class "9S", the fire department shall have the following apparatus and equipment:

1. Pumper

- (a) The fire department shall have an approved pumper (automotive fire apparatus equipped with a fire pump and tank). To be approved, the fire department pumper must be certified by Underwriters Laboratories, Inc., and constructed in accordance with the National Fire Protection Association Standard 1901 – Standard for Automotive Fire Apparatus. The apparatus shall not be loaded beyond limits certified by the “Gross Vehicle Weight” label attached to the vehicle; nor shall the vehicle be modified in a manner that would invalidate this certification. NFPA Standard 1901 is incorporated into this Subchapter by reference, but not including subsequent amendments or editions.
- (b) The pump shall have a rated capacity of not less than 750 gallons per minute at 150 pounds per square inch net pump pressure.
- (c) The pumper shall be equipped with at least a 500-gallon tank.
- (d) A service test must have been performed on the “first responding” pumper during the 12-month period before the inspection. If the pumper has been purchased as new within the 12-month period before the “9S” inspection, the U.L. Certificate meets this requirement.

## 2. Tanker

- (a) The fire department shall have a motorized tank truck of at least 1,000 gallons capacity or enough to equal at least 1,500 gallons total for pumper and tanker.
- (b) The tanker shall be equipped with the necessary hose for filling the tank and hose for transferring water to the pumper.
- (c) The tanker, when fully loaded, shall not exceed the Gross Vehicle Weight limits as certified on the label attached to the vehicle; nor shall the vehicle be modified in a manner that would invalidate this certification. All tankers shall be baffled in accordance with the National Fire Protection Association Standard 1901 – Standard for Automotive Fire Apparatus.

## 3. The following equipment shall be carried on responding fire department pumpers:

- (a) The pumper shall be equipped with 2 – 150 foot 1-1/2 inch hose lines with fog nozzles attached;
- (b) One booster reel or three pre-connected hose lines;
- (c) Suction hose – size necessary to flow the capacity of pumper – 2 – 10-foot sections;
- (d) Four OSHA approved self-contained breathing apparatus in proper working condition;

- (e) OSHA approved protective clothing for all firefighters including helmets, hoods, coats, pants, boots, gloves; and reflective clothing and helmet for traffic control personnel;
- (f) One 12 foot or 14-foot roof ladder;
- (g) One 24 foot or 35-foot extension ladder;
- (h) One axe;
- (i) One claw tool (Halligan Tool may replace claw tool and crowbar);
- (j) One crowbar (Halligan Tool may replace crowbar and claw tool);
- (k) One pike pole, minimum 8 foot;
- (l) Two portable hand lights (“4V” wet or “6V” dry);
- (m) 100 feet of rope, minimum ½ inch;
- (n) Two shovels;
- (o) Two 20-pound, Class B-C portable extinguishers;
- (p) One First Aid kit; and
- (q) One bolt cutter, 14 inches or longer.

#### Fire Station (Section .0509)

A fire station shall be provided with suitable heating for all-weather protection of apparatus.

#### Inspection (Section .0510)

Any persons or fire departments needing information on obtaining certification under this Section may contact the Office of State Fire Marshal.

NC Department of Insurance  
Office of State Fire Marshal  
Tel: 919-647-0000  
Toll Free: 800-634-7854

#### Six Mile Insurance District (Section .0511)

To extend its insurance district to six miles, each fire department shall apply and meet the following criteria:

1. The fire department shall provide the Office of State Fire Marshal with a hand drawn map and written descriptions or a GIS computer generated map of its fire district.
2. The map and written description shall be presented to the County Commissioners for their approval, as set forth in G.S. 153A-233.
3. The department applying to extend its insurance district to six miles shall enter into a written automatic aid contract with the adjoining districts specifying that “an apparatus capable of transporting” a minimum of 1,000 gallons of water shall be

dispatched simultaneously with the department whose district the incident is occurring within.

4. The County shall establish automatic aid protocols. These protocols shall be maintained at the county communication center and shall be used on all alarms involving reported structure fires.

#### Standards and Policies (Section .0512)

(a) The NCFRS shall be used by OSFM when OSFM inspects fire departments for the purpose of determining Fire Insurance District Ratings Classifications. Each fire department shall assure the response of at least four firefighters and one engine to all fires and fire alarms where fire or damage occurred in structures. The chief may be one of the four responding firefighters. Response of a fire department, as primary first alarm department, to a fire or fire alarm in a structure within its established fire insurance district with less than the minimum required engine or four firefighters shall be considered by OSFM to be an inadequate response. Fire alarms where no fire or damage has occurred as determined by a fire official on-scene shall not be considered by the inspector. Any department determined by OSFM to have two or more inadequate responses shall be placed on probation by OSFM for a period of up to 12 consecutive months. A fire department on probation shall submit quarterly records to the OSFM inspector for all fires and fire alarms reported in structures for the next 12 consecutive calendar months showing there have been no additional inadequate response within the period. If the fire department fails to submit the quarterly report, the insurance district for the fire department shall be designated a "Class 10" insurance district in accordance with NCAC 05A.0501.

(b) After evaluation of data collected during an NCFRS inspection, if the results of the inspection indicate that a fire department's ratings classification must be reduced, OSFM shall notify the city or county manager, the fire department chief, and the county fire marshal in writing of the reduction in ratings classification. For the purpose of survey grading inspections below 9S notification shall include:

- (1) hydrant flow tests and hauled water evaluations;
  - (2) ratings classification details; and
  - (3) OSFM community report of conditions found.
- (c) If the city or county manager, or the fire department chief, and the county fire marshal fails to acknowledge receipt within 30 days after the receipt of the notification, OSFM shall reduce the ratings classification of the fire department.
- (d) If the city or county manager, or the fire department chief, and the county fire marshal acknowledges receipt of the notification to OSFM within 30 days after receipt of the notification and advises OSFM that the fire department wants to retain its rating classification. The city or county manager, the fire department chief, and the county fire marshal shall consult with the individual inspector who conducted the NCFRS

inspection and develop a plan of action to correct the deficiencies which caused the reduction in ratings classification.

E. Within 90 days after the consultation, the city or county manager, or fire department chief, and the county fire marshal shall submit the plan to OSFM that shall determine whether the plan is satisfactory to cover the deficiencies.

OSFM shall notify the city manager, county manager, fire department chief, and county fire marshal in writing when OSFM approves the plan.

F. The fire department shall have one year after the receipt of the approval to complete the plan of action to correct the deficiencies which caused the reduction in ratings classification.

G. The sharing or borrowing of equipment between or among fire departments or between or among stations within a fire department, the falsifying of documents, or engaging in any other act of misrepresentation, for the purpose of falsely satisfying the apparatus or equipment grading score of a NCFRS survey grading or 9S inspection shall be prohibited, and shall result in the department being placed on probation. Ratings and inspections information may be found at the following link <https://www.ncosfm.gov/fire-rescue/ratings-inspections/ratings-and-inspections>.

## NC DEPARTMENT OF INSURANCE OFFICE OF STATE FIRE MARSHAL

### Fire Insurance District Mapping Requirements

1. Boundaries defining the area of responsibility shall be established by a County Board of Commissioners for areas outside of municipalities pursuant to G.S. 153A-233.
2. The Fire Department shall provide OSFM with a hand drawn map and written description or a GIS computer generated map of its initial or revised district. Individual district maps must be consistent within county (either GIS generated or hand-drawn).
3. District boundaries must be clearly defined. (A point on every road where the district line crosses.)
4. Scale must be identified on map.
5. Roads should be identified by legible state road numbers or name.
6. Fire stations location must be plainly marked.
7. If a portion of the fire insurance district extends into another county, the district boundaries at the county line must be compatible.

NOTE: The responsibility of preparing and submitting a map lies with the county fire marshal or fire chief. The approval of that map lies with the Department of Insurance whose staff will draw maps only in unusual circumstances.

## Fire Protection Definitions

### 1. Response District

The area which a fire department responds to and provides protection. May not be a "Legal District". Could simply be a gentlemen's agreement. Not registered. Not recorded. No limit. Can be made legal by presenting to "County".

### 2. Insurance District (G.S. 153A – 233) This is what 9S requires:

An area outside corporate limits with boundaries approved by the County Board of Commissioners for fire insurance grading purposes. Cannot overlap and cannot extend more than 6 miles from the station. An "insurance district" is not supported by either a referendum type fire tax (G.S. 69-25) or a special service district tax (G.S. 150A-300).

### 3. Rural Fire Protection District (G.S. 69-25)

An area outside corporate limits with boundaries designed by petition of 35% of the resident free-holders in which a fire tax cannot exceed \$.15 per \$100 valuation has been authorized by the resident qualified voters within the district.

### 4. Fire Service District (G.S. 150Aa-300)

An area outside corporate limits with boundaries approved by the County Board of Commissioners in which a fire tax is levied without referendum for fire protection services. Such district or districts may include territory within corporate limits if approved by resolution of the municipal governing body.

## PROCEDURE TO BECOME A RATED AND CERTIFIED FIRE DEPARTMENT IN NORTH CAROLINA

This procedure is to be followed when a fire department wishes to become a rated and certified Fire Department or extend their boundaries to include a sub-station. Request Standard: A copy of the "Requirement for Initial Certification" should be requested by writing or calling the North Carolina Department of Insurance, Office of State Fire Marshal, 1202 Mail Service Center, Raleigh, North Carolina 27699-1202, Telephone (919) 661-5880 ext. 311.

Organization: The fire department must be a department of a municipal government, a county government, a sanitary district or be incorporated as a nonprofit corporation

under G.S. 55A. If the fire department is incorporated, it shall operate under a contract with one or more local government entities. The boundaries defining the area (six road mile maximum) shall be established with approval of the Board of County Commissioners pursuant to G. S.153A-233.

Recruit Personnel: A total of 20 personnel will be needed. In the event a sub-station is added to extend the five-mile district, an additional 8 personnel must be added.

Obtain Apparatus: One 750 gallon per minute, UL approved pumper and one tanker are required with a total of 1,500 gallons of water carried between them. Vehicle weight shall not exceed the GVW rating shown on the plate attached to the vehicle. There should have been a service test run on the pumper within last 12 months.

Small Equipment: Various tools and small equipment are required.

Alarm System: Communication must be reliable for reporting of emergencies, notifying firefighters and dispatching apparatus. The system must have a telephone listing for fire emergencies that reaches a location that can receive calls and dispatch apparatus and personnel 24 hours per day. The fire station shall be equipped with a siren and/or each listed firefighter shall be equipped with a pager capable of being toned by the central communications center.

Fire Station: The apparatus and equipment must be housed in a heated facility which provides protection in any weather.

Documents: Certain documents will be required for certification (see list attached to standard). A copy of the map and description should be sent to OSFM for review prior to the inspection.

Request Documents: Once the fire department personnel feel that they are ready for an inspection, the Chief should make a written request to the Inspection Supervisor. An inspector will be assigned to complete that inspection at the earliest possible date.

Certification: Upon meeting all the requirements, the fire department is certified for firefighter benefits and for an insurance rating to serve a Class 9S fire district in North Carolina.

#### NC DEPARTMENT OF INSURANCE OSFM GUIDELINES FOR EXTENDING INSURANCE DISTRICT BOUNDARIES

- Obtain a current map of existing insurance district and all surrounding insurance districts.



- The chief and the Board of Directors of the department should review the map to make sure the district can be extended. (Will not overlap another district, etc.)
- If the insurance district adjoins another insurance district, no changes can be made at this location without the agreement of the adjoining department.
- Plot the new boundaries on a Department of Transportation 1-inch = 1-mile scale map; or contact your county mapping department and obtain a 1-inch = 1,000 feet scale map.
- The maximum distance a boundary can be from the fire stations is six road miles.
- Provide a written description of the insurance boundaries as plotted on the map. When writing the description, there should be a point indicated each time a state-maintained road is crossed.
- This map should provide the following information:
  - Scale on the map
  - Name of the district
  - Name of the department serving the district
  - Location of all fire stations from the nearest intersection
  - Location of all adjoining fire districts
  - If the district extends to adjoining counties, include names of said counties
  - Road numbers
  - All numerical points on the map
- The map should be suitable for copying.
- When completed, the map should be submitted to the NC Department of Insurance, OSFM, Inspection section to be reviewed.
- Once the map is approved by OSFM, it will be returned to the county for the approval of the County Board of Commissioners.

#### NORTH CAROLINA RESPONSE RATING SYSTEM (NCRRS)

The level of protection by many North Carolina fire departments has improved substantially over the years. It has been noted that many fire departments could improve their insurance ratings with little or no change. Circumstances such as the inability of the Insurance Service Office (ISO) to conduct timely inspection, the chief's fear of an inspection, and confusion over the ISO standard prohibited the improvement of insurance ratings.

These concerns and frustrations clearly indicated a need for change. Subsequently, the General Assembly passed HB 1696 giving the Commissioner of Insurance and

State Fire Marshal the responsibility for grading fire departments serving population under 100,000.

North Carolina fire departments serving populations over 100,000 will continue to be rated by ISO.

If a fire department would like to receive a (NCRRS) survey to determine if their insurance classification can be lowered from Class 9S, they should have their local governing authority (Mayor or Fire Marshal) submit a request to the following address:

NC Department of Insurance  
1202 Mail Service Center  
Raleigh, NC 27699-1202 Tel. (919) 647-0000  
Toll free: (800) 634-7854

# SECTION 3 FINANCING FIRE PROTECTION IN NC



## **FINANCING RURAL FIRE PROTECTION**

### General Taxation

North Carolina General Statute 153A-149 gives a county authority to use general fund tax monies to provide various services including fire protection. General fund monies come from all citizens of a county both inside and outside cities. It, also, includes other revenue sources such as ABC funds, past revenue sharing and local sales taxes. General fund monies can be appropriated equally or non-equally to departments providing fire protection.

Most counties use general fund monies to provide a basic appropriation to each fire department in the county; however, since both cities and rural areas provide the funds, counties are reluctant to use all the monies for rural fire protection. Therefore, most counties use this source of funds to provide staff functions such as a Fire Marshal's Office, countywide communication centers, countywide training programs and other functions.

### Rural Fire Tax Districts

General 69-25.1 through 69-25.17 provide for resident free-holders to petition for a special referendum to be held in a proposed fire district. If the vote is favorable, the county may levy up to \$.15 per \$100 valuation on real property within that district. The county may use the funds to provide fire protection in that area only. The county may provide fire services or, as is usually done, contract with a city or incorporated fire department.

The Rural Fire Tax District appeals to most County Commission Boards because the people are allowed to vote their wishes. Residents in the area can even force the issue with a proper petition and the Board is required to call the referendum upon presentation of the required petition.

The appropriation of funds to provide fire or rescue services is based on a levy against the tax base of that district and must be used in that district. There are provisions to expand, decrease and move the boundaries.

An incorporated town located inside the Rural Fire Protection District can be included in the district by resolution between the town and county governments.

#### County Service Districts

General Statute 153A-300 An area outside corporate limits with boundaries approved by the County Board of Commissioners in which a fire tax is levied without referendum for fire protection services. Such district or districts may include territory within corporate limits if approved by resolution of the municipal governing body.

#### Membership Districts

Districts, which collect fees from residents using a membership process, whereby, fire departments respond to member homes only, CANNOT hold the status of a certified insurance rated district in North Carolina.

#### Fund-Raising Drives

Most all-volunteer fire departments began their programs with donations, suppers, and other fund-raising events and many still depend on these activities to supplement their budgets. Since it has become impossible to depend on this type of financing, fund-raising has become a secondary method of providing funds to a fire department.

#### Loans and Grants

##### Volunteer Fire Department Grant Program

Realizing that fire departments were spending a disproportionate amount of time raising money rather than training and providing services and the need to have the

departments become rated, the North Carolina General Assembly enacted the Volunteer Fire Department Fund.

According to the legislation, the Insurance Commissioner shall make grants to eligible fire departments subject to the following criteria:

- The size of the grant may not exceed thirty thousand dollars (\$30,000).
- That applicant shall match the grant on a dollar-for-dollar basis, unless the applicant receives less than fifty thousand dollars (\$50,000) per year from municipal and county funding, in which case the applicant shall match one dollar (\$1.00) for each three dollars (\$3.00) of grant funds.
- The grant may be used only for equipment purchases, payment of highway use taxes on those purchases, costs of putting property acquired from the Department of Defense through the Firefighter Property (FFP) and Federal Excess Property (FEPP) programs in service, or capital expenditures necessary to provide fire protection services.
- An applicant may receive no more than one grant per fiscal year.

#### Eligibility

- The fire department must consist of volunteer members, with the exception that the unit may have paid members to fill the equivalent of six (6) full time paid positions.
- The fire department must be certified as serving a rated fire district by the North Carolina Department of Insurance.

When the grant application opens in January all fire departments are notified by email. Grants are awarded on May 15 or on the first business day after May 15, if May 15 falls on a weekend or holiday.

#### Volunteer Rescue/EMS Grant Program

Realizing that rescue equipment is essential to rescue EMS units in the state and that many lack the necessary equipment and much time was spent in fund-raising activities, the North Carolina General Assembly enacted the volunteer Rescue/EMS Fund.

The Insurance Commissioner shall make available two types of grants to eligible rescue or rescue/EMS units, including the matching \$25,000 grant and the \$3,000 non-matching grant based on the following criteria:

- A grant to an applicant who is required to match the grant with non-State funds may not exceed twenty-five thousand dollars (\$25,000), and a grant to an applicant who is not required to match the grant with non-State funds may not exceed three thousand dollars (\$3,000).
- An applicant whose liquid assets, when combined with the liquid assets of any corporate affiliate or subsidiary of the applicant, are more than one thousand (\$1,000) shall match the grant on a dollar-for-dollar basis with non-State funds.
- The grant may be used only for equipment purchases or capital expenditures. An applicant may not receive more than one grant per fiscal year.
- The grant may be used only for purposes related to services that the unit is authorized to provide.

#### Eligibility

- The unit must consist of volunteer members, with the exception that the unit may have paid members to fill the equivalent of ten (10) full time paid positions.
- The unit must be recognized by OSFM and the county governing body as an organization that provides rescue, rescue/EMS or EMS in a particular district.
- The unit must be recognized by the North Carolina Department of Insurance as having met the requirements of the North Carolina Association of Rescue Squads and EMS, Inc.

When the grant application opens in August, all rescue, EMS/rescue, and first responder units are notified by email. Grants are awarded on December 15 or on the first business day after December 15 if December 15 falls on a weekend or a holiday.

For more information, call or write:  
 NC Department of Insurance  
 Office of State Fire Marshal  
 1202 Mail Service Center  
 Raleigh, NC 27699-1202  
 Tel. 919-647-0000 or 800-634-7854

#### Assistance to Firefighters Grants (AFG) grant programs

These grants are administered by FEMA/Department of Homeland Security.

- Assistance to Firefighters Grants (AFG)

- Fire Prevention and Safety Grant (FP&S)
- Staffing for Adequate Fire and Emergency Response Grants (SAFER)

<https://www.fema.gov/welcome-assistance-firefighters-grant-program>.

#### USDA Rural Fire Department Funding & Program Assistance

There are different forms of funding programs available to rural fire departments including grants, loans, donations, and reimbursements. The USDA administers the following:

- Federal Excess Personal Property Program
- Volunteer Fire Assistance Program
- Community Facilities Loans and Grants Program

<https://www.nal.usda.gov/rural-development-communities/rural-fire-department-resources-local-officials>

#### MUNICIPAL BUDGETING FOR FIRE PROTECTION

While some small municipal fire departments are funded through a special fire tax, the cost of operating municipal fire departments is usually funded by general fund tax revenues. Two categories used by fire departments to request and expend funds include the budget and the capital outlays program.

The budget is comprised of recurring expenditures such as personnel costs and items that are consumed or used up as a service is provided. Local jurisdictions outline budget preparation and request guidelines and these will vary accordingly.

Municipals budgets, including fire departments requests, are held open for thirty days for public review and are formally adopted on July 1, as the effective date (see Attachments A and B) for implementation.

A Capital Improvements Program (CIP) usually refers to expensive items that are nonrecurring such as land acquisition, building construction and fire apparatus. The CIP normally forecasts capital improvements for a five-year period. As with the budget, each jurisdictions guidelines and instructions for preparation and submittal of CIP requests may vary (see Attachments C through E).

The guidelines usually consist of the following:

- Formulation and justification of capital request – costing out the request
- Compilation of request

There are three basic steps in capital planning and Budget process:

- 5-year forecast of capital improvement needs
- Recommended capital budget which comes forward from the CIP

For more detailed information on preparing CIP, see Capital Improvement Programming: A Handbook for Local Government Officials by A. John Vogt, Institute of Government, Chapel Hill, North Carolina.

#### BUDGET PREPARATION CALENDAR FOR FISCAL YEAR

Schedule	Process
March 6 – 9	Budget preparation materials will be sent to department heads. Personnel authorization sheets will be sent on March 9.
March 23	Departmental budget requests submitted to appropriate supervising manager.
March 30	Departmental budget requests submitted to Budget Officer no later than the date assigned each department. Applicable documentation to accompany all budget requests.
April 2 – 6	Preliminary review of department budget requests by City Manager.
April 6	Revenue estimates from Finance Officer submitted to City Manager.
April 9 – 12	Budget reviews with department heads on dates shown unless changed due to conflict.
April 23–27	Departmental budget requests, estimated revenues, and anticipated fund balance consolidated, reviewed, and adjusted to permit preparation of balanced budget.
May 1 – 4	Budget summaries prepared; budget letter written; budget ordinance prepared; and budget document printed and bound.
May 7	Proposed budget submitted to Council.

#### NONPROFIT ENTITIES (SALES AND USE TAX REFUND)

Hospitals not operated for profit, educational institutions not operated for profit, churches orphanages, and other charitable or religious institutions or organizations not operated for profit, and homes for the aged, sick, or infirmed whose property is excluded from property tax under G.S. 105-275(32) are entitled to semiannual refunds of sales and/or use taxes paid by them in work of the nonprofit entity. Sales and use tax liability indirectly incurred by a nonprofit entity on building materials, supplies, fixtures, and equipment that become a part of or annexed to any building or structure that is owned or leased by the nonprofit entity and is being erected, altered, or repaired for use by the nonprofit entity for carrying on its nonprofit activities is



considered a sales or use tax liability incurred on direct purchases by the nonprofit entity.

The refund provisions set forth in N.C.G.S. 105-164.14(b) do not apply to organizations, corporations and institutions that are owned and controlled by the United States, the State or a unit of local government except hospitals and medical accommodations created under the Hospital Authorities Law, Article 2 of Chapter 13 1 E of the General Statutes and nonprofit hospitals owned and controlled by a unit of local government that elect to receive semiannual refunds under G.S. 105-164.14(b) instead of annual refunds under G.S. 105-164.14(c). Any nonprofit hospital owned and controlled by a unit of local government may submit a written request to receive semiannual refunds under G.S. 105-164.14(b) instead of annual refunds under G.S. 105-164.14(c). The request is effective beginning with the six-month refund period following the date of the request and applies to sales or use taxes paid on or after the first day of the refund period for which the request is effective.

A request for a refund for the first six months of a calendar year is due the following October 15; a request for a refund for the second six months of a calendar year is due the following April 15.

Refund claims filed after the due date shall be subject to the following penalties for late filing:

- Refund claims filed within 30 days after the due date, 25%;
  - Refund claims filed after 30 days but within three years after the due date, 50%;
- and
- Refund claims filed more than three years after the due date are barred.

The amount of the penalties shall be deducted from the face amount of the refund due the claimant.

The refund provisions set forth in G.S. 105-164.14(b) are not applicable to the following taxes paid by nonprofit:

- Tax paid on taxable sales made by the nonprofit entity;
- Sales tax incurred by employees on purchases of food, lodgings or other taxable travel expenses paid by employees and reimbursed by the nonprofit entity. These expenses are personal to the employee since the contract for food, shelter and travel is between the employee and the provider and payment of the tax is by the employee individually and personally and the tax shall not be refunded. The nonprofit entity has incurred and paid no sales tax liability; instead, it has chosen to reimburse a personal expense of the employee.
- State sales tax levied by G.S. 105-164(a)(4a) on sales by a utility of electricity, piped natural gas and local, toll or private telecommunications services. Effective July

1, 1999, piped natural gas is exempt from sales and use tax and subject to an excise tax.

- Occupancy taxes levied and administered by certain counties and cities in this State,
- Prepared food and beverage taxes levied by various local governments in this State,
- Highway use taxes paid on the purchase, lease, or rental of motor vehicles;
- Scrap tire disposal tax levied on new tires;
- White good disposal tax levied on white goods;
- Dry-cleaning solvent tax levied on dry-cleaning solvent purchased by a dry-cleaning facility; and
- Excise tax paid on piped natural gas.

Regarding taxes paid on purchases for use other than those made by contractors performing work for the claimant, invoices or copies of invoices showing the property purchased, the cost thereof, the date of the purchase and the amount of sales or use tax paid thereon during the refund period will constitute proper documentary proof. To substantiate a refund claim for sales or use taxes paid on purchases of building materials, supplies, fixtures and equipment by its contractor, the claimant must secure from such contractor certified statements setting forth the cost of the property purchased from each vendor and the amount of sales and use taxes paid thereon. In the event the contractor makes several purchases from the same vendor, the certified statements may indicate the invoice numbers, the inclusive dates of the invoices; the total amount of the invoices and the sales or use taxes paid thereon in lieu of an itemized listing of each separate invoice. The statements must also include the cost of any tangible personal property withdrawn from the contractor's warehouse stock and the amount of sales or use tax paid thereon by the contractor. The general contractor must obtain similar certified statements from his subcontractors and furnish them to the claimant.

NOTE: The above contains excerpts from North Carolina General Statutes 105164.14(b), Sales and Use Administrative Rule. 1602 and Sales and Use Tax Technical Bulletin 12-2 regarding nonprofit entities. These publications may be obtained by writing to: Taxpayer Assistance Section, Office Services Division, North Carolina Department of Revenue, P.O. Box 25000, Raleigh, North Carolina 27640-0001. If you have questions about the information in this document, you may call Taxpayer Assistance at 919-733-3981. Copies of these documents may also be ordered by telephone at 1-877-252-3052.

#### MOTOR FUEL TAX REFUND

General Statute 105-449.106 provides for a refund of the excise tax paid on motor fuel purchased and used by a county or a municipal corporation, a private, nonprofit

organization that transports passengers under contract with or at the express designation of a unit of local government, a volunteer fire department, a volunteer rescue squad and a sheltered workshop recognized by the Department of Human Resources. These types of organizations may receive a quarterly for the tax paid during the preceding quarter, at a rate equal to the amount of the flat cents-per gallon rate in effect during the quarter for which the refund is claimed, less one cent per gallon.

An application for a refund allowed under this section must be made in accordance with G.S. 105-449.108, .109, and .110, and must be signed by the chief executive officer of the entity. The chief executive officer of a nonprofit organization is the president of the organization or another officer of the organization designation in the charter or bylaws of the organization.

Invoices for motor fuel purchased during the quarter for which a refund is requested must be attached to the application for refund. Invoices must show the date of purchase, name of purchaser and seller, gallons purchased, price per gallon and amount paid. These invoices should be accompanied by an adding machine tape to show total amounts submitted. Motor fuel purchased and sold to other agencies, sold to employees, members, returned to vendor or used for other than official use are not eligible for refund.

For more information on the motor fuel tax refund, you may write to the North Carolina Department of Revenue, Motor Fuel Tax Division, P.O. Box 25000, Raleigh, NC 27640-0640 or telephone (919) 733-3409 or 1-877-308-9092.

## SECTION 4

# AGENCIES AND ORGANIZATIONS



## **NORTH CAROLINA ASSOCIATION OF FIRE CHIEFS**

The North Carolina Association of Fire Chiefs organization was established in 1932 to meet the needs of Fire Service Officers in an ever-changing environment. The mission of the NCAFC is to enhance the knowledge, skills, and abilities of the fire service through information, education communication and action, which will best protect the firefighters and citizens of North Carolina.

In addition to assisting the Office of State Fire Marshal with the NC Fire Academy Weekend, programs supported by the NCAFC include:

NC Fire Prevention School: This school is offered to Fire Code Officials across the state to enhance their knowledge of the North Carolina State Building Code and

strives to provide in-depth information on code-related topics. The school is divided into three areas including the Basic, Intermediate, and Advanced classes; and, all three must be completed for graduation. A special Graduates class is offered for those who have completed the three-year program.

**Executive Development Program:** This program is offered every two years to chief officers and those aspiring to become a chief officer and is designed to help them to advance their knowledge and skills as a supervisor and manager. Working with the faculty of the School of Government, noted state and national fire service leaders, the course will assist the student in meeting requirements.

**Training Management Program:** This program is offered every two years to training officers and those aspiring to become a training officer and is designed to help them to advance their knowledge and skills in developing, managing, and evaluating training programs. Working with noted state and national fire service leaders, the course will assist the student in meeting requirements.

**Senior Fire Officer Leadership Institute:** This program is offered each year to chief officers and those aspiring to become a chief officer and is designed to help them to advance their knowledge and skills in fire service management. This course meets objectives of NFPA 1021 Fire Officer IV. Completion of this course provides the student with significant progress towards certification. Working with noted state and national fire service leaders, the course will assist the student in meeting requirements.

**Chiefs Mid-Winter Conference:** The Mid-Winter Conference is held each winter to provide chief officers with current information about the Fire Service and related topics, which will assist them in meeting their responsibilities to their departments and communities. The format consists of a Keynote Address of current interest and workshops, which provides the attendees with varied training opportunities as well as a constructive environment for networking.

**NC State Firefighters and NC Association of Fire Chiefs Annual Conference.** The NCAFC works in conjunction with the NCSFA to provide the joint conference which is held each summer. Through local, state, and national speaker presentations and workshops, this meeting provides a wide variety of training and educational opportunities to firefighters and chief officers.

**NC Fire Instructor's Conference:** The NCAFC works in conjunction with the NCSFRI to host the Instructors Conference during NCAFC's annual Mid-Winter Conference.

**NC Fire and Life Safety Educator's Conference:** A long-time supporter of Public Fire and Life Safety education in North Carolina, the North Carolina Association of Fire Chiefs is happy to provide monetary support for this conference.

Western North Carolina Association of Firefighters  
Piedmont North Carolina Firefighters Association  
Eastern Carolina Firefighters Association

The NCAFC works in conjunction with the regional associations to provide and receive support from each regional association to achieve the mission and goals of the NCAFC.

Officer Development Courses: The NCAFC continues to work to develop and deliver educational opportunities for fire officers in North Carolina to enhance and improve their abilities.

Representation of Members by NCAFC:

The NCAFC represents the membership on several committees and boards in the fire service please inform one of your board members if you have questions or concerns about any of the areas in the fire service where you have representation.

- A. Fire and Rescue Commission
- B. Fire and Rescue Certification Board
- C. Southeastern Association of Fire Chiefs
- D. North Carolina State Emergency Response Commission
- E. North Carolina Hazardous Materials Response Commission
- F. North Carolina Search & Rescue Committee
- G. NC First Net Broadband for Public Safety
- H. UNC Burn Center
- I. Intrastate Mutual Aid System
- J. NC Fire Investigators Review Board
- K. Representation at the Congressional Fire Service Institute

### **NCSFA/NCAFC Joint Legislative Committee**

North Carolina Association of Fire Chiefs Website

The NCAFC has established its web site at [www.ncafc.com](http://www.ncafc.com) and encourages members and interested parties to visit it frequently. The web site is partitioned as public and members only. The member's only information is hosted within the Command Zone section of the web site. The web site contains multiple resources and opportunities for networking as well as a directory of all members and job postings. Members of NCAFC wishing to post items may do so by logging into the Command Zone and

entering the correct forum section. If assistance in posting is needed, members should email the Executive Director or the web master as listed on the site.

#### NCAFC Forums

The NCAFC maintains multiple forums within the Command Zone on the NCAFC web site, which officers can view or subscribe to within their profile. Subscribing to the forums will guarantee members do not miss a posting.

A. Ask the Chiefs: Provides officers with a networking opportunity to post questions to other officers and have a dialogue about issues facing departments.

B. Fire Service News: Provides updates about current events affecting the fire service.

C. Marketplace: Provides an outlet for officers to post and view fire service items for sale by other fire departments.

D. Training: Provides an outlet for officers to post and view upcoming training opportunities.

E. Final Alarm: Provides obituaries and arrangements about line of duty, current officer and retired officer losses

#### Executive Board

The NCAFC Executive Board consists of the President, First Vice President, Second Vice President, Executive Director, and Treasurer, and they shall constitute the Executive Officers of the Association. The President, First Vice President and Second Vice President shall hold their respective offices for one year or until their successors are elected; and the Treasurer shall hold office for a minimum of three years.

#### Board of Directors

The Board of Directors consists of the Executive Officers, the immediate Past President, and a Director from each of the three regions (Eastern, Piedmont, and Western) as designated by the NC State Firemen's Association. Directors shall serve only one term (3 years) and leave office or begin progression through the chairs to President. One Director vacancy will occur each year and nomination of this Director will come from the region incurring the vacancy.

#### Membership

Membership is completed online which last for one year from the time of application. Department memberships can be completed and managed by one person for multiple members.

Membership consists of the following categories:

- Active Member (voting, dues required)

Chiefs, Chief Officers, and Company Officers of paid, partially paid or volunteer fire departments, and municipal or county Fire Marshals, Assistant Fire Marshals and/or

Deputy Fire Marshals are eligible for active membership status. Also, ex-Chiefs, Chief Officers and Company Officers of paid, partially paid or volunteer fire departments and any municipal or county ex Fire Marshal, who held the rank of an officer at any time is eligible for active membership status. In the event of question of eligibility, final decision will be made by the Board of Directors. Past-Presidents shall maintain active membership status, without the payment of dues, until eligible for Life Membership status.

- Associate Member (non-voting, dues required)  
City, County, or state officials and non-chief officers of member departments that support the objectives of the organization are eligible for Association membership.
- Corporate Member (non-voting, dues required)  
Individuals of firms and corporations interested in fire protection are eligible for corporate membership.
- Life or Honorary Life Membership (non-voting, no dues required)  
These are special memberships awarded to non-voting members as described in the Constitution and Bylaws, Article IX, Section 4.

Lifetime membership can be obtained by completing the lifetime membership nomination of a retired officer by the members department or their peers.

#### Career and Volunteer Chief and Officer of the Year

A. Chief of The Year Award – Chief of the Year award may be conferred upon a volunteer and paid Fire Chief nominated by their peers and selected by the Chief of The Year Selection Committee. Chief of the Year shall be awarded at the annual mid-winter conference. All nominees will be submitted in accordance with the Chief of the Year policies and guidelines. The Chief of the Year policies and guidelines shall meet or exceed the requirements for information by the Southeastern Association of Fire Chiefs to allow for the recipients to be submitted to the Southeastern Association for Chief of the Year.

- (i) Career Chief of the Year shall be defined as a Chief Officer who is employed full time by the fire department in which they are nominated.
- (ii) Volunteer Chief of the Year shall be defined as a Chief Officer who is volunteer, primarily volunteer, or part time by the fire department in which they are nominated.

B. Officer of The Year Award – Officer of The Year award may be conferred upon a volunteer or paid officer nominated by their peers and selected by the Chief of The Year Selection Committee. Officer of The Year shall be awarded at the annual mid-winter conference. All nominees will be submitted in accordance with the Officer of The Year policies and guidelines.



- (i) Career Officer of the Year shall be defined as a Chief Officer who is employed full time by the fire department in which they are nominated.
- (ii) Volunteer Officer of the Year shall be defined as a Chief Officer who is volunteer, primarily volunteer, or part time by the fire department in which they are nominated.

Nominations for Career and Volunteer Chief and Officer are completed on the NCAFC web site under Chief and Officer of The Year Page.



## NC OFFICE OF STATE FIRE MARSHAL

Former North Carolina Insurance Commissioner Jim Long formalized the Office of State Fire Marshal (OSFM) on April 1, 1998, consolidating numerous preexisting fire-related programs. This strategic move aimed to enhance focus and awareness of the organization's initiatives, establishing OSFM as a prominent institution statewide.

OSFM consists of nine key divisions — Fire & Rescue Commission and Training, Communications/Research & Program Development/GIS/PIO/Logistics, Ratings/Grants/Foam, Fire Investigation Unit, Community Risk Reduction, Codes and Interpretations, Licensing and Certifications, Risk Management, and Field Services.

### **Fire and Rescue Commission & Training Staff**

- Serves as staff to the Fire and Rescue Commission.

- Coordinates and operates the State Fire and Rescue Incident Reporting System (NFIRS).
- Serves as State representative, coordinating programs developed and offered by the US Fire Administration and the National Fire Academy.
- Conducts random audits of certification courses delivered across the state.
- Performs inquiries/investigations for violations of the Fire & Rescue Policy & Procedures.
- Delivers Instructor Indoctrination and School Director courses to ensure instructors and delivery agencies are trained and aware of all related policies and procedures.
- Delivers Qualification Schools across the state to qualify instructors to teach our programs.
- Manages the state's voluntary certification system. There are 12 certification programs with fifty-four active levels. More than 100,000 fire and rescue personnel participated in the following programs: Firefighter, Rapid Intervention Crew, Instructor, Rescue Technical Rescuer, Fire and Life Safety Educator, Fire Apparatus Driver/Operator, Emergency Vehicle Driver, Hazardous Materials, Fire Investigator Technician, Fire/Arson Investigator, Fire Officer, and Airport Firefighter.
- Serves on national committees with the responsibility of creating training standards and curriculum with organizations including the National Fire Protection Agency (NFPA) and International Fire Service Accreditation Congress (IFSAC).
- Provides technical writing for development of training programs, including certification and specialized classes.
- Provides Instructor qualification and upgrade classes to State Certified Fire and Rescue Instructors.
- Manages direct delivery of training and in-house certification programs across the state.
- Co-sponsors the NC Breathing Equipment School, Technical Rope School, and High School Firefighter Challenge programs.
- Trains and assist fire departments, rescue squads, and instructors to improve fire and rescue protection statewide.
- Serves to provide the technical resources to help keep all programs within the Office of State Fire Marshal current and assures fire and rescue training courses stay up-to-date and are accredited to international standards.
- Continues to build consistency into the coursework delivered to the fire and rescue community.
- Updates and revises as necessary all International Fire Service Accreditation Congress and North Carolina accredited courses every five years as the National Fire Protection Association standards are revised.
- Provides support during State Emergency Response Team activities.

NOTE: The Firefighter, Instructor, Hazardous Materials, Fire Officer, Airport Firefighter, Fire and Life Safety Educator, Driver/Operator, and Rescue Technician

programs are accredited by the International Fire Service Accreditation Congress. The Firefighter Instructor, Fire Officer, and Hazardous Materials Technician programs are also accredited by the National Professional Qualifications Board.

### **Communications/Research & Program Development/GIS/PIO/Logistics**

- Manages relationships with journalists, reporters, and media outlets - fielding inquiries, arranging interviews, issuing press releases, and coordinating media events.
- Ensures effective communication within the organization. Distributes announcements, updates, newsletters, and policy changes to employees.
- Crafts and disseminates messages on social media channels, websites, blogs, and other platforms.
- Develops strategies and protocols to effectively handle crises and negative publicity.
- Engages the community and key stakeholders to promote community outreach programs, participates in events, and responds to inquiries or concerns from the public.
- Produces written, visual, and multimedia content to support communication objectives. Drafts speeches, articles, marketing materials, graphics, videos, and other creative assets.
- Provides data and geographic information system (GIS) analytics for all divisions using a variety of sources either collected in-house or through national data repositories.
- Offers audio and video technical support for all OSFM events.
- Conducts research into important topics as they relate to the different divisions inside of the Office of State Fire Marshal.
- Facilitates curriculum development, creates related audio/visual materials, develops, and oversees all online educational materials put out by the department.
- Provides support during State Emergency Response Team activities.

### **Ratings/Grants/Foam**

- Measures and upgrades fire department delivery capabilities by providing initial Insurance ratings for fire departments and coordinating the improvement of ratings to reduce insurance costs for homeowners.
- Conducts assessments per the ISO standards to lower the insurance ratings for homeowners and businesses by completing a very extensive evaluation of all the components in the Fire Suppression Rating Schedule which includes, Communications, Fire Department capabilities, Water Supply and Risk Reduction.
- Assists fire departments with the review of their latest Insurance rating to help them evaluate what areas need to be improved to help lower their insurance ratings.

- Conducts audits of grant equipment per the general statutes.
- Assists departments and families with LODD from time of incident through funeral and paperwork after the incident.
- Administers fire department and rescue Relief Funds.
- Administers both Fire Department and Rescue Squad grants which vary from non-matching grants to dollar-for-dollar grants.
- Administers special grants as directed by the general assembly.
- Performs foam research with the UNC Collaboration team on Firefighting foam and hazards.
- Collects inventories and samples of current foams in use and works to destroy and replace these foams with more environmentally friendly foams.
- Conducts research and training on alternate foams for firefighting operations.
- Core collaborating partners are the NC Association of Fire Chiefs, NC State Firefighters Association, NC Association of Rescue and EMS, and the NC Fire Marshals Association.
- Facilitates evaluation and analysis of fire protection delivery systems to develop viable fire plans for local governments with an emphasis on continuous improvement: enhancing the understanding of how inputs influences outcomes.
- Provides support to local government leadership by providing in depth technical assistance, expertise, and interpretation for county and municipal manager on a broad array of complex fire protection issues including best practices, contracts, agreements, automatic aid, response, insurance, and tax districts.
- Provides a review process for the USDA community assistance program for Fire Apparatus.
- Provides support to other divisions as requested for special events, schools, and conferences.
- Provides support during State Emergency Response Team activities.

### **Fire Investigation Unit**

- Responds on request to assist federal, state, county, and local agencies to determine origin, cause and circumstances of fires and all fire-related deaths.
- Works in conjunction with local, state, and federal partners to provide fire protection engineers, electrical engineers, structural protection engineers, building code officials, and fire code consultants to help determine origin and cause surrounding a fire.
- Provides support during State Emergency Response Team activities.

### **Community Risk Reduction Division**

- Provides direction and support for statewide community risk reduction programs.

- Designs and produces informational/educational materials for publication and distribution to the public covering a variety of high risk areas.
- As Safe Kids North Carolina, the CRR Division serves as the state office for Safe Kids Worldwide and provides support and resources for the 46 Safe Kids coalitions across the state and assists with developing new coalitions.
- Provides training and support for North Carolina's Child Passenger Safety program by offering child passenger certification training, recertification opportunities for CPS Technicians, and seat check opportunities across the state.
- Provides support for the over 270 CPS Permanent Checking Stations across the state and oversight of the NC CPS Diversion Program.
- Provides support for NC Fire and Life Safety educators and the annual NCFLSE conference.
- Provides resources to fire departments through the annual Smoke Alarm Canvassing and Smoke Alarm Saturday programs.
- Plans and supports an annual Safe Kids NC conference for Safe Kids Coalitions, CPS Technicians, and community risk reduction professionals.
- Special Programs include Steps to Safety, Hot Car Awareness, Youth Fire Setters, Fire Prevention Week information, Residential Fire Sprinklers, Smoke Alarm projects, and Bike Safety.

### **Engineering Division**

- Provides Administration for the four Engineering Services Divisions under the State Fire Marshal:
  - Codes and Interpretations
  - Licensing and Certification
  - Risk Management
  - Field Services
- Licenses Pyrotechnic and Proximate Pyrotechnic Operators and Assistants.

### **Codes and Interpretations Division**

- Provides staff to NC Building Code Council and Residential Code Council.
- Administers the state building codes (Building, Mechanical, Fire, Plumbing, Fuel Gas, Energy Conservation, Electrical and Existing).
- Provides interpretation of building codes.
- Conducts Plan Review of larger private projects.

### **Licensing and Certifications Section**

- Provides staff to several State agency licensing boards and programs:
  - NC Code Official Qualifications Board
  - NC Home Inspector Licensure Board
  - NC Manufactured Housing Board

- Develops and administers Board courses and state examinations for Code enforcement officials, Home Inspectors, Manufactured Building Set Up Contractors, Dealers and Sales Personnel, and Pyrotechnician operators and Assistants.
- Supports online programs for Engineering providing external customers with more than 30,000 total units of credited education at no cost to the customer including board manager training for Qualification Board members, Home Inspector Licensure board members and Manufactured Housing board members.
- Investigates complaints against Code enforcement officials, home inspectors and Manufactured Building Manufacturers.
- Assures that manufactured homes are constructed in accordance with 24 CFR Part 3280 (Manufactured Home Construction and Safety Standards) of the Federal Code.
- Monitors for assurance that all homes are installed in accordance with the State of North Carolina Manufactured Housing Regulations and Federal regulation under 24 CFR Part 3285 and 3286 of the Federal Code.
- Assures that warranty obligations under state law are met.
- Licenses the following to ensure compliance with warranty requirements:
  - Manufactured housing manufacturers
  - Dealers and salespersons for the dealer
  - Set-up contractors
- Monitors consumer complaints to assure compliance with state and federal regulations and administers the State Dispute Resolution Program based on 24 CFR Part 3288 as approved and accepted by HUD.
- Audits manufacturers and dealer lots for defects under the Sub-Part I section of 24 CFR Part 3282 (Manufactured Home Procedural and Enforcement Regulations).
- Administers NC Modular Construction Program by certifying manufacturers for modular homes and buildings built in compliance with the North Carolina Building Codes and North Carolina Modular Construction Regulations.

### **Risk Management Division**

- Administers the State Property Fire Insurance Fund, the self-insurance fund for state-owned property.
- Administers the Public-School Insurance Fund, the self-insurance fund for Public Schools and Community Colleges.
- Administers the State Fire Protection Grant Fund where-by local fire departments are provided funding based on the percentage of state-owned property that is located in their jurisdiction. Funding of this program is provided from three sources: UNC General Administration, DOT-State Highway Fund and Legislature General Fund.
- Administers the states Auto Retro Coverage program by insuring all state-owned vehicles and mobile equipment.

- Oversee the NC Firefighter Cancer Benefit Program. This program provides support to the over 53,000 firefighters and their families by offering a benefit to bridge some financial gaps that may follow a cancer diagnosis.
- Oversee the Public & Charter School Catastrophic Athletic Accident Program providing catastrophic insurance for local schools participating in covered school activities.
- Procures from private insurance companies various insurance policies needed by state agencies and universities, including reinsurance to protect the State Property Fire Insurance Fund.
- Assist local governments with risk management assessments for optimizing their property and casualty insurance programs.
- Serves as staff liaison to the Public Officers and Employees Liability Insurance Commission through which professional liability insurance is made available for law enforcement officers and state employees and officials.

### **Field Services Division**

- Inspects all state-owned buildings for fire and life safety hazards.
- Performs pyrotechnic inspections and security measures for all events located on state-owned property.
- Inspects all electrical equipment installations and repairs owned and operated by the NCDOT.
- Provides interpretations and responds to questions regarding the State Electrical Code and electrical regulations.
- Administers the qualified testing laboratory program including on-site auditing of facilities across the US and other countries.
- Assists the OSFM Fire Investigations Unit with electrical fire investigations.
- Provides education and training to local electrical inspectors, investigators, engineers, and contractors.
- Assists local inspectors with on-site review of complex electrical installations.
- Certifies School Maintenance Electricians and maintains records from each school district.
- Inspects public and private schools for fire prevention, life safety, and risk mitigation that are participating in the self-insurance fund for Public Schools and Community Colleges.
- Assess monetary replacement values of all structures participating in the self-insurance fund for Public Schools and Community Colleges.
- Administers the inspector apprenticeship program for inexperienced or pre-employed inspector candidates.
- Performs inspections of structures being constructed or repaired using funds provided by NCORR for participating local jurisdictions.
- Coordinates and leads the structural and electrical evaluation teams after natural disasters and other catastrophic events.

For more information, call or write:

NC Office of State Fire Marshal  
1202 Mail Service Center  
Raleigh, NC 27699-1202  
Tel: (919) 647-0000  
Toll Free: (800) 634-7854



## NC FIRE AND RESCUE COMMISSION

In April, 1976, the United States Fire Administration (previously the National Fire Prevention and Control Administration) developed and released a model concept for a state fire safety system which would provide for a single state fire focus. This model concept described one possible method that might be used to achieve a comprehensive, well-balanced state fire program with meaningful input from interested groups in the state. The concept endorsed the establishment of a State Fire Commission with representation from all major fire service organizations as the single state entity responsible for coordination and balance within the overall state fire prevention and control program. Although this was not a requirement of the federal government, it represented the type of organization with which the United States Fire Administration preferred to communicate in its efforts to support and reinforce the fire prevention control activities of state government.

The State of North Carolina realized the need for a single fire focus and, upon the recommendation of a Joint Council of North Carolina Fire Service organizations, created the North Carolina State Fire Commission through a legislative act on July 1, 1977. The original funding for the Commission was low and a majority of the programs relied heavily on grants received from the federal government. Two major programs were the development of a State Master Plan for fire prevention and control, and a statewide Incident Reporting System.



In late 1984, the Commission's progress was at a standstill, with only one person on staff and limited funds. This prompted leaders of the State's fire service to request a transfer of the Commission from the North Carolina Department of Crime Control and Public Safety to the North Carolina Department of Insurance. The request was made for Insurance Commissioner Jim Long to support the Commission and allow it to operate as a lead organization for the fire service in North Carolina. Legislation was subsequently introduced, and in October, 1985, the Fire Commission was transferred to the Department of Insurance. At that time, the Commissioner of Insurance vowed support of this agency and has since that time supported it with personnel, budget, etc. In July, 1989, the Legislature passed a bill which changed the makeup of the Commission. The Fire Commission became the Fire and Rescue Commission, with duplicate responsibilities in the area of rescue as was previously held for fire. The Office of State Fire Marshal serves as staff to the Commission, with the Commission currently having a permanent staff of eleven.

The areas of responsibility for the Commission lie in numerous areas. The General Statutes that control the operation, selection, and duties of the Commission are found in G.S. 58-78-1; 58-78-5; 58-78-10; 58-78-15; 58-78-20.

The Commission also operates under the duties described in the Administrative Procedures act which seek to clarify additional duties.

Some of the Commission's major accomplishments since moving under the Insurance Commissioner (1985-2024) include:

Development and implementation of a uniform fire incident reporting system. Each county was given a computer to input data. In 1988, the first Fire in North Carolina Report was published. In 1999, The North Carolina Fire and Rescue Commission approved to change to the United States Fire Administration's, National Fire Incident Reporting System 5.0. The Incident Reporting 5.0 software will be placed in all Fire and Rescue Departments. Provided that they have capability to run the NFIRS 5.0 software. For the first time all Rescue Departments will be asked to report. All the data that has been and will be collected is used to assist in saving lives. This system also shows the great work and sacrifice the men and women of the fire and rescue services of North Carolina have done and will continue to do.

In 1996, the Fire and Rescue Commission adopted the Occupational Safety and Health (OSHA) Parallel Standards for Fire Departments and Rescue Squads. This standard provides a concise understanding of OSHA standards as they pertain to fire departments and rescue squads. Included in this document is a brief overview of the departments, as well as a planning document worksheet for assisting departments and squads in preparing an occupational safety and health plan. The Office of State Fire Marshal (OSFM) has provided to each department and squad a copy of the standard in written format. A set of Standard Operating Guidelines (SOGs) for

departments and squads to use as a draft to help in preparing SOGs has been prepared and is available upon request.

Development and implementation of a Firefighter Certification program. At this time over 97,826 Firefighter certifications have been issued.

Development and implementation of a Driver Operator Certification program. Currently, more than 82,974 at the Driver Operator certifications have been issued.

Development and implementation of a Technical Rescue Certification program. Currently, more than 60,037 Technical Rescue certifications have been issued.

Development and implementation of a Fire Investigation Technician Certification program. Currently, more than 1530 Fire Investigator Technician certifications have been issued.

Development and implementation of a Fire/Arson Investigator Certification program. Currently, more than 2471 Certified Fire Investigator certifications have been issued.

Development and implementation of a Hazardous Materials Certification program. Currently, more than 84,746 Hazardous Materials certifications have been issued.

Development and implementation of a Fire & Life Safety Educator Certification program. Currently, more than 7317 certifications have been issued.

Development and implementation of a Chief 101 Certification program. Currently, more than 20,279 certifications have been issued.

Development and implementation of a Marine Shipboard Firefighting Certification program. Currently, more than 470 certifications have been issued.

Development and implementation of a Wildland Firefighting Certification program. Currently, more than 4016 certifications have been issued.

Development and implementation of a Fire and Rescue Instructor Certification program. Currently, more than 19,504 certifications have been issued.

Development and implementation of a Fire Officer program. Currently, more than 18,020 certifications have been.

Development and implementation of an Airport Firefighter Certification program. Currently, more than 2,433 certifications have been issued.

Development and implementation of a Rapid Intervention Crew Certification program. Currently, more than 5,520 certifications have been issued.

Operation of a 290-student weekend at the National Fire Academy.

Publication of a Fire and Rescue Service Directory listing the various Fire and Rescue Departments, Fire Marshals within the state. This information is posted on our website at:

<https://www.ncosfm.gov/nc-fire-department-rescue-ems-directory-including-fdid.pdf>.

The Firefighter, Instructor, Hazardous Materials, Fire Officer, Airport Firefighter, Marine Firefighter, Fire and Life Safety Educator, Driver/Operator, Certified Fire Investigator, Fire Investigation Technician, Rapid Intervention Crew and Technical Rescue programs are accredited by the International Fire Service Accreditation Congress. The Haz Mat Technician, Instructor III, and Fire Officer III are also accredited by the National Professional Qualifications Board.

In July 1989, the North Carolina Legislature passed a bill which changed the existing makeup of the Commission, and it became the Fire and Rescue Commission with duplicate responsibilities in the areas of rescue and fire. The makeup of the Commission allows for excellent opportunities for the fire and rescue services to work more closely together for a common goal. In addition to standards, the Fire and Rescue Commission has the responsibility of serving as the central site for the collection and dissemination of information pertinent to fire and rescue programs.

As part of the Office of State Fire Marshal, the Fire and Rescue Commission offers assistance to all Fire and Rescue Departments in the event they may have a Line-of-Duty-Death (LODD). OSFM and the Commission work closely with the Federal Death Benefit and the North Carolina Industrial Commission, as well as Worker's Compensation and other benefits offered to families of emergency service providers who lose their life in the line of duty.

For more information, contact the North Carolina Fire and Rescue Commission, 1202 Mail Service Center, Raleigh, North Carolina 27603, Telephone 1-800-634-7854.



## NORTH CAROLINA STATE FIREFIGHTERS' ASSOCIATION

The North Carolina State Firefighters' Association, founded in 1887, was incorporated by an act of the North Carolina General Assembly under the laws of the State of North Carolina in 1889 as the North Carolina State Firemen's Association. The name was changed by the General Assembly in 2016 to the North Carolina State Firefighter's Association. This legislative action aligned the association's name with the definitive work and inclusiveness of the membership. Throughout its long and active history, the Association has been respected and recognized as a major voice of the fire service. The current membership totals of the association are approximately 1,346 Fire Departments and Fire Marshal offices, and 54,000 active and retired fire service personnel. The association has served their membership consistently and professionally since its founding in 1887.

Initially the organization was organized "to discuss such measures and take such action upon matters concerning firemen as would best promote their interests". NCSFA's Stated Purpose: The protection and promotion of the best interests of the firemen of North Carolina, the compilation of fire statistics, the collection of information concerning the practical workings of different systems of organization, the examination and inquiring concerning the merit of different kinds of apparatus in use and the improvements in the same, the cultivation of fraternal fellowship between the different companies of the state.

That focus has never changed and is still a primary purpose for the organization today. Everything done by the NCSFA today is done to improve the lives of those served by the Association.

In 1889 the NCSFA held their first convention with the idea of stimulating interest among firefighters and citizens in the fire service. They held competitions and trainings at conference, the annual get together of the membership. Raleigh was the location of the first conference and has hosted many since, serving as the location of the first South Atlantic FIRE RESCUE Expo in 2009.

In 1891 the NCSFA helped establish the Disabled Firemen's Act which became known as the Firemen's Relief Fund when it was established as Public Law in 1907 by the General Assembly, Chapter 831 of the 1907 Session Laws. The original title was "An

Act to Create a Firemen's Relief Fund; and to Increase the Efficiency of the Fire Departments in the Several Cities and Towns of North Carolina". It is interesting to note that this law only applied to cities and towns and exempted any insurance company from the tax that had 50% of its business in North Carolina. The uses allowed in the original act are very similar to some of the clauses today in the Relief Fund Statutes except that "destitute" was not used, simply referred to as "keeping firemen out of the almshouses" (county homes) as inmates, or for them to be dependent upon charity. It is also interesting to note that Chapter 868 of the 1907 Session Laws also created the elected position of Insurance Commissioner by the people, a position that later in the mid-20th century was given the responsibility of State Fire Marshal.

The Firemen's Fraternal Insurance Program was created by the NCSFA in 1922 to offer life insurance benefits at a reasonable rate to NCSFA members. In 1930 the NCSFA organized the North Carolina Firemen's Training School, the first school for firemen in the entire country. In 1953 this event became known as the Fire College and Pump School. In 1957 the NCSFA worked with other organizations to create the Firemen's Pension Fund which later became the Firefighter's and Rescue Squad Workers' Pension Fund.

Over the years the NCSFA created a scholarship program that provides 24 scholarships per year. The NCSFA developed insurance coverage for line-of-duty injuries and deaths and the accidental death and dismemberment insurances which covers all members 24 hours a day 7 days a week. The Association works hard to secure fire service benefits in the General Assembly and has worked on funding for grants, relief funds, pension benefits, cancer benefits, and workers compensation since 1887.

The Association works with the Office of State Fire Marshal, the North Carolina Association of Fire Chiefs, North Carolina Fire Marshals Association, and other partners to promote safety in the workplace and training for the membership.

An annual conference of the Association's membership is held in August of each year. During this conference a 150,000+ sq ft exhibit hall is filled with displays of the latest advancements in fire service technology ranging from apparatus to equipment, and so much more. Current topics of interest to the fire service are presented during educational sessions and hands on training opportunities are available for a minimal

registration fee. During the annual conference, a Past-President's luncheon is held each year to honor former Presidents and it is a time of fellowship and sharing of ideas to improve the Association.

Members with 25 and 50 years of service are honored during the opening ceremonies by presenting them with a 25-Year or 50-Year Club pin. During the business session of the conference, the Association officers are elected, and the Treasurer's and Statistician's report is presented to the members that are present. Scholarship awards are presented at the annual awards banquet.

Official conference business, including the election of officers, is voted on by four delegates, represent each member fire department at the annual conference. Over the years, many prominent state and national figures have provided the keynote address or spoken at the annual meetings. Some of those speakers were Governor Clyde R. Hoey, Governor Luther Hodges, Commissioner of Insurance Charles Gold, Congressman Walter Jones, Governor Terry Sanford, Chief Henry Thomas who was Consulting Engineer of the National Board of Fire Underwriters, Judge Luther Hamilton, Lieutenant Governor James Hunt, Attorney Herbert "Chub" Seawell, NC Supreme Court Chief Justice Burley Mitchell, and Governor Beverly Perdue to name a few.

The officers of the Association include the Past President, President, First Vice-President, Second-Vice President, Treasurer and Statistician, along with three regionally elected Directors. The Executive Director is charged with the responsibility of administering the Association's business affairs, as directed by the policies set forth by the Executive Board and actions acted upon at the annual conference. The membership of the Association may consist of any rated and certified fire department or fire marshal's office upon payment of the annual dues as required by the Bylaws. In addition to the fire department itself, the Fire Chiefs, Chief officers, and all individual members of such fire departments shall be members of the Association. Also, county Fire Marshals on active status are entitled to be members of the Association upon payment of the required annual dues.

Day to day activities of the Association staff involve receiving and responding to relief fund requests, membership questions, handling of benefits, lobbying and advocating for firefighter issues, and assisting Fire Chiefs with managing their rosters. The staff of the Association consists of an Executive Director, Deputy Director, Marketing and Conference Director, Finance Director, Project & Relief Fund Specialist, Marketing & Conference Specialist, Accounting Specialist, and an Administrative Assistant.

### **NCSFA BENEFITS**

The Association offers premium benefits to our membership. The benefits are funded through dues, investments, and the state relief fund. As a non-profit corporation, the Association is managed by a Board of Directors that is elected by its membership. The Association's primary function is to serve its membership.

The NCSFA is the largest state fire firefighter's association in the US that serves every active volunteer, career, and retired firefighter in North Carolina. The NCSFA is a leader in providing benefits for its fire service membership.

The following section covers the major benefits offered by the Association and provided to their membership. Some of these are provided to all members, and some are optional for members to purchase at reduced rates because of their membership.

### **NCSFA SCHOLARSHIPS AND GRANTS**

The annual application period for scholarships and grants is January 1 thru March 15. The scholarship and grant application are completed through the NCSFA website. The scholarships and grants are evenly distributed between the Eastern, Piedmont and Western regions.

Six categories of scholarships and grants are awarded in the East, Piedmont, and West, for a total of \$88,000 per region, \$264,000 statewide. The High School student scholarships are available to the depend children of active, retired and deceased firefighters. There are also career and volunteer firefighter scholarships.

The scholarships and grants are broken down as follows:

A. **Graduating High School Seniors** (Eligible applicants are firefighter members or the child of an active, retired, or deceased firefighter member of the NCSFA. Six scholarships per region is awarded.)

- (2) \$8,000 merit-based Bachelor's degree level scholarship at a 4-year accredited college or university.
- (1) \$8,000 needs-based Bachelor's degree level scholarship at a 4-year accredited college or university.
- (2) \$2,000 merit-based Associate degree level scholarship at a 2-year accredited college or university.
- (1) \$2,000 needs-based Associate degree level scholarship at a 2-year accredited college or university.

B. **Volunteer Firefighters** (Eligible applicants are volunteer firefighter members of the NCSFA. Two of each scholarship per region are awarded.)

- (2) \$8,000 merit-based Bachelor's degree level scholarship at a 4-year accredited college or university.
- (2) \$2,000 merit-based Associate degree level scholarship at a 2-year accredited college or university.

C. **Career Firefighters** (Eligible applicants are career firefighter members of the NCSFA. Two of each scholarship per region are awarded.)

- (2) \$8,000 merit-based Bachelor's degree level scholarship at a 4-year accredited college or university.

(2) \$2,000 merit-based Associate's degree level scholarship at a 2-year accredited college or university.

D. Master's Degree (Available to Career or Volunteer Firefighters

Eligible applicants are firefighter members of the NCSFA. One scholarship per region will be awarded)

(1) \$10,000 merit-based Master's degree scholarship at a 4-year accredited college or university.

E. Grants (Eligible applicants are firefighter members of the NCSFA. Eight grants per region will be awarded)

(8) \$500 training grants per region will be awarded.

**LINE OF DUTY Educational Death Benefits**

**This benefit is for the dependent children of members killed in the line of duty.**

This benefit provides for the payment of non-tuition related expenses for dependent children of members killed in the line-of-duty to any University of North Carolina System supported university or college, or community college or technical school under the direction of the North Carolina Department of Community Colleges.

If one of our firefighter members dies in the line of duty, we will assist the family by paying for non-tuition costs associated with their children's college education. This benefit includes room and board, miscellaneous fees, supplies, books, and other related items. Tuition at a state supported University of North Carolina System supported university or college, community college, or technical school is waived by the State of North Carolina for dependent children of firefighters that die in the line of duty. Please note, it is the families' responsibility to apply for and provide the needed documentation for the tuition waiver. The NCSFA is happy to assist the family with the process.

**VFIS Member Family Assistance Program**

Behavioral health, depression & PTSD assistance program provided free of cost to members of the NCSFA by VFIS. To learn more to get assistance call 866.349.5579.

**NCSFA Post-Traumatic Stress Counseling Cost Reimbursement Program**

The NCSFA through our non-profit corporation offers funds for clinician or clinical facility level of care for the rostered Firefighters of the NCSFA. These funds were made available through a BlueCross BlueShield grant. This benefit is available until the funds are depleted.

Please visit the following website for additional information or to apply for this benefit.

<https://ncsfa.com/post-traumatic-stress-counseling-reimbursement-program>

**VFIS ACCIDENT AND SICKNESS POLICY BENEFITS – (Line of Duty Death, Injury or Sickness)**



- **These benefits apply to NCSFA members while performing a department sanctioned activity.** This program administered by VFIS of North Carolina, 4140 Parklake Avenue, Suite 520, Raleigh, NC 27612. Toll-Free 1-800-726-1228 or visit them online at [www.vfisnc.com](http://www.vfisnc.com).

**Eligible Person:** A Firefighter of an organized fire or fire and rescue department which is rated and certified by the Office of State Fire Marshal. An eligible person shall mean, unless otherwise clarified by the North Carolina State Firefighters' Association, any person who is on a certified NCSFA roster as a Firefighter in the State of North Carolina and in the positions of volunteer firefighter, career firefighter, part-time firefighter, emergency volunteer, junior firefighter, firefighter in training, or probationary firefighter.

## **DESCRIPTION OF BENEFITS**

### **LOSS OF LIFE**

- \$100,000 Covered Injury Death Benefit - This benefit is payable if an insured person sustains a covered injury that directly causes the loss of life.
  - \$100,000 Covered Illness Death Benefit - This benefit is payable if an insured person suffers a covered illness that directly causes the loss of life.
  - \$25,000 Seatbelt Benefit - If a Covered Injury or Death Benefit is payable under the Policy and the Insured Person's death occurred in an Accident while he or she was wearing a properly fastened automobile seatbelt, the Seatbelt Benefit is payable.
  - \$25,000 Safety Vest Benefit - If a Covered Injury or Death Benefit is payable under the Policy and the Insured Person's death occurred on an emergency call while he or she was wearing a properly approved safety vest, or turn out gear with reflective trim, the Safety Vest Benefit is payable.
  - **Line of Duty Living Benefit**
    - Up To \$100,000 for Accidental Dismemberment and Paralysis, Vision Impairment, Cosmetic Disfigurement from Burns, HIV Positive Diagnosis
- \*\*Benefits payable are based on the percentage of impairment or loss as defined in the VFIS Policy.

### **VFIS Accidental Death & Dismemberment - Non-Line of Duty Coverage 24 Hours A Day/365 Days A Year for All NCSFA Members**

- This program administered by VFIS of North Carolina, 4140 Parklake Avenue, Suite 520, Raleigh, NC 27612. Toll-Free 1-800-726-1228 or visit them online at [www.vfisnc.com](http://www.vfisnc.com).

#### **Description of Benefits**

- Accidental Death \$25,000
- Accidental Dismemberment (Up to \$25,000 based on dismemberment schedule)
- Coma 1% of Principal Sum Per Month
- Bereavement and Trauma Counseling \$150 per visit up 10 visits
- Emergency Evacuation \$25,000
- Occupational Hepatitis \$500 for up to 12 months

- Felonious Assault 10% of Principal Sum
- Seat Belt 20% to \$5,000
- Air Bag 10% to \$2,500

**NCSFA Retirement Program (for Non-Municipal and Non-Governmental Entities)**

To assist combination fire departments who have hired career personnel and are not a part of county or local government, the NCSFA established a NCSFA Retirement Program. The retirement program is governed by a separate Board of Directors created for the establishment of the fund and provides an excellent retirement program for departments who are not eligible for local government options.

This is an IRS qualified 401K retirement program. The program is managed by Retirement Plan Solutions Incorporated located in Cary, NC. Transamerica is the investment and record keeping corporation. This retirement plan allows career firefighters to deposit pre-taxed payroll deducted funds into a retirement plan approved by their fire department.

**Additional Member Benefits (Visit <https://ncsfa.com/about-ncsfa/benefits-2>) For Contact Information On The Following Benefits:**

- **Altitude Benefits and Consulting (706.482.4575)**
  - Life, Dental, Vision, Group Health, Auto and Homeowners
- **Legal Shield and ID Shield**
- **Long-Term Care Resources**
- **National Volunteer Fire Council**
- **Homes For Heros**
- **AT&T**

**LOCAL GOVERNMENT FEDERAL CREDIT UNION (LGFCU)**

**CIVIC FEDERAL CREDIT UNION (CIVIC)**

Through the strategic partnership with LGFCU and CIVIC, when a Firefighters Debit Card is used to make a purchase a portion of the merchant fees is returned to the association. The NCSFA uses these funds to help fund many of the benefits you receive from the association and administrative cost to operate the association. This funding source assists with keeping your membership dues cost low as compared to the dues cost of other fire association across the nation.



**ADDITIONAL NORTH CAROLINA STATE FIREFIGHTERS' ASSOCIATION BENEFITS**

- Awards/Recognition
- Conference
- Legislative Representation
- Information Research Clearing House
- On Site Consultation/Presentations
- State and National Input/Associations
- Association Voice for Members/Grassroots
- Co-Sponsor for Fire and Life Safety Education Conference
- Identify One Voice for Fire Service Issues
- Annual Memorial Service

### **Legislative Representation and Advocacy at the State and Federal Levels**

The Association works with other fire and rescue associations to advocate for the fire service and emergency services at the State and Federal levels legislatively. The Association works on developing legislative priorities each year and is active in promoting new legislation to accomplish those priorities as well as monitoring legislative efforts by others that may influence membership.

In 2014 the NCSFA Board implemented a Legislative Advocacy Network and system called Engagifii to keep our membership informed on state and federal legislative initiatives, and to allow our members who sign up to become involved in advocating and lobbying their local representatives.

The system is called “Engagifii”, and members can join the North Carolina advocacy group through the NCSFA website.

Engagifii members receive weekly updates on state and federal legislation during session, and a portal that provides direct contact information for their representatives. The system geocodes NCSFA members by zip code and lists their General Assembly Representative’s and Senator’s contact information. It is a very effective way for members to get involved and stay informed on legislative efforts.

Each year the NCSFA hosts a North Carolina Firefighter Legislative Day for members to gather and visit legislators at the Legislative Building. Lunch and a legislative briefing are provided to those attending. Several hundred uniformed firefighters visiting the halls of the General Assembly have a visible impact on our success in legislation.

The NCSFA sponsors two tables each year at the Congressional Fire Services Institute annual banquet in Washington, DC and invites members to attend the banquet that have visited with their Congressional and Senate delegation during the annual trip to Capitol Hill.

### **Your Department’s Firefighter’s Relief Fund Overview**

The Firefighter's Relief Fund (FRF) was established in 1907 to financially assist firefighters that have been injured while performing their duties, and to ensure that no firefighter would become financially destitute through no fault of their own. The FRF statutes have experienced several legislative revisions over the course of its history. Some of these have added additional uses for the fund including recent changes that have also placed additional guidelines on the fund. The FRF laws are found under G.S. 58-84 and G.S. 58-85, but laws that govern your departments use of the FRF are concentrated in G.S. 58-84.

The FRF is funded by a portion of the Gross Premium Tax (GPT) (G.S. 105-228.5(d)(3)) on insurance policies containing fire and lighting protection, as well as certain automotive policies. Of the total GPT collected, 20% is dedicated to the FRF. The fund is distributed by the Office of State Fire Marshal to local firefighter relief funds (LFRF) annually. The amount each department receives is based upon several calculations. Each County is allocated an amount based on the amount received the previous year. If the total amount to be allocated statewide during the current year is above or below the amount distributed the previous year, the adjustment allocated to each county is based on the population of the County as compared to the overall state population. Once the County distribution amount is determined, the amount the County is allocated is divided between the eligible departments within the County by the amount of property tax covered. For example, if your department protected 17% of the property within your County, your LFRF check would be for 17% of the County allocation. The checks from OSFM are mailed out after the beginning of each budget year in July or early August to eligible departments. Amounts designated for departments who are not eligible for distribution for reasons described in this overview create the State Firefighter's Relief Fund. This fund helps provide Line of Duty Death, Scholarships, and Accidental Death and Dismemberment insurance to firefighters of all eligible departments across the State.

Since the FRF laws remained virtually unchanged until the 1950s, several department's LFRF across the State got laws passed at the State level to allow them uses for their fund that were not allowed by Article 84 at the time. There are currently over 50 local bills of this nature. Due to changes in Article 84 of the General Statutes since 1950, most recently 2014, most of the provisions used in local laws are now allowed in Article 84, rendering many local laws obsolete and the necessity for new ones nonexistent. Changes in the 2014 legislative session also rendered several components of existing local laws repealed, such as interest only spending limits, or fund uses not otherwise found and allowed in GS 58-84. The new provisions of the law allow increased flexibility to utilize the funds for the benefit of firefighters across the State.

### **Requirements**

To be eligible to receive funds for a Local Firefighters Relief Fund (LFRF), the fire department must follow several guidelines.

- 1) It first must be a rated department by the Office of State Fire Marshal.

2) It must be a member of the NC State Firefighters' Association (GS 58-84-1).

3) It must appoint a Local Relief Fund Board (LRFB) consisting of five members (GS 5884-30): two members elected by the fire department who serve at the department's pleasure, and who are qualified as beneficiaries of the fund; two of whom shall be elected or appointed by the Mayor, Board of Alderman, or City Council if it is a municipal department, or other local governing body to serve at the governmental bodies pleasure, or, if it is a non-municipal department, two appointed by the County Commissioners to serve; and one appointed by the Office of State Fire Marshal. If the local fire chief is not one of the members appointed, they shall serve as ex-officio members of the local Board. The Local Relief Fund Board (LRFB) shall then elect a Chairperson, Treasurer, and Secretary. The Secretary and Treasurer may be the same person.

The funds received from the Office of State Fire Marshal shall be maintained by the Treasurer in a separate and distinct account, the balance and use of which shall be reported annually to the NC State Firefighters' Association. Each year a good and sufficient surety bond must be purchased equal to the amount held, but in most cases the Office of State Fire Marshal purchases one bond for all local FRF accounts each year. Unless advised differently by the NCSFA annually, a LRFB Treasurer may assume a statewide bond has been purchased. The Treasurer's bond requires all disbursement (checks, certified checks or other financial instruments) have the Treasurer's and Chairperson's signatures affixed to the disbursement document. The bond also requires the Treasurer to submit all relief fund account bank statements, investment documents, and financial reports to the NCSFA for the 12-month fiscal year period that corresponds to the annual financial report that is submitted to the NCSFA.

The LRFB shall manage the local funds as prudent trustees of the fund as listed in Chapter 36E of the NC General Statutes. Board members should review these requirements completely, but basically it requires that they:

- (a) In managing and investing the fund, the LRFB shall consider the purposes of the fund and the uses allowed by law in making their decisions.
- (b) Each person responsible for managing and investing the fund shall manage and invest the fund in good faith and with the care an ordinarily prudent person in a like position would exercise under similar circumstances.
- (c) In managing and investing the fund:
  - (1) The fund may incur only costs that are appropriate and reasonable in relation to the assets, the purposes of the fund, and the skills available to the LRFB; and
  - (2) The LRFB shall make a reasonable effort to verify facts relevant to the management and investment of the fund.

- (d) Except as otherwise provided within the relief fund law, the following rules apply:
- (1) In managing and investing the fund the following factors, if relevant, must be considered:
    - a. General economic conditions;
    - b. The possible effect of inflation or deflation;
    - c. The expected tax consequences, if any, of investment decisions or strategies;
    - d. The role that each investment or course of action plays within the overall investment portfolio of the fund;
    - e. The expected total return from income and the appreciation of investments;
    - f. Other resources for the fund;
    - g. The needs of the fund to make distributions and to preserve capital; and
    - h. An asset's special relationship or special value, if any, to the allowable purposes of the fund.
  - (2) Management and investment decisions about the fund must be made not in isolation but rather in the context of the fund's portfolio of investments as a whole and as a part of an overall investment strategy having risk and return objectives reasonably suited to the fund.
  - (3) Except as otherwise provided by law other than this Chapter, an LRFB may invest in any kind of property or type of investment consistent with this section.
  - (4) The LRFB shall diversify the investments of the fund unless the LRFB reasonably determines that, because of special circumstances, the purposes of the fund are better served without diversification.
  - (5) Within a reasonable time after receiving funds, the LRFB shall make and carry out decisions concerning the retention or disposition of the funds or to rebalance a portfolio to bring the fund into compliance with the purposes, terms, and distribution requirements of the FRF as necessary to meet other requirements of the FRF laws.
  - (6) A LRFB member that has special skills or expertise, or is selected in reliance upon the person's representation that the person has special skills or expertise, has a duty to use those skills or that expertise in managing and investing of the funds.
    - (e) Subject to the intent of the fund, the LRFB may appropriate for expenditure or accumulate so much of an endowment fund as the relief fund law allows for the uses, benefits, purposes, and duration for which the fund is established. In making a determination to appropriate or accumulate, the LRFB shall act in good faith, with the care that an ordinarily prudent person in a like position would exercise under similar circumstances.
    - (f) Subject to any specific limitation set forth in the FRF law, a LRFB may delegate to an external agent the management and investment of the fund to the extent that an institution could prudently delegate under the circumstances. The LRFB shall act in good faith, with the care that an ordinarily prudent person in a like position would exercise under similar circumstances in;
      - (1) Selecting an agent;
      - (2) Establishing the scope and terms of the delegation, consistent with the purposes of the fund; and

(3) Periodically reviewing the agent's actions in order to monitor the agent's performance and compliance with the scope and terms of the delegation.

(g) In performing a delegated function, an agent owes a duty to the LRFB to exercise reasonable care to comply with the scope and terms of the delegation.

(h) By accepting delegation of a management or investment function from the LRFB, an agent submits to the jurisdiction of the courts of this State in all proceedings arising from or related to the delegation or the performance of the delegated function.

GS 58-84-60 also provides immunity to members serving on the LRFB individually from civil liability for monetary damages as long as they are acting within the scope of their responsibility in good faith, have not acted with gross negligence or wanton misconduct, and not derived any improper personal financial benefit.

4) The LRFB must keep a correct and accurate account of all monies received and dispersed by them, including annual distributions, interest, and holdings, and report same to the NCSFA annually. (GS 58-84-40). This accounting shall include all monies received and disbursed, all interest earned, and include all monies allocated to the fund for any use. The report must also include with the listing of disbursements the amount disbursed in each allowable expenditure, and the number of firefighters impacted by each disbursement. This must be reported to the North Carolina State Firefighters' Association, in a format prescribed by them, by October 31st of each year. Failure to do so will forfeit the payment the LFRF will receive the following fiscal year.

5) The LRFB, after July 1, 2014, shall not redirect any funds received for the LFRF or interest gained on the existing fund to any other account. This includes those LFRF's that have local laws, regardless of the provisions of the local law (G.S. 58-84-65).

6) Each year the Fire Chief shall submit a certificate of eligibility, currently known as the relief fund Board of Trustee (BTR) report to the North Carolina State Firefighters' Association during the period of December 1 thru January 15 each year. This submittal shall be on a form prescribed by the NCSFA. Failure to certify and submit the BTR by January 15 will forfeit the payment the LFRF will receive the following fiscal year.

7) The LRFB shall insure that all uses of the fund are allowable under the NC General Statutes described below.

8) No LRFB managing local relief funds may be limited to interest only spending, regardless of the provisions of a local relief fund law. (G.S. 58-84-35(d))

#### **Allowable Uses of the Local Relief Fund**

As mentioned earlier, the relief fund law remained virtually unchanged until 1950, and then was given additional allowable uses in 1987. In 2014, the NC General Assembly

expanded the allowable uses of the LFRF to promote its use. There are basically two groups of uses currently allowed by law. (G.S. 58-84-35) The first group of uses involve line of duty incidents and does not require approval by the NCSFA beyond the decision of the LRFB. The second group of uses are more flexible but require approval of the Executive Director of the NC State Firefighters' Association after approval of the LRFB.

### **Uses Controlled by the LRFB**

The following uses are allowable after the LRFB has reviewed and approved them:

- 1) To assist financially any firefighter in active service for a sickness or injury contracted in the line of duty. The amount is dependent on need and availability of funds as determined by the LRFB upon review and the annual earning capability of the individual.
- 2) To provide reasonable support to family or dependents of a firefighter who may lose their life in the line of duty by accident or sickness. The amount is dependent on need and availability of funds as determined by the LRFB upon review and the annual earning capability of the individual.
- 3) To pay premiums in the Fraternal Insurance Fund of NC if the firefighter is a member and the LRFB has determined the firefighter cannot pay for reasons of disability.

### **Uses Controlled by the LRFB but Requiring Approval of the NCSFA Executive Director**

The following uses are allowable after the LRFB has reviewed and approved them, and a request is made, and approval given by the Executive Director of the NC State Firefighters' Association. The reason for the review and approval of the NCSFA Executive Director is to insure it is an allowable use, the fund is "financially sound" or stable, and the use will not reduce the funds to an extent where they would not be available for uses 1), 2) and 3) above.

- 4) If a firefighter becomes financially destitute, the LRFB can request the use of funds to be used to assist the firefighter. The firefighter must have served honorably with the department. Destitution must be through no fault of the firefighter (i.e. gambling, poor investments, reckless spending, unwillingness to work, etc., would not be considered), and is defined as the inability to provide basic provisions to themselves or their families. Such basic provisions include but are not limited to, assistance with housing, vehicle or commuting expenses, food, clothing, utilities, medical care, and funeral expenses. The amount is dependent on need and availability of funds as determined by the LRFB upon review and approval of the Executive Director.



- 5) Upon approval of the LRFB and a request made, and approval given by the Executive Director of the NC State Firefighters' Association, the payment of monthly assessments in the NC Firefighter's and Rescue Workers Pension Fund is allowed.
- 6) Upon approval of the LRFB and a request made, and approval given by the Executive Director of the NC State Firefighters' Association, the payment of Workers Compensation premiums is allowed, including those to the Volunteer Safety Workers Compensation Fund.
- 7) Upon approval of the LRFB and a request made, and approval given by the Executive Director of the NC State Firefighters' Association, the payment of premiums for other types of insurance and pension protection for firefighters. For example, dues to the NC State Firefighters' Association, the NC Association of Fire Chiefs, and the National Volunteer Fire Council are allowed since these two associations provide LODD, AD&D, and scholarship programs for firefighters otherwise eligible for relief fund benefits.
- 8) Upon approval of the LRFB and a request made, and approval given by the Executive Director of the NC State Firefighters' Association educational benefits to firefighters and their dependents are allowed. These are generally in the form of scholarships that allow application and fair access to all members and dependents.
- 9) Upon approval of the LRFB and a request made, and approval given by the Executive Director of the NC State Firefighters' Association, annual physicals that are required for firefighter positions by the Department of Labor or recommended by the National Fire Protection Association. While not intended to supplement or replace fire department operational costs, this is intended to help ensure that firefighter safety is paramount and that necessary physicals may be given in the absence of available fire department funding.
- 10) To cover necessary management and investment costs that are reasonable and appropriate in relation to the assets, purpose, and financial security of the local Firefighters' Relief Fund."
- 11) One of the most complex uses of the fund, upon approval of the LRFB and a request made, and approval given by the Executive Director of the NC State Firefighters' Association, is the use of relief fund monies for a supplemental retirement fund. This requires significant planning and future projections, a stable fund balance, and other controls requiring more detailed review. It is addressed in more detail in a following section (Supplemental Retirement Programs).  
The request for approval from the NCSFA Executive Director to utilize local funds must be submitted in writing (email, letter, fax), must be approved by the LRFB first, and the LRFB must provide any detail needed by the Executive Director to make the decision.

Examples of information needed for submittal include, but may not be limited to:

- Type of Proposed Use and if the Use is Repetitive
- Amount to be used (once or annually)
- Name of Individual firefighter(s) affected for member verification
- Dates of LRFB Approval and Dates of Implementation
- Projections on future needs for the same use (i.e. scholarships)
- Request for Supplemental Retirement Programs require a more involved format.

### **Financially Sound Balance and Maximum Balances**

In the 2014 session of the General Assembly, the relief fund law under GS 58-84 was amended to establish a recommended calculation for local relief funds in determining financially sound, and a required maximum on the balance of the fund. (G.S. 58-84-35)

### **Calculated Balance Recommended for Financially Sound Decision**

The purpose of establishing a “financially sound balance” was to make LRFB’s more comfortable with the amount they needed to retain, since in the past many held large sums because the law did not provide any guidance and as such, funds were not being used. Establishing a recommended minimum balance calculation should take the pressure off LRFB’s who were concerned about not having enough funds on hand to handle a catastrophe. The second reason was to provide the Executive Director of the NC State Firefighters’ Association with better guidance to make the determination of “financially sound” in approving benefits requested by the LRFB. It should be understood completely that a local relief fund does not have to have the calculated minimum balance to exist. In fact, many local FRF’s do not have the calculated minimum balance. The recommended calculation for “financially sound” is \$500 per member of the department listed on the roster reported to the NCSFA, or \$20,000, whichever is greatest. In order to take on specialized uses (Numbers 5 – 10) of the fund listed under “Uses Controlled by the LRFB but Requiring Approval of the NCSFA Executive Director” previously discussed, the local fund should be able to maintain this balance by being capable of making similar payments to any of these uses for a period of five years without dropping below the calculated minimum. The capability of making these payments would not only include the balance of the fund, but interest earned and annual receipts. This balance does not affect line of duty uses (Number 1 – 3) under “Uses Controlled by the LRFB”, since these are the primary and founding uses of the fund. The recommended minimum can be used by the LRFB as an evaluation tool in determining amounts distributed, as well as current and future uses of the fund.

### **Maximum Fund Balance**

(Maximum Fund Balances took affect July 1st, 2015.

In the 2014 legislation, the General Assembly created a maximum amount a local relief fund could retain in their account and still receive annual distributions. (G.S. 58-8433) Simply stated, a LRFB that has more than the calculated maximum balance at the time of their annual financial report to the NCSFA will not receive their annual

relief fund distribution the following fiscal year. This was created to promote the use of funds for allowable uses, rather than the retention of funds. Simply stated, your relief fund is not being used, the legislature felt it was not necessary to provide more funding. There is an exception to the ‘maximum fund balance’ if the LRFB is providing, or has approved plans by the NCSFA to provide, a supplemental retirement plan. Monies set aside for an approved supplemental retirement plan can be exempted from the maximum by the NCSFA if such dedicated amounts are necessary and used solely for the supplemental plan. This will be discussed later in “Supplemental Retirement Programs”.

In the event the LRFB exceeds the maximum amount in their local fund, the money that would have gone to the ineligible department will be distributed to eligible departments in that county during the next distribution. The maximum amount is calculated by the total number of members on the certified NCSFA roster on January 1<sup>st</sup> of the relief fund reporting period multiplied by \$2,500 per member. For example, if the roster submitted to the NCSFA earlier this year had 110 members, then 110 multiplied by \$2,500 comes to \$275,000. This becomes the maximum amount you can have in your relief fund balance on June 30<sup>th</sup> of the same year when you are required to report by October 31<sup>st</sup> and still receive the annual check from the Department of Insurance next year during the distribution. With the added uses of the fund described above, LRFB’s should find ways to put the money to use or discuss the possibility of a supplemental retirement and pension plan with the NCSFA.

### **Supplemental Retirement Programs**

One of the allowable uses of the FRF locally is supplemental retirement programs. Prior to 1987, the only way to establish these programs was through legislation establishing local laws enabling the LRFB to maintain the program. In 1987 the General Assembly modified the law to allow creation of these supplemental funds based on approval of the Executive Director of the NCSFA. Approximately 40 local laws still exist for these supplemental retirement programs which are still legal and allowable. However, these supplemental funds may be established by the LRFB working with the NCSFA in calculating needs and disbursements. For those LRFB’s that find themselves near or over the maximum fund balance, this is an excellent method to use the money for the benefit of your members, while helping insure you do not miss any annual relief fund distributions. In considering a local supplemental retirement fund, the basic formula for estimating how much you need and how much you can provide is as follows:

$$C + I = B + E$$

C = the amount of annual allotment received from the State and any additional fund income such as city or county allocations.

I = the interest or earnings on the fund annually that add to the balance. In calculating this for projections, 3% is a good average.

B = the amount you would be able to pay given the contributions and Investments

E = the expenses the fund may incur other than benefits

Solving for B allows you to determine a practical benefit level, and solving for C allows you to determine how much to allocate from your fund to a supplemental retirement account to provide for the benefit. This supplemental retirement amount would then be exempt from the maximum balance discussed in the previous section. While this overview helps you to understand the potential for a supplemental retirement fund, additional information is contained in a Pamphlet titled "Establishing and Maintaining Supplemental Retirement Programs within Your Local Relief Fund", provided by NCSFA. For more information contact the Association for details.

### **SUMMARY**

This information was designed to provide an overview of the requirements and capabilities of your local relief fund. Each area, however, may encourage additional questions. For more information contact your Association staff at: 800-253-4733, or [tim@ncsfa.com](mailto:tim@ncsfa.com) or [ed@ncsfa.com](mailto:ed@ncsfa.com).

## **G.S. 58-84 Relief Fund Related Statutes Local Firefighters' Relief Funds.**

"§ 58-84-1. Repealed

"§ 58-84-5. Definitions.

The following definitions apply in Articles 84 through 88 of this Chapter:

- (1) City – A fire district.
- (2) Clerk – The clerk of a fire district or, if there is no clerk, the person so designated by the governing body of the fire district.
- (3) Fire district. – Any political subdivision of the State that meets all of the following conditions:
  - a. It has an organized fire department under the control of its governing body.
  - b. Its fire department has apparatus and equipment that is in serviceable condition for fire duty and is valued at one thousand dollars (\$1,000) or more.
  - c. It is rated and certified by OSFM.
  - d. Its response area has been approved by the local municipal government or, if there is no local municipal government, by the local board of county commissioners.
- (4) Town – A fire district.

"§ 58-84-25. Disbursement of funds by the Office of State Fire Marshal.

- (a) Distribution – The Office of State Fire Marshal shall deduct the sum of three percent (3%) from the tax proceeds credited to the Department pursuant to G.S. 105228.5(d)(3) and pay the same over to the treasurer of the State Firefighters' Association for administrative purposes. The Office of State Fire Marshal shall deduct

the sum of two percent (2%) from the tax proceeds and retain the same in the budget of the Department of Insurance for the purpose of administering the disbursement of funds by the board of trustees in accordance with the provisions of G.S. 58-84-35. The Office of State Fire Marshal shall, pursuant to G.S. 58-84-50, credit the amount forfeited by nonmember fire districts to the North Carolina State Firefighters' Association. The Office of State Fire Marshal shall distribute the remaining tax proceeds to the treasurer of each fire district as provided in subsections (b) and (c) of this section.

(b) Allocation to Counties – The Office of State Fire Marshal shall allocate to each county an amount of tax proceeds based upon the amount allocated to it in the previous year. If the amount allocable in the current year is less than the amount allocated in the previous year, then the Office of State Fire Marshal shall reduce the amount allocated to each county. The amount of the reduction is equal to the difference in the amount allocated in the previous year and the amount allocable in the current year multiplied by a fraction, the numerator of which is the population of the county and the denominator of which is the population of the State. If the amount allocable in the current year is greater than the amount allocated in the previous year, then the Office of State Fire Marshal shall increase the amount allocated to each county. The amount of the increase is equal to the excess proceeds multiplied by a fraction, the numerator of which is the population of the county and the denominator of which is the population of the State.

(c) Distribution to Fire Districts – Once the Office of State Fire Marshal has allocated the tax proceeds to a county under subsection (b) of this section, the Office of State Fire Marshal shall distribute those allocations directly to the fire districts in that county. The Office of State Fire Marshal shall distribute the allocations by electronic funds transfer, unless a fire district's account cannot accept electronic funds transfers, in which case the Office of State Fire Marshal shall distribute the district's allocation by paper check. The amount distributed to each fire district is equal to the total amount allocated to the county multiplied by a fraction, the numerator of which is the tax value of the property located in the fire district and the denominator of which is the tax value of all property located in any fire district in that county. A county shall provide the Office of State Fire Marshal with the tax value of property located in each fire district in that county by February 1 of each year. If a county does not submit information that the Office of State Fire Marshal needs to make a distribution by the date the information is due, the Office of State Fire Marshal shall distribute the allocation based on the most recent information the Office of State Fire Marshal has.

(Effective July 1, 2015) (c1) Certain Amounts Redistributed. – Notwithstanding subsection (c) of this section, the Office of State Fire Marshal shall not distribute funds to a fire district whose local relief fund's balance exceeds the amount provided under G.S. 58-84-33(a). Instead, the Office of State Fire Marshal shall, using the methodology provided in subsections (b) and (c) of this section, distribute those funds to the fire districts whose local relief funds' balances do not exceed the amount provided under G.S. 58-84-33(a). If all of a county's fire districts' local relief funds' balances exceed the amount provided under G.S. 58-84-33(a), then the Office of State Fire Marshal shall reallocate the amount the county would have received to the

counties with fire districts that do not exceed the amount provided under G.S. 58-84-33(a)."

(d) Administration – These funds shall be held by the treasurer of a fire district as a separate and distinct fund. The fire district shall immediately pay the funds to the treasurer of the local board of trustees upon the treasurer's election and qualification, for the use of the board of trustees of the firemen's local relief fund in each fire district to be used by it for the purposes provided in G.S. 58-84-35.

"§ 58-84-30. Trustees appointed; organization.

For each county, town or city complying with and deriving benefits from the provisions of this Article, there shall be appointed a local board of trustees, known as the trustees of the local Firefighters' Relief Fund, to be composed of five members, two of whom shall be elected by the members of the local fire department who are qualified as beneficiaries of such fund, two of whom shall be elected by the mayor and board of aldermen or other local governing body, and one of whom shall be named by the Office of State Fire Marshal. Their selection and term of office shall be as follows:

(1) The members of the fire department shall hold an election each January to elect their representatives to above board. In January 1950, the firefighters shall elect one member to serve for two years and one member to serve for one year, then each year in January thereafter, they shall elect only one member and his term of office shall be for two years. Members elected pursuant to this section shall be either (i) residents of the fire district or (ii) active or retired members of the fire department.

(2) The mayor and board of aldermen or other local governing body shall appoint, in January 1950, two representatives to above board, one to hold office for two years and one to hold office for one year, and each year in January thereafter they shall appoint only one representative and his term of office shall be for two years. Members appointed pursuant to this section shall be residents of the fire district.

(3) The Office of State Fire Marshal shall appoint one representative to serve as trustee and he shall serve at the pleasure of the Office of State Fire Marshal. The member appointed pursuant to this section shall be either (i) a resident of the fire district or (ii) an active or retired member of the fire department.

All of the above trustees shall hold office for their elected or appointed time, or until their successors are elected or appointed, and shall serve without pay for their services. They shall immediately after election and appointment organize by electing from their members a chairman and a secretary and treasurer, which two last positions may be held by the same person. The treasurer of said board of trustees shall give a good and sufficient surety bond in a sum equal to the amount of moneys in their hand, to be approved by the Office of State Fire Marshal. The cost of this bond may be deducted by the Office of State Fire Marshal from the receipts collected pursuant to G.S. 58-84-10 before distribution is made to local relief funds. If the chief or chiefs of the local fire departments are not named on the board of trustees as above provided, then they shall serve as ex officio members without privilege of voting on matters before the board.

"§ 58-84-32. Prudent management of funds.

Local boards of trustees shall manage local relief funds as prudent trustees of the funds, subject to Chapter 36E of the General Statutes.

"§ 58-84-33. Maximum fund balances.

(a) The balance of a local fire department's Firefighter's Relief Fund for a given year shall not exceed the product of multiplying the number of members on the department's roster as of January 1 for that year by the sum of two thousand five hundred dollars (\$2,500).

(b) The North Carolina State Firefighters' Association shall annually calculate and notify each local department of its relief fund's maximum allowable balance.

(c) A local fire department whose relief fund balance, at the time of annual distribution by the Office of State Fire Marshal, exceeds the amount allowable under subsection (a) of this section shall not be entitled to receive a distribution for that year, and the Office of State Fire Marshal shall redistribute the funds that the department would have received, as provided under G.S. 58-84-25(c1).

(d) A board of trustees of a local Firefighters' Relief Fund may, with the authorization of and under guidelines provided by the North Carolina State Firefighters' Association, dedicate a portion of the local Firefighters' Relief Fund towards providing supplemental retirement. Notwithstanding subsection (a) of this section, if such dedicated amounts are used solely for supplemental retirement within the guidelines provided by the North Carolina State Firefighters' Association, then such dedicated amounts shall not count towards the maximum allowable balance under subsection (a) of this section."

"§ 58-84-35. Disbursement of funds by trustees.

(1) The board of trustees shall have entire control of the funds derived from the provisions of this Article and shall disburse the funds firefighter in active service from financial loss, occasioned by sickness contracted or injury received while in the performance of his duties as a firefighter.

(2) To provide a reasonable support for those actually dependent upon the services of any firefighter who may lose his life in the fire service of his town, city, or State, either by accident or from disease contracted or injury received by reason of such service. The amount is to be determined according to the earning capacity of the deceased.

(2a) To provide assistance, upon approval by the Executive Director of the State Firefighters' Association, to a destitute member firefighter who has served honorably for at least five years. The determination of destitute shall be based on the inability of the firefighters, through no fault of their own, to provide basic provisions to themselves or their families. Such basic provisions include, but are not limited to, assistance with housing, vehicle or commuting expenses, food, clothing, utilities, medical care, and funeral expenses.

(3) Repealed

(4) To provide for the payment of any firefighter's assessment in the Firemen's Fraternal Insurance Fund of the State of North Carolina if the board of trustees finds

as a fact that said firefighter is unable to pay the said assessment by reason of disability.

(5) To provide for benefits of (i) supplemental retirement, including payment of firefighters' monthly assessments for the North Carolina Firefighters' and Rescue Squad Workers' Pension Fund, (ii) workers compensation, including the payment of premiums to the Workers' Compensation Fund established under G.S. 58-87-10, and (iii) other insurance and pension protection for firefighters otherwise qualifying for benefits from the Firefighters' Relief Fund as set forth in Article 85 of this Chapter.

(6) To provide for educational benefits to firefighters and their dependents who otherwise qualify for benefits from the Firefighters' Relief Fund as set forth in Article 85 of this Chapter.

(7) To provide for annual physicals that are required for firefighter positions by the Department of Labor or are recommended by the National Fire Protection Association.

(b) Notwithstanding any other provisions of law, no expenditures shall be made pursuant to subdivision (5), (6), or (7) of subsection (a) of this section unless the State Firefighters' Association has certified that such expenditures will not render the Fund financially unsound for the purposes of providing the benefits set forth in subdivisions (1), (2), and (4) of subsection (a) of this section. If, for any reason, funds made available for subdivision (5), (6), or (7) shall be insufficient to pay in full any benefits, the benefits pursuant to subdivisions (5) and (6) shall be reduced pro rata for as long as the amount of insufficient funds exists, after first eliminating the benefits pursuant to subdivision (7). No claim shall accrue with respect to any amount by which a benefit under subdivisions (5) and (6) shall have been reduced.

(c) As used in subsection (b) of this section, the term "financially unsound" means that a local fund could not sustain a requested expenditure or could not make similar payments for five years without the local fund's balance falling below the greater of the following:

(1) Five hundred dollars (\$500.00) multiplied by the number of eligible firefighters in the local department.

(2) Twenty thousand dollars (\$20,000).

(d) A local board of trustees shall not be restricted to making disbursements solely from the interest earned on the local board's relief fund.

"§ 58-84-40. Trustees to keep account and file certified reports.

(a) Each local board of trustees shall keep a correct account of all moneys received and disbursed by them. On a form prescribed by the North Carolina State Firefighters' Association, each local board shall certify by October 31 of each year the following to the Association: the balance of the local fund, proof of sufficient bonding, a full and detailed accounting of the previous year's expenditures, and a full accounting of membership qualifications. Such certification shall be made concurrently with the local unit's statement of Fire Readiness. The accounting of the previous year's expenditures shall include the amounts spent on each of the purposes listed in G.S. 58-84-35(a), including the number of firefighters that received benefits for each of the purposes.



(b) In turn, the State Fighters' Association shall certify to the Office of State Fire Marshal by January 1 of each year on a form prescribed by the Department, the following:

- (1) The local units that have complied with the requirements of subsection (a) of this section.
  - (2) A listing of the members of each of the local units.
  - (3) The fund balances for each of the local units' relief funds.
  - (4) Any departments that have exceeded the maximum balance provided under G.S. 58-84-33(a).
  - (5) Details on the disbursements from local relief funds, including how much was disbursed for each allowable purpose and how many members received disbursements for those purposes, on both a unit-by-unit basis and total basis.
  - (6) Information on any improper disbursements.
- (c) In the event that any board of trustees in any of the towns and cities benefited by this Article shall neglect or fail to perform their duties, or shall willfully misappropriate the funds entrusted in their care by obligating or disbursing such funds for any purpose other than those set forth in G.S. 58-84-35, then the Office of State Fire Marshal shall withhold any and all further payments to such board of trustees, or their successors, until the matter has been fully investigated by an official of the State Firefighters' Association, and adjusted to the satisfaction of the Office of State Fire Marshal.
- (d) In the event that any local relief fund provided for in this Article becomes impaired, then the Statewide Firefighters' Relief Fund may in the discretion of its board of trustees assist the local unit administering the fund in providing for relief to injured firefighters and their dependents or survivors; provided, however, that any funds so provided to such impaired units shall be repaid in full at the statutory rate of interest from future local unit receipts if the impairment resulted from violations of this Article.

"§ 58-84-41. Office of State Fire Marshal to maintain database of reports; fire department identification numbers.

- (a) Working with the North Carolina State Firefighters' Association, the Office of State Fire Marshal shall develop and maintain a database of the information reported under G.S. 58-84-40(b).
- (b) The Office of State Fire Marshal shall issue to each fire department within the State a unique fire department identification number (FDID) that shall be used by OSFM and the North Carolina State Firefighters' Association to coordinate database records and reports.

"§ 58-84-46. Certification to Office of State Fire Marshal.

On or before October 31 of each year the clerk or finance officer of each city or county that has a local board of trustees under G.S. 58-84-30, or a fire chief if authorized by such a city or county to file the certificate, shall file a certificate of eligibility with the Office of State Fire Marshal. The certificate shall contain information prescribed by administrative rule adopted by the Office of State Fire Marshal. If the certificate is not filed with the Office of State Fire Marshal on or before January 31 in the ensuing year:

- (1) The city or county that failed to file the certificate shall forfeit the payment next due to be paid to its board of trustees.
- (2) The Office of State Fire Marshal shall pay over that amount to the treasurer of the North Carolina State Firefighters' Association.
- (3) That amount shall constitute a part of the Statewide Firefighters' Relief Fund.

"§ 58-84-50. Fire departments to be members of State Firefighters' Association. For the purpose of supervision and as a guaranty that provisions of this Article shall be honestly administered in a businesslike manner, it is provided that every department enjoying the benefits of this law shall be a member of the North Carolina State Firefighters' Association and comply with its constitution and bylaws. If the fire department of any city, town or village shall fail to comply with the constitution and bylaws of said Association, said city, town or village shall forfeit its right to the next annual payment due from the funds mentioned in this Article, and the Office of State Fire Marshal shall pay over said amount to the treasurer of the North Carolina State Firefighters' Association and same shall constitute a part of the Statewide Firefighters' Relief Fund.

"§ 58-84-52. Benefits available to individual firefighters whose departments are not members of the State Firefighters' Association.

- (a) Individual firefighters whose departments are not members of the North Carolina State Firefighters' Association shall be covered under the line of duty coverage offered by the Association.
- (b) Benefits under this section shall be paid from the funds that are forfeited from local departments to the Statewide Firefighters' Relief Fund.

"§ 58-84-55. No discrimination on account of race.

The local boards of trustees of the local Firefighters' Relief Funds shall make no discrimination based upon race in the payment of benefits.

"§ 58-84-60. Immunity.

A person serving on a local board of trustees of a local Firefighters' Relief Fund shall be immune individually from civil liability for monetary damages, except to the extent covered by insurance, for any act or failure to act arising out of this service, except where the person:

- (1) Was not acting within the scope of that person's official duties;
- (2) Was not acting in good faith;
- (3) Committed gross negligence or willful or wanton misconduct that resulted in the damages or injury;
- (4) Derived an improper personal financial benefit, either directly or indirectly, from the transaction; or
- (5) Incurred the liability from the operation of a motor vehicle.

"§ 58-84-65. Repeal of certain local laws inconsistent with this Article.

The following provisions contained within any local act enacted or amended prior to January 1, 2014, are hereby repealed:

- (1) Any redirection, at the time of receipt, of funds directed to a fire district under G.S. 58-84-25(c) to a fund other than a local relief fund.
- (2) Any restriction that would be inconsistent with G.S. 58-84-35(d).
- (3) Any transfer of interest earned on a local relief fund from the local relief fund to another fund.
- (4) Any transfer of funds from a local relief fund to a supplemental retirement fund based on the local relief fund exceeding a certain amount.
- (5) Any allowable expenditures that are not within the scope of the list provided in G.S. 58-84-35(a).
- (6) Any variation from the certification requirement under G.S. 58-84-35(b)."

SECTION 1. (b) The database required by G.S. 58-84-41, as enacted by subsection (a) of this section, shall be operational no later than December 1, 2015, so the Department of Insurance can receive and include in its database the information from the North Carolina State Firefighters' Association that is due by January 1, 2016.

SECTION 1. (c) Effective July 1, 2015, G.S. 58-84-25, as amended by subsection (a) of this section, reads as rewritten:

"§ 58-84-25. Disbursement of funds by the Office of State Fire Marshal.

(c) Distribution to Fire Districts. – Once the Office of State Fire Marshal has allocated the tax proceeds to a county under subsection (b) of this section, the Office of State Fire Marshal shall distribute those allocations directly to the fire districts in that county. The Office of State Fire Marshal shall distribute the allocations by electronic funds transfer, unless a fire district's account cannot accept electronic funds transfers, in which case the Office of State Fire Marshal shall distribute the district's allocation by paper check. The amount distributed to each fire district is equal to the total amount allocated to the county multiplied by a fraction, the numerator of which is the tax value of the property located in the fire district and the denominator of which is the tax value of all property located in any fire district in that county. A county shall provide the Office of State Fire Marshal with the tax value of property located in each fire district in that county by February 1 of each year. If a county does not submit information that the Office of State Fire Marshal needs to make a distribution by the date the information is due, the Office of State Fire Marshal shall distribute the allocation based on the most recent information the Office of State Fire Marshal has.

(c1) Certain Amounts Redistributed. – Notwithstanding subsection (c) of this section, the Office of State Fire Marshal shall not distribute funds to a fire district whose local relief fund's balance exceeds the amount provided under G.S. 58-84-33(a). Instead, the Office of State Fire Marshal shall, using the methodology provided in subsections (b) and (c) of this section, distribute those funds to the fire districts whose local relief funds' balances do not exceed the amount provided under G.S. 58-84-33(a). If all of a county's fire districts' local relief funds' balances exceed the amount provided under G.S. 58-84-33(a), then the Office of State Fire Marshal shall reallocate the amount the county would have received to the counties with fire districts that do not exceed the amount provided under G.S. 58-84-33(a)."

SECTION 1. (d) Effective July 1, 2015, Article 84 of Chapter 58 of the General Statutes, as amended by subsection (a) of this section, is further amended by adding a new section to read as follows:

**General Information**

The NCSFA office is a resource for many questions concerning the Fire Service in North Carolina. Questions concerning state and federal benefits, fire laws, etc., are either answered or referred to other agencies where information may be obtained. Books, printed materials, pamphlets, fire laws, and telephone numbers are readily available, upon request, to our membership.

For more information, contact us:  
North Carolina State Firefighters' Association  
323 West Jones Street, Suite 401  
Raleigh, North Carolina 27603

Toll Free: 888-546-2732  
Local: 919-821-2132  
Fax: 919-821-9382  
www.ncsfa.com

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## NC SOCIETY OF FIRE RESCUE INSTRUCTORS

The NCSFRI is an association geared toward improving fire and rescue training in North Carolina. Its membership is made up of instructors, training officers and others interested in furthering the training and education resources and opportunities of the North Carolina fire and rescue services. Work in this group is centered around, but not limited to, the training of emergency services and the enhancement of the abilities of our state's fire and rescue instructors. Members of our group serve on validation committees of the North Carolina Fire and Rescue Commission to assist in the continued validation of certification test banks for all levels of certifications promulgated by the Commission. The Society awards an instructor of the year and training aid of the year award at the North Carolina Association of Fire Chiefs' Mid-Winter Conference to eligible members. The Society also awards two scholarships each year to members or their family members. Applications for the awards or scholarships may be obtained online at [www.NCSFRI.org](http://www.NCSFRI.org). Officers of the Society serve two-year terms and are elected at the spring meeting. The Board is made up of a President, 1<sup>st</sup> Vice President, 2<sup>nd</sup> Vice President, Secretary, Past President, (2) Regional Representatives from each of the three Regions in the State, a representative on the Fire and Rescue Commission and a representative on the NC Certification Board.

For more information, go to our website [www.NCSFRI.org](http://www.NCSFRI.org) or write:

North Carolina Society of Fire Rescue Instructors  
1900 Wildlife Road  
Charlotte, NC 28214



NC COMMUNITY COLLEGE SYSTEM

The North Carolina Community College System (NCCCS) is the state's primary provider of local public safety training through the System's 58 publicly funded community colleges that serve North Carolina's 100 counties.

Training is coordinated by local community college staff in collaboration with local public safety agencies and/or any appropriate governing state agency to meet the education, training, and certification needs of the state's public safety personnel. Students who are affiliated with a recognized public safety agency may be fee waived for training at community colleges as authorized by North Carolina General Statute and North Carolina State Board of Community Colleges Code.

Colleges offer certification and non-certification courses through college Workforce Continuing Education and Curriculum programs. These educational offerings include state certification courses, training that aligns with national standards, classes that meet the requested needs of local agencies, and classes that lead to an associate degree.

Classes are delivered in a variety of ways to meet the needs of both volunteer and career fire/rescue members. Options include weekend, evening, and weekday classes offered on college campuses and in the field at local agencies and training centers as well as online training opportunities.

### **Certification and Non-Certification Fire Rescue Courses**

Many fire/rescue personnel in North Carolina are involved in state certification programs. While these are voluntary certification standards, many departments have adopted them as prerequisites for departmental officers and as baseline standards for frontline personnel. As a result, community colleges offer a variety of certification related courses that align with the state policies of the NC Fire and Rescue Commission to meet these workforce needs.

Community colleges have an electronic data-transfer arrangement with the Office of State Fire Marshal; therefore, when students successfully complete certification courses through a college, this information is transmitted directly to OSFM so that certifications may be issued as appropriate.

Community colleges also offer non-certification courses to meet local department and industry needs, to include fire service continuing education and skills maintenance, bloodborne pathogens, CPR, hazardous materials, medical response, industrial fire brigade, wildland fire, incident command, supervision, inspections, education and prevention, search and rescue, extrication, and other special topics. Training is also developed and delivered to ensure that departments comply with various regulatory agencies including the International Fire Service Accreditation Congress (IFSAC), National Fire Protection Association (NFPA), Code of Federal Regulations (CFR), Occupational Safety and Health Administration (OSHA), Department of Transportation

(DOT), Insurance Service Office (ISO), International Fire Service Training Association (IFSTA), and National Fire Academy (NFA).

### **Weekend Fire and Rescue Colleges**

Numerous community colleges offer weekend fire and rescue colleges in conjunction with local, regional and state fire-service partners. These two-to-five-day training events attract thousands of public safety responders each year because they offer a variety of training courses in an intensive format. The schools provide an opportunity for students to train in the classroom and through practical exercises with public safety responders from other departments and at facilities outside their home districts. These events are publicized locally as they occur.

### **Associate Degree Programs**

The community colleges provide students with the opportunity to earn an Associate degree in Fire Protection Technology, Emergency Medical Science, Emergency Management, Public Safety Administration, as well as other degrees, in addition to the Continuing Education courses outlined above. Classes are offered on a variety of schedules including traditional classroom, hybrid, and online. As not all colleges provide all degrees, contact local colleges or the NCCCS System Office for details and information.

Associate degree courses are not eligible to be fee waived under North Carolina General Statute, except for Career and College Promise programs for high school students; however, many colleges do provide students with the opportunity to receive credit for prior learning towards an Associate degree. These programs give students a good foundation towards Bachelor's and Master's degree programs and numerous colleges have articulation agreements with universities for transfer credit.

### **Fire Service Training for 15-year-old Firefighters**

Session Law 2022-69 House Bill 661, approved on July 8, 2022, authorizes community colleges to enroll 15-year-olds in fire training courses, as authorized in G.S. 115D-20(4)e, pursuant to G.S. 95-25.5(n), and on a specialized course list approved by the State Board of Community colleges in accordance with G.S. 115D-5(b)(2).

### **Caveats to Enrollment of 15-Year-Olds in Any Community College Fire Training Course:**

- Fifteen-year-olds are **not permitted** to enroll in any course that includes live fire training.
- Fifteen-year-olds are **not permitted** to enroll in any course that contains content that would require the student to possess a valid North Carolina driver's license.
- Fifteen-year-olds are **not permitted** to enroll in any course governed by an outside entity, including but not limited to the NC Office of the State Fire Marshal which governs the fire certification program under the authority of the NC Fire and Rescue

Commission; the Federal Emergency Management Agency (FEMA) and its divisions; and the NC Department of Labor (NCDOL), if/when enrollment of 15-year-olds is prohibited by the outside entity.

- Fifteen-year-olds are **not permitted** to enroll in any Career and College Promise (CCP) course if they do not meet all CCP requirements.
- **Enrollment of 15-year-olds is limited to** the Workforce Continuing Education course ID numbers/prefixes from the NCCCS Combined Course Library listed below and must not violate any of the other caveats above.
- Registration fee waivers authorized for public safety responders may be issued to 15-year-old firefighters enrolling in courses on this approved list, provided that they meet the fire department affiliation parameters outlined in the Fire Departments section of the *NCCCS Tuition and Registration Fee Waiver Reference Guide*.

Agencies should contact their local community college for more information about specific course opportunities allowed on the specialized course list for 15-year-old firefighters.

### **Career and College Promise Programs**

Career and College Promise (CCP) is a program that allows students in high school to pursue certifications and college curriculum credit in approved CCP programs. Programs, including public safety programs, have differing requirements for enrollment related to grade level and/or age for eligibility. Tuition and registration fees are fee-waived for eligible programs and students.

Agencies and students should contact their local community college for information about CCP educational opportunities.

### **Local College Autonomy and Service Areas**

General Statute provides that a local board of trustees governs each college and elects each local president. Community colleges are managed autonomously, within laws set by the General Assembly and policies set by the State Board of Community Colleges, to meet local education and training needs.

Each community college is assigned a geographical service area of one or more counties or portions of counties, as outlined in State Board of Community Colleges Code (see 1A SBCCC 300.3 Service Area Assignments). This defines the local area that is to be served by each college. Colleges may only provide classes within their assigned service areas, unless there is an officially approved agreement between affected colleges, per State Board of Community Colleges policy. Students are not bound by these service areas and may enroll at any college, assuming entrance requirements are met.

### **Authorization of Fee Waivers**

In 1973, the General Assembly authorized the North Carolina Community College System to waive the registration fees of public safety responders enrolled in job-



related courses; therefore, neither public safety responders nor their agencies pay registration fees related to most community college public safety courses. In some cases, other fees may apply.

As of Fall Term 2016 (August 15, 2016), the legislation outlined specific clarification for public safety fee waivers for fire and rescue personnel affiliated with public safety agencies. Specific guidelines may be found in NC General Statute (G.S.) 115D-5(b) and in the Tuition and Registration Fee Waiver Reference Guide published by the NC Community College System. These references should always be consulted for the most current guidance on fee waivers.

Students not eligible for a waiver must pay any applicable tuition or registration fee associated with a course. These rates are set for all community colleges on a statewide basis, as General Statute 115D-5 gives the authority to set these rates to the State Board of Community Colleges within policies established by the Legislature. The current tuition and registration fee rates can be obtained from any community college or the System Office.

### **Community College Funding**

Local community colleges are funded through a combination of sources, to include local, state, and federal funds, and tuition and registration fee receipts. With minor exceptions, colleges do not keep tuition and registration fees received; instead, the funds are deposited into the State Treasury. The majority of college funding comes from state funds, and colleges must follow established policies that govern the expenditure of each type of funding.

Colleges receive the largest portion of their annual budgets through a funding formula based in large part on full-time-equivalent (FTE) student hours of instruction offered. As a result, courses that are taught in one year become the basis for the following year's college budget. It also means that the length of the courses and the numbers of students enrolled in each one directly impacts colleges' budgets.

Some college funding is based on additional performance measures, such as the number of students who successfully complete specified licensure or certification exams that are associated with particular training courses. Specific details on funding, FTE, and performance measures may be obtained by contacting local colleges or the System Office.

### **Annual Training Plans**

Colleges work with local agencies to plan annual training that meets local needs within the parameters of the colleges' state funding model and other local circumstances and resources. Factors that impact training include the number of students needing the training; the work schedules and availability of the qualified students; and the associated training costs, to include instructors, equipment, and administrative costs.

Local public safety agencies are key to these partnerships, as they articulate workforce needs, set local training and hiring expectations, participate on advisory boards, and provide training expertise and equipment to supplement training. College staff respond to local needs by managing the training program, to include coordinating and publicizing course offerings; developing and/or acquiring curriculum; recruiting, hiring, and evaluating instructors; arranging for appropriate training space and equipment; maintaining student records; and providing administrative support and overhead.

The goal is to partner in ways that sustain consistent and quality training that is geographically accessible and affordable for all public safety personnel across the state. Further, the overarching goal is to ensure that our state's public safety responders in North Carolina are always Ready to Work and Ready to Respond.

### **Public Safety Training Calendar (PSTC)**

The NCCCS supports a Public Safety Training Calendar that provides a listing of public safety classes scheduled by colleges across the state in the disciplines of fire-rescue, EMS, emergency Management, safety, code enforcement and law enforcements. The PSTC includes Continuing Education classes that lead to certifications or meet other local training needs; however, it does not include Curriculum courses that are part of an Associate degree.

The Public Safety Training Calendar may be accessed by going to the NC Community College System website at [www.nccommunitycolleges.edu](http://www.nccommunitycolleges.edu) and typing PSTC into the search box. Searches in the calendar may be filtered by subject, college, course number, or key word.

Students are always encouraged to contact a local college directly to confirm registration details, location, and other course specifics before traveling to a class.

### **State Community College Staff**

The state office of the North Carolina Community College System is called the Community College System Office and is located at 200 West Jones Street in Raleigh, NC. Per North Carolina General Statute, System Office staff provide state-level administration of the System under the direction of the State Board of Community Colleges.

The System Office includes a Public Safety Training Section staffed with discipline specific Public Safety Training Specialists that serve as the office's primary contacts for all public safety training programs for Workforce Continuing Education programs and Curriculum degrees. These training specialists participate on related boards, commissions, and committees, and serve as liaisons to partner state agencies. In addition, these training specialists manage the emergency services portion of the Community Colleges' state level course list (the Combined Course Library), assist

with policy research and training, manage related advisory committees, and provide technical assistance and guidance to college staff.

Information on the System as a whole, to include local colleges and the System Office, may be found at [www.nccommunitycolleges.edu](http://www.nccommunitycolleges.edu).

System Office public safety training specialists may be reached by calling the Director of Public Safety Training Programs at 919-291-6341 or by emailing [publicsafetytraining@nccommunitycolleges.edu](mailto:publicsafetytraining@nccommunitycolleges.edu).



## NC FIRE MARSHAL ASSOCIATION

The North Carolina Fire Marshals Association (NCFMA) is a professional organization dedicated to promoting fire prevention, safety, and code enforcement throughout North Carolina. Established to support and enhance the work of fire marshals, inspectors, and other fire prevention professionals, the NCFMA provides training, education, networking opportunities, and resources to its members. The association strives to advance fire prevention practices, codes, and standards to protect lives, property, and the environment from the threat of fire hazards. The North Carolina Fire Marshals Association is a chapter of the International Fire Marshals Association and the International Code Council.

Through its members' representation on state boards such as the Fire Rescue Commission, the Building Code Council, the Certification Board, the Code Qualification Board, and the Certified Fire Investigators Board we strive to have feedback into the rulemaking process that affects its members directly. In addition to these boards, NCFMA members work on several specialized committees such as the Fire Code Revision Committee, the Fire Code Curriculum Committee, and the Home Fire Sprinkler Coalition. Through these committees and collaboration with government agencies, fire service organizations, and the public, the NCFMA works to create safer communities and reduce the incidence of fire-related emergencies in North Carolina.

For more information, visit our website at [www.ncfma.com](http://www.ncfma.com) where you will find the most up-to-date listing of officers and board members with their contact information. The site also contains updated information on news and events for the association.



## NC ASSOCIATION OF RESCUE AND EMS

The North Carolina Association of Rescue and Emergency Medical Services, Inc. (NCAREMS) is an association of organized rescue squads, emergency medical service departments, fire departments, and other comparable units equipped with all types of rescue and EMS apparatus and devices which can be carried in mobile units, either by vehicular, water or air transport, and individuals, both men and women, active or interested in the rescue and EMS field.

The (NCAREMS) was organized in 1957 at the first annual convention in Hickory, NC and is incorporated under the statutes of North Carolina as a non-profit organization.

The Association is exempt from federal income tax under section 501(c)(3) of the Internal Revenue code of 1954, in line with a ruling by the exempt organizations branch of the Internal Revenue Service. The Association welcomes contributions and gifts to further its educational and other objectives. Such contributions and gifts are deductible by the donors in computing their taxable income in the manner and to the extent provided by section 170 of the 1954 code.

To be eligible for rescue squad workers' benefits, a department must meet the eligibility criteria of the Association by having a corporate structure identifying the services to be provided, authorization from a local governing authority, minimum personnel with specific rescue and/or medical certification or training, and meet the minimum equipment requirements of the level of service being provided.

Each eligible department must submit a certified roster of all eligible rescue and/or EMS workers with the Secretary of the Association who must certify to the State Treasurer's Office and to the Department of Insurance, OSFM that they meet the eligibility requirements as described in 58-86-30 and 58-88-10.

The following benefits are available to eligible members of eligible rescue squads:

- \$437,506.00 Federal Death Benefit
- \$100,000.00 Rescue Relief Fund Death Benefit
- \$100,000.00 NC State Death Benefit
- Monetary support for family of in-line-of-duty death (relief fund)
- Weekly compensation for in-line-of-duty injuries (relief fund)
- \$795,000.00 per year scholarship fund to award up to 90 scholarships for children of members per year (relief fund)
- Automatic scholarships for children whose parent(s) died in-line-of-duty (relief fund)

The following benefits are available to eligible Association members: (Must be an NCAR&EMS member whose name appears on a roster certified by a department who is also recognized the NCAR&EMS).

- \$20,000.00 Accidental Death, coverage 24 hours a day (relief fund)
- \$20,000.00 Accidental Dismemberments, coverage 24 hours a day (relief fund)
- \$1,000 Natural Death Benefit (relief fund)
- \$200.00 Monetary Compensation for natural or man-made catastrophic events (relief fund)
- \$210,000 per year scholarship fund to award up to 60 scholarships for members per year (relief fund)
- Scholarship for spouse of in-line-of-duty death (up to \$15,000) (relief fund)

Retired fire and rescue personnel must remain a member of the NCAR&EMS and meet one of the following criteria to remain eligible for Association benefits:

- 20 years of service as an eligible rescue and/or EMS worker.
- Disabled with six months service for in-line-of-duty.
- Five years of service for non-duty disability.

For more information about additional requirements and benefits, call or write:

NC Association of Rescue & EMS, Inc.  
 P.O. Box 1914  
 Goldsboro, NC 27533-1914  
 Tel: 919-736-0506  
 Fax: 919-736-7759  
 ncarems@ncarems.org  
<http://www.ncarems.org>



## OFFICE OF EMERGENCY MEDICAL SERVICES (OEMS)

The mission of the North Carolina Office of Emergency Medical Services is to foster emergency medical systems, trauma systems and credentialed EMS personnel to improve in providing responses to emergencies and disasters which will result in higher quality emergency medical care being delivered to the residents and visitors of North Carolina. Additionally, we strive to provide comprehensive statewide programs to ensure that every medical provider is well-trained, every emergency vehicle is properly equipped and operated, all components are connected through effective communications, and every citizen is within reach of high-quality emergency medical care.

The field staff, consisting of 12 regional specialists and 3 regional managers, provides the link between the OEMS and regional and local emergency medical service organizations. A regional specialist's responsibilities include advising local EMS providers, giving technical assistance to county EMS systems, administering agency programs on a county and regional basis, inspecting and permitting EMS vehicles, and coordinating emergency medical services in their area. Regional specialists and managers have a responsibility for such matters as the review and approval of system applications and modifications, educational institution approvals, and complaint investigations. The Eastern and Western regional specialists are located in the Department of Health and Human Services regional office in Conover and the Emergency Management Regional Center in Kinston. The central regional office is located at the OEMS administrative office in Raleigh. The activities of the field staff are tied to the central office through the Chief of the agency.

The administrative office is located on the Dorothea Dix campus in Raleigh. The administrative office employs a core staff of specialists in the areas of education, compliance and credentialing, communications, trauma, EMS for children, disaster response, and Health Care Preparedness Program. The EMS Act of 1973 confirmed the state's regulatory role by requiring the OEMS to inspect ambulances, issue permits for the operation of ambulance vehicles and credential EMS personnel, as

well as be responsible for all other quality control provisions of the Ambulance Act of 1967. In 1995, G.S. 131E-155.1 was passed requiring the OEMS to license EMS providers. It is the responsibility of the OEMS to assist in the development of a statewide EMS communications system. Each approved licensed agency must submit patient data electronically to the OEMS data collection program. This program is managed under contract with ESO. Medical input to the program comes from the State Medical Director, an emergency physician who is contracted by the state. The OEMS is a member of the State Emergency Response Team (SERT) designated under ESF 8 – Public Health and Medical Services. All the activities of the State Office of Emergency Medical Services are coordinated through the Chief of the Agency.

The OEMS is a section within the Division of Health Service Regulation which is a division of the Department of Health and Human Services. Ultimate authority over the agency rests with the Secretary of the Department. For more information contact the Office of Emergency Medical Services at 2707 Mail Service Center, Raleigh, NC 27699-2707; telephone 919-855-3935; fax 919-733-7021; or visit the website at <https://oems.nc.gov>

# SECTION 5 BENEFITS AND PROGRAMS





## North Carolina Firefighters' and Rescue Squad Workers' Pension Fund

In 1959, the North Carolina General Assembly enacted a law to levy a 1% tax on fire and lightning insurance policy premiums to partially fund the newly established North Carolina Firefighters' Pension Fund.

In October 1981, the North Carolina General Assembly enacted a law to change the existing statute to include rescue squad workers in the Pension Fund effective January 1, 1982. The Fund became known as the North Carolina Firefighters' and Rescue Squad Workers' Pension Fund and later the North Carolina Firefighters' and Rescue Squad Workers' Pension Fund. The purpose of the fund is to administer and operate a pension program for all firefighters and rescue squad workers (both paid and volunteer) in North Carolina. The Department of State Treasurer is responsible for the general administration and management of the Pension Fund.

The Pension Fund is administered by the Local Governmental Employees' Retirement System Board of Trustees. The Local Governmental Employees' Retirement System (LGERS) provides benefits to employees of cities, towns, counties, boards, commissions, and other entities of local government in North Carolina. Because participation by local governments is voluntary, the operation of LGERS is dependent upon the acceptance and continuing financial support of the governing bodies and employees of local governments. The LGERS Board of Trustees is comprised of 13 members, including five ex-officio or public Teachers' and State Employees' Retirement System Board members, plus eight members representing local governments.

The Advisory Panel to the Firefighters' and Rescue Squad Workers' Pension Fund is comprised of seven members, who are paid or volunteer members within the Fund and are appointed by the Local Government Employees' Retirement System. The Advisory Panel meets at least annually to discuss the status and needs of the Fire and Rescue Pension Fund, and reports its findings to the Board of Trustees of Local Governmental Employees' Retirement System.

## Membership

You can enroll as a member of the pension fund if you are an eligible firefighter or rescue squad worker who meets all of the requirements stated below.

### Eligible Firefighters

To be an eligible firefighter, you must:

- Be 18 years of age or older.
- Belong to a fire department that:
  - o Is rated by the Fire Insurance Rating Bureau and is certified by the Department of Insurance as not less than a Class "9S" department.
  - o Files a roster annually with the North Carolina State Firefighters' Association, which is forwarded to the pension fund by January 31st each year.
  - o Holds at least 4 hours of monthly training sessions and requires members to attend a minimum of 36 hours annually.

### Training Sessions for Firefighters

Training sessions for firefighters are defined as sessions or drills that prepare firefighters for, or increase their knowledge in, fire prevention, fire suppression, or protection of life and property.

### Eligible Rescue Squad Workers

To be an eligible rescue squad worker, you must:

- Be 18 years of age or older.
- Belong to a rescue squad that:
  - o Is eligible for membership in the North Carolina Association of Rescue and Emergency Medical Services, Inc.
  - o Files a roster annual with the North Carolina Association of Rescue and Emergency Medical Services, Inc., which is forwarded to the pension fund by January 31st each year.
- Attend a minimum of 36 hours of training sessions annually.

### Training Sessions for Firefighters

Training sessions for firefighters are defined as sessions or drills that prepare rescue squad workers for, or increase their knowledge in, rescue, emergency medical services, injury prevention, or protection of life and property.

### Enrollment in the Pension Fund

To become a member of the pension fund, you must:

- Complete Form 350 (Enrolling in the Firefighters' and Rescue Squad Workers' Pension Fund) through your department or squad.
- Mail the completed form with your first payment (contributions are \$10 per month) to the pension fund office at 3200 Atlantic Ave., Raleigh, NC 27604.

Your enrollment date will be effective in the month in which the pension fund receives both your application and contribution.

#### Annual March 31st Contribution Deadline

In order to be properly credited, your contributions for a calendar year must be received by the pension fund no later than March 31st of the following year. Prior year contributions received after March 31st will be returned. To receive credit for the period for which the contributions were returned, you must purchase the service credit.

#### Forfeiting Eligibility for Criminal Offenses

Effective December 1, 2013, if you are convicted of a state or federal felony that is directly related to your service as a firefighter or rescue squad worker and you are not yet 55 years of age, or have not yet received 20 years of fully creditable service but you are still serving as a participant of an eligible department or squad, you are prohibited from receiving any retirement benefit other than a return of your contributions.

#### Who Pays for the Fund

Your contributions to the pension fund, the investment earnings on total contributions, and an annual appropriation from the State General Fund pay the cost of providing your pension fund benefits.

Your share of the cost is currently \$10 monthly. Members normally must pay into the pension fund for 20 years, or a maximum of \$2,400, in order to receive a monthly benefit at retirement.

#### Benefit Eligibility and Amount

The present pension fund benefit is \$170 per month. You may apply for monthly pension fund benefits after you:

- Have 20 years of creditable service as a firefighter or rescue squad worker, and
- Reach age 55.

Creditable service is defined as eligible service for any period during which you paid and maintained contributions in the fund or for which you purchased service credit in the fund.

Creditable service as either a firefighter or rescue squad worker counts toward membership in the fund. However, if you work and/or volunteer both as a firefighter and as a rescue squad worker during the same month, you can only receive one month of pension fund credit for that month.

Once you meet these requirements and begin receiving your pension fund benefit, you can continue to receive your benefit while you continue to work or return to work as a paid or volunteer firefighter or rescue squad worker.

### Disability Status

After 10 years of creditable service, if you become totally and permanently disabled (as approved by the pension fund's medical review board) and can no longer perform the duties of a firefighter or rescue squad worker, you are eligible for disability retirement status. If your disability is the result of non-duty related activity, you must continue to pay \$10 per month into the fund until you have paid for 20 years or \$2,400. At age 55, you may apply to receive your monthly benefit provided you have made contributions for 20 years.

If you become totally and permanently disabled (as approved by the pension fund's medical review board) while performing your duties as a firefighter or rescue squad worker, you may apply to receive a monthly pension when you reach age 55. After being approved for a line-of-duty disability, you will no longer have to make contributions to the pension fund.

### If You Leave the Department or Squad before Retirement

If you leave firefighter or rescue squad service and you want to maintain your pension fund account, contact the pension fund to place your account on "leave of absence" status. During a leave of absence:

- You must not withdraw your contributions.
- Contributions are not allowed, except during eligible military service periods.
- Service credits will not accrue.
- You remain eligible for a refund.

When you return to eligible firefighter or rescue squad service, you can resume contributing to the pension fund.

If you leave your department or squad before retirement, you may still receive a benefit at a later date, if you have not withdrawn your contributions. If you leave for

any reason, you are eligible to apply for your benefit at age 55, provided you have completed and paid contributions for 20 years.

Normally, if you leave the fund before you have 20 years of creditable service, the only payment you can receive is a refund of your contributions.

### Effect of Annexation

You may continue as a member of the pension fund even if your home or fire department/rescue squad location is affected by an annexation, and as a result you can no longer service as a firefighter/rescue squad worker. If you have 10 years of service at the time of annexation, you may continue contributing \$10 monthly until you have paid \$2,400 or paid for 20 years. You are eligible to apply for your benefit at age 55 provided you have contributed for 20 years.

### How Benefits are Paid

To begin receiving benefits, you must complete and submit to the pension fund:

- Form 6FR (Retiring from the Firefighters' and Rescue Squad Workers' Pension Fund)
- Form 170 (Authorizing Direct Deposit)

You must apply for benefits; they are not paid automatically. Your application and direct deposit form should be returned to the pension fund 30 days before your scheduled retirement date.

If incorrect information is submitted to the pension fund that causes your benefit to be incorrect, the pension fund will correct the error and adjust your payment to be the actuarial equivalent of the benefit you were correctly entitled to receive.

### Payments to Beneficiaries

At your death, your beneficiary should notify the pension fund immediately. Your beneficiary may be eligible, as described below, to receive a lump sum payment equal to your remaining FRSWPF contributions, or a monthly Survivor Benefit if you are killed in the line of duty.

### Beneficiary Provisions if Death Not in Line of Duty Occurs Prior to July 1, 2018

If you die before July 1, 2018, and your death is not in the line of duty, the following beneficiary provisions apply:

- The beneficiary of your pension fund account is your spouse.
- If you do not have a surviving spouse as of the date of your death, your contributions will be paid to your children or guardian of your children.

- If you do not have a surviving spouse or children, the proceeds will be paid to your “heirs at law” or to your “estate, if it is administered and there are no heirs.”
- If you die before beginning to receive your pension, your beneficiary will receive the amount you paid and contributions paid on your behalf into the pension fund.
- If you die after beginning to receive your benefits, your beneficiary will be paid the amount you contributed to the pension fund, minus the benefits you collected. If you die after collecting more from the fund than you contributed, payments stop. No additional benefits are paid.

#### Survivor Benefit if Line of Duty Death Occurs Prior to July 1, 2018

If you are an active member of FRSWPF and you die in the line of duty on or after June 1, 2016, but prior to July 1, 2018, your spouse will receive a monthly survivorship benefit (currently \$170) beginning the month following the month you would have attained age 55; or if you had already attained age 55, beginning the month following your death.

If you are killed in the line of duty and you are already receiving a monthly FRSWPF retirement benefit, your spouse will receive the same amount monthly for life, beginning the month following your death.

All monthly survivor benefits end at your spouse’s death. No other beneficiaries are eligible for any benefits after your spouse’s death.

If there is no living spouse at the time of your line of duty death, a lump sum payment equal to your remaining contributions will be paid to your estate.

#### Beneficiary Provisions if Death Occurs on or After July 1, 2018

Effective July 1, 2018, FRSWPF members will be able to name principal and contingent beneficiaries for their return of contributions due to death, and for the Survivor Benefit if killed in the line of duty.

If you die on or after July 1, 2018, and your death is not in the line of duty, the following beneficiary provisions apply:

- If you have designated a beneficiary(ies), this person(s) will be the beneficiary of your pension fund account.
- If you do not have a designated beneficiary living as of your date of death, your spouse will be the beneficiary.
- If there is no living beneficiary or spouse, the proceeds will be paid to your estate.
- If you die before beginning to receive your pension, your beneficiary will receive the amount you paid and contributions paid on your behalf into the pension fund.

- If you die after beginning to receive your benefits, your beneficiary will be paid the amount you contributed to the pension fund, minus the benefits you collected. If you die after collecting more from the fund than you contributed payments stop. No additional benefits are paid.

#### Survivor Benefit if Line of Duty Death Occurs on or After July 1, 2018

If you are an active member of FRSWPF and you die in the line of duty on or after July 1, 2018, and you have one eligible principal beneficiary living at the time of your death, that beneficiary will receive a lifetime monthly survivorship benefit (currently \$170) beginning the month following the month you would have attained age 55, or if you had already attained age 55, beginning the month following your death.

If you are killed in the line of duty and you are already receiving a monthly FRSWPF retirement benefit, your beneficiary will receive the same amount monthly for life, beginning the month following your death.

All monthly survivor benefits end at the death of the monthly survivor beneficiary.

No other beneficiaries are eligible for any benefits after the death of the monthly survivor beneficiary.

If there is more than one living principal beneficiary or contingent beneficiary(ies) at the time of your life of duty death, a lump sum payment equal to your remaining contributions will be paid to the eligible beneficiary(ies), or if there are no eligible beneficiaries, to your estate.

All line of duty death benefits are payable contingent on approval from the Industrial Commission as required in Chapter 143, Article 12A of the General Statutes and are paid retroactively to the applicable benefit effective date.

#### Receiving Your Monthly Benefit

The effective date of your retirement is always the first day of the month. The present monthly benefit is \$170.

Upon receipt of your application, the pension fund will send you an acknowledgment letter confirming your retirement information and advising the payment date for your benefits.

Your first monthly pension fund benefit will be mailed to you. Thereafter, your monthly benefit will be deposited into your bank account on the 25th day of each month. In December, your benefit will be deposited on the 20th. If the pay date falls on a

Saturday, Sunday, or holiday, your deposit will be made on the last work day before the pay date. Direct deposit is fast, automatic, and free.

### Adding Creditable Service

In addition to the years and months you contribute to the fund, the following creditable service and service purchase provisions may apply.

### Prior Service

You may purchase pension fund credit for prior fire or rescue squad service if:

- You were a member of an eligible fire department or rescue squad before its participation in the fund.
- You were previously eligible, but did not choose to join the pension fund.
- You had earlier service with a department or squad other than the department or squad through which you joined the pension fund.
- You had eligible service for the prior year, but did not make prior year contributions or your prior year contributions were returned because they were received after March 31st.

If you are 34 or younger, the cost to purchase prior service is \$10 a month plus interest of an annual rate determined by the board of trustees. If you are 35 or older, the cost is equal to the full actuarial liability. You may purchase prior service in both a fire department and a rescue squad as long as the service periods do not overlap. You should contact the pension fund and/or your department or squad regarding the proper certification form.

You cannot purchase service credit for periods for which you received a refund of your pension fund contributions.

### Military Service

You may take a leave of absence for one tour of military service and earn service credit during that period if you continue making your fund contributions during your tour. After your return, you will need to submit a copy of your military discharge papers, such as DD214, that reflect the date you entered and the date you were released from active duty.

### Refund of Contributions

If you are no longer eligible or choose not to participate in the fund for any reason other than retirement or death, you can receive a refund of your contributions.



To receive a refund, complete Form 5FR (Withdrawing Contributions from the Firefighters' and Rescue Squad Workers' Pension Fund), and file it with the pension fund.

#### Lack of Qualification

When you turn age 55, if you are a member of the pension fund but do not qualify to receive a benefit, the amount you paid into the fund can be refunded to you. If you do not qualify because you have not yet completed 20 years of service, you may continue working toward your service goal.

#### Default of the Fund

If the pension fund were ever unable to pay all benefits in full, all benefit payments would be reduced. When it again became able, the fund would resume paying benefits in full. The fund would not owe back-payments.

#### Rejoining the Fund

If you previously received a refund from the fund and later wish to rejoin, you may do so by completing a new enrollment application (Form 350). After rejoining the fund, you will not be eligible to purchase service credits for your previous withdrawn account.

For more information, contact the Firefighters' and Rescue Squad Workers' Pension Fund, 3200 Atlantic Avenue, Raleigh, North Carolina 27604, Toll Free (877) 627 3287 or [NC.Fire&Rescue@nctreasurer.com](mailto:NC.Fire&Rescue@nctreasurer.com).

NC Firefighters' and Rescue Squad Workers' Pension Fund Member Handbook:  
<https://www.myncretirement.com/documents/firefighters-and-rescue-squad-workers-pension-fund-handbook>

To enroll and apply for benefits in the Pension Fund,  
<https://www.myncretirement.com/enrollment-firefighters-and-rescue-squad-workers-pension-fund>

#### FIREFIGHTER'S RELIEF FUND

The NC Department of Revenue shall pay to the Insurance Commissioner the total sum of tax collected by insurance companies. The Insurance Commissioner shall disburse the tax based on the County population and the tax value of property located within each fire district as reported by each county official.

Requirements to participate in the Firefighter's Relief Fund benefit:

- Be a member of the North Carolina State Firefighters' Association and submit a Financial Statement on relief fund monies to the Association. The North Carolina State Firefighters' Association sends the financial statement directly to the fire departments. These funds shall be held by the local treasurer as a separate and distinct fund.
- Complete and return the Report of Fire Condition Form to the Department of Insurance. This report provides the names and addresses of the local Firefighter's Relief Fund Board of Trustees. This board consists of five persons; two appointed by the fire department, two appointed by the City/County Commissioners, and one appointed by the Insurance Commissioner upon recommendation of the Fire Chief. One person on the board will serve as the relief fund treasurer. The state provides a blanket bond for all local Firefighter's Relief Fund treasurers. All board members must reside within the fire district they serve. If the Chief is not named on the board of trustees, they shall serve as ex officio members, without privilege of voting on matters before the board. The Report of Fire Conditions is sent to the City/County Finance Officer for all rated fire departments.

All reports must be returned to the appropriate office no later than October 31st of each year.

#### Immunity of Firefighter's Relief Fund Board:

A person serving on a local Firefighter's Relief Fund board shall be immune individually from civil liability for monetary damages, except to the extent covered by insurance, for any act or failure to act arising out of this service, except where the person:

- Was not acting within the scope of that person's official duties;
- Was not acting in good faith;
- Committed gross negligence or willful or wanton misconduct that resulted in the damages or injury;
- Derived an improper personal financial benefit, either directly or indirectly, from the transaction; or
- Incurred the liability from the operation of a motor vehicle.

#### Disbursement of Firefighter's Relief Funds:

The board of trustees shall have entire control of the funds derived from the provisions of the Article, and shall disburse the funds only for the following purposes:

- (1) To safeguard any fireman in active service from financial loss, occasioned by sickness contracted or injury received while in the performance of his duties as a fireman.

(2) To provide a reasonable support for those actually dependent upon the services of any fireman who may lose his life in the fire service of his town, city, or state, either by accident or from disease contracted or injury received by reason of such service. The amount is to be determined according to the earning capacity of the deceased.

(2a) To provide assistance, upon approval by the Secretary of the State Firefighters' Association, to a destitute member fireman who has served honorably for at least five years.

(3) Repealed by Session Laws 1985, c. 666, s.61.

(4) To provide for the payment of any fireman's assessment in the Fireman's Fraternal Insurance Fund of the State of North Carolina if the board of trustees finds as a fact that the said fireman is unable to pay the said assessment by reason of disability.

(5) To provide for benefits of supplemental retirement, workers compensation, and other insurance and pension protection for firemen otherwise qualifying for benefits from the Firefighters' Relief Fund as set forth in Article 85 of this Chapter.

(6) To provide for educational benefits to firemen and their dependents who otherwise qualify for benefits from the Firefighters' Relief Fund as set forth in Article 85 of this Chapter.

Notwithstanding any other provisions of law, no expenditures shall be made pursuant to subsections (5) and (6) of this section unless the State Firefighters' Association has certified that such expenditures will not render the Fund actuarially unsound for the purposes of providing the benefits set forth in subsections (1), (2), and (4) of this section.

For more information contact the following:

NC Department of Insurance  
Office of State Fire Marshal  
1202 Mail Service Center  
Raleigh, North Carolina 27699-1202  
(919) 661-5880 or (800) 634-7854

NC State Firefighters' Association  
323 W. Jones Street, Suite 401  
Raleigh, North Carolina 27603  
(919) 821-2132 (800) 253-4733  
<http://www.ncsfa.com/forms/relief-fund>

## FIREFIGHTER'S RELIEF FUND CALENDAR

### June

The North Carolina State Firefighters' Association will send to all fire departments a blank financial statement (Local Relief Fund Report) for the Firefighter's Relief Fund monies. The financial statements will be accepted after June 30th by the North Carolina State Firefighters' Association and must be returned no later than October 31st of each year.

### August

Report of Fire Condition forms are mailed to all municipal, county and sanitary district Clerk/Finance Officers by August 15th of each year.

- a) Report of Fire Conditions must be completed, signed and notarized by the Clerk/Finance Officer or a designated representative of local government.
- b) Report of Fire Condition must show a full board of trustees, two appointed by the fire department, two appointed by the local government, one appointed by the Insurance Commissioner, upon recommendation of the Fire Chief.
- c) One member of the board shall be designated as the Firefighter's Relief Fund Treasurer.

### October

The following reports must be returned no later than October 31st of each year.

- a) Financial Statement and Membership to the North Carolina State Firefighters' Association: 323 W. Jones Street, Suite 401, Raleigh, NC 27603
- b) Report of Fire Condition: Department of Insurance, Office of State Fire Marshal, 1202 Mail Service Center, Raleigh, NC 27699-1202

Report of Fire Conditions received by the NC Department of Insurance that are incomplete or incorrect will be returned to the Clerk/Finance Officer. All Report of Fire Conditions must be received by our office no later than January 31st of each year.

January

The NC State Firefighters' Association provides to the NC Department of Insurance a report which consists of the membership and financial statement qualification status for all fire departments.

## WORKERS' COMPENSATION

Workers' Compensation is a special insurance that covers illness, injuries or death caused by traumatic injuries that occur while in the performance of duties as a firefighter. The obligation of the employer is usually covered by insurance.

Two types of benefits are paid under Workers' Compensation – disability and death. For both benefits, weekly wages are calculated from the principle place of employment for the fifty-two weeks preceding the disability or death. A breakdown of benefits is as follows:

Disability Benefits:

- All medical bills are paid.
- Two-thirds of the weekly wages for an indefinite period of time as long as the individual remains disabled.
- Additional benefits for any permanent impairment remaining after the healing period.

Death Benefits:

- All medical bills are paid.
- \$2,000.00 is paid toward funeral expenses.
- Two-thirds of the weekly wages are paid for 400 weeks.
- Dependent children under the age of 18 receive a prorated share of wages for 400 weeks or until age 18, whichever occurs last.
- If the widow is disabled, she will receive benefits for life or until she re-marries.
- If the widow should re-marry, she will receive a minimum of 400 weeks benefits.

NOTE: The maximum weekly benefit is adjusted annually. The rate of compensation remains the same during the life of the claim.

For further information, contact the insurance representative of North Carolina Industrial Commission, 430 N. Salisbury Street, Raleigh, NC 27611; telephone: (919) 733-4820.

If your department is a member of the Volunteer Safety Worker's Compensation fund and you have questions regarding your coverage, please contact the plan administrator:

Volunteer Safety Worker's Compensation Fund, Administered by:  
Key Risk Management Services  
P.O. Box 49129  
Greensboro, North Carolina 27419

To Report an Injury call:  
Key Risk Management Services  
Monday – Friday 8:15 a.m. – 5:00 p.m. 1-888-883-9568

For Safety and Risk Assessment Assistance call:  
Mike Hill  
969 Fuller Mill Rd.  
Thomasville, NC 27360  
Office: 336-476-6965 Cell: 336-803-2699  
[vswcf@aol.com](mailto:vswcf@aol.com)

US Department of Justice  
Public Safety Officers' Benefits Program

#### Line of Duty Death

The Public Safety Officers' Benefits (PSOB) Act, signed into law in 1976, provides a federal death benefit to the survivors of the nation's federal, state and local law enforcement officers, firefighters, and rescue and ambulance squad members, both career and volunteer, whose deaths are the direct and proximate result of a traumatic injury sustained in the line of duty. It was amended in 2000 to include FEMA employees performing official, hazardous duties related to a declared major disaster, or emergency. Further amendment to the program now provides benefits to the surviving beneficiary of any public safety officers who had died as the result of a heart attack.

A public agency is defined as the United States; any U.S. State; the District of Columbia; the Commonwealth of Puerto Rico; any U.S. territory or possession; any unit of local government; any combination of such State or units; and any department, agency, or instrumentality of the foregoing. To be eligible for benefits, a public safety officer's death or total and permanent disability must result from injuries sustained in the line of duty. Line of duty is defined in the PSOB regulations (28 CFR 32) as any action that the public safety officer (whose primary function is crime control or reduction, enforcement of the criminal law, or suppression of fires) is authorized or

obligated to perform by law, rule, regulation, or condition of employment or service. Other public safety officers- whose primary function is not law enforcement or fire suppression – must be engaged in their authorized law enforcement, fire suppression, rescue squad, or ambulance duties when the fatal or disabling injury is sustained.

A 1988 amendment increased the amount of the benefit from \$50,000 to \$100,000 and included an annual cost-of-living escalator. On October 1 of each year, the benefit increases as a result. The enactment of the USA PATRIOT bill in 2001 increased the benefits to \$250,000. The current benefit is \$303,064, tax free.

A decedent's spouse and minor children usually are the eligible beneficiaries. As a result of the 2002 Mychal Judge Act, when there is no spouse or eligible children, the PSOB Act now provides the benefits to the individual(s) designated on the officer's most recently executed life insurance policy. Parents become eligible for the death benefit if they are named on the last executed policy or if there is no legitimate claim submitted by a life insurance policy beneficiary and the officer was not married and there are no eligible children.

#### Line of Duty Disability

In 1990, Congress amended the PSOB benefits program to include permanent and total disabilities that occur on or after November 29, 1990. The amendment covers public safety officers who are permanently unable to perform any gainful employment. PSOB is reserved for those few, tragic cases where an individual barely survives a traumatic, line of duty injury. Only then, in the presence of the program's statutory and regulatory qualifying criteria, will PSOB's disability benefit be awarded. To initiate a claim for PSOB disability benefits, the officer must be separated from his or her employing agency for medical reasons and must be receiving the maximum allowable disability compensation from his or her jurisdiction. Eligible officers may include those who are comatose, in a persistent vegetative state, or quadriplegic. Public Safety Officers' Educational Assistance Program (PSOEA): An additional benefit, signed into law in October 1996 and amended in 1998, provides an educational assistance allowance to the spouse and children of public safety officers whose deaths or permanent and total disabilities qualify under the PSOB Act. This benefit is provided directly to the dependents who attend a program of education at an eligible education institution and are the children or spouses of covered public safety officers. It is retroactive to January 1, 1978, for beneficiaries who have received a portion of the primary PSOB benefit.

#### PSOB Program Limitations and Exclusions:

No PSOB Program benefit can be paid:

If the death or permanent and total disability was caused by the intentional misconduct of the public safety officer or if the officer intended to bring about his or her own death and permanent or total disability.

If the public safety officer was voluntarily intoxicated at the time of death or permanent and total disability.

If the public safety officer was performing his or her duties in a grossly negligent manner at the time of death or permanent and total disability.

To claimants whose actions were substantial contributing factors to the death of the public safety officer.

To non-civilian members of the military serving as law enforcement officers, firefighters, or rescue squad or ambulance crewmembers, or to any of their survivors.

### Interim Payment

If BJA determines an urgent claimant need before the final action of paying a death benefit, an interim benefit payment not exceeding \$3,000.00 may be made to the eligible survivor(s), if it is probable that the death can be compensated.

### Attachment and Tax Exemption

PSOB death and disability benefits are not subject to execution or attachment by creditors. The Internal Revenue Service (IRS) has ruled that the benefit is not subject to Federal income tax (IRS Ruling No. 77-235, IRS 1977-28) or Federal estate tax (IRS Ruling No. 79-397).

### Filing a Claim

Eligible survivors or disability claimants may file claims directly with BJA or through the public safety agency, organization, or unit in which the public safety officer served. In most cases, the public safety agency provides BJA with sufficient information to determine whether the circumstances of the death or permanent and total disability support a benefit payment. The public safety agency prepares a Report of Public Safety Officer's Death or Permanent and Total Disability Claim Form to disability claims, the prerequisite disability certification package completed by the injured officer. BJA will determine whether and whom a benefit should be paid.

For Statewide Assistance call or write:

NC Department of Insurance      Office of State Fire Marshal  
1202 Mail Service Center  
Raleigh, NC 27699-1202  
Tel. 919-661-5880

[www.ncdoi.com/OSFM/FireAndRescueCommission](http://www.ncdoi.com/OSFM/FireAndRescueCommission)



Bureau of Justice Assistance  
PSOB Program  
810 Seventh Street NW  
Washington, DC 20531 Toll Free: 888-616-0314 [www.ojp.usdoj.gov/BJA/grant/psob](http://www.ojp.usdoj.gov/BJA/grant/psob)  
[https://www.psob.gov/psob\\_info\\_kit.html](https://www.psob.gov/psob_info_kit.html)

## FIREFIGHTER'S STATE DEATH BENEFIT

Realizing the hazardous nature of rendering public service to the people of North Carolina, the State has provided a system of benefits for dependents of firefighters killed in the line of duty.

This chapter will provide information on the death benefits that are available under Chapter 143 of the North Carolina General Statutes for Law Enforcement Officers, Firefighters, Rescue Squad Workers and Civil Air Patrol Members. The act is administered by the North Carolina Industrial Commission and provides for death benefits of \$50,000.00 in the event that an eligible member of your agency or department is killed in the line of duty (defined in N.C. Gen. Stat. §143-166.2(c)) or during the discharge of official duties (defined in N.C. Gen. Stat. §143-166.2(f)). Recent amendments now provide benefits to the surviving beneficiary of any eligible public safety officer who has died as a result of a heart attack, provided that the heart attack occurred within 24 hours following an incident.

Pursuant to N.C. Gen. Stat. §143-166.3, upon the death of an employee eligible to receive benefits, the following persons are entitled to receive death benefits in the following order of priority:

If there is a surviving spouse (defined in N.C. Gen. Stat. §143-166.2(e)) who was living with the decedent on the date of death and for at least six months immediately prior to the date of death, that spouse may receive the entire benefit amount.

If there is no eligible surviving spouse but there are dependent children (defined in N.C. Gen. Stat. §143-166.2 (a)), the children shall divide that total benefit equally between them.

If there is no eligible spouse and no dependent children but there are eligible parents of the decedent (defined in N.C. Gen. Stat. §143-166.2(b)), the parent(s) shall receive the total benefit amount.

If there are no eligible beneficiaries under the Act, the benefit will go to the decedent's estate.

Applying for Benefits

In order to apply for benefits, the decedent's spouse or representative of any dependent must provide the Industrial Commission with certain documentation. First, a Claim for Benefits Form must be filled out and submitted to the Commission. If there is no surviving spouse and dependent children are entitled to the benefits, an Industrial Commission Application for Appointment of Guardian Ad Litem must be completed in addition to the Claim for Benefits Form.

All completed forms should be sent to Linda Langdon, North Carolina Industrial Commission, Docket Section, 4336 Mail Service Center, Raleigh, NC 27699-4336.

There are a number of documents which the Commission requires to establish the eligibility of the decedent to qualify for benefits under the Act, and to establish the eligibility of the beneficiary(s) to receive those benefits.

#### Documents from the Decedent's Employing Agency

- A Death Certificate; an official autopsy report if applicable;
- Official incident reports demonstrating that the death occurred in the line of duty or during the discharge of official duties; accident reports; witness affidavits;
- The decedent's oath of office, if one exists; a roster of membership which includes the decedent's name, or other proof of employment or membership in the employing agency;
- The Articles of Incorporation (for firemen), proof of the agency's eligibility for membership in the N.C. Association of Rescue Squads (for rescue squad workers);
- Employees of Police Agencies and the Civil Air Patrol are already registered with the state.

#### Documents from the Beneficiary

- For the surviving spouse: a marriage certificate; an affidavit attesting to having lived with the decedent on the date of death and for at least six months immediately prior to the date of death.
- For the dependent children: birth certificate(s); Industrial Commission Form 42 Application for Appointment of Guardian Ad Litem.
- For dependent parent(s): the decedent's birth certificate, or in the alternative, documentation that the decedent was adopted by the claimant(s); affidavits of the parent(s) and disinterested parties attesting that the parent(s) were receiving total support from the decedent.

- For the decedent's estate: documentation of the appointment of the administrator of the estate.

#### Benefits under §143-166.3

Once it is established that the decedent is eligible for benefits, if there is an eligible beneficiary, the Industrial Commission will issue an Order naming the beneficiary(s) and distributing the benefit payment schedule. If there are no beneficiaries, the Industrial Commission will issue an Order directing that the entire \$50,000.00 benefit be distributed to the estate in a lump sum.

For deaths occurring on or after July 1, 2003, the beneficiary(s) will receive \$20,000.00 immediately, and \$10,000.00 per year thereafter, until all \$50,000.00 has been distributed. If the beneficiary is a surviving spouse, the three subsequent \$10,000.00 payments will only be made if he or she continues to remain unmarried. If a beneficiary becomes ineligible for any of the remaining benefits and there are other eligible beneficiaries, the next in line will receive the remaining benefits. For example, if a surviving spouse remarries, the remaining benefits will go to any eligible dependent children. If there are no eligible dependent children, then the benefits would go to the dependent parents, if any. If there are no eligible dependents, the remaining benefits would go to the decedent's estate.

#### OFFICE OF STATE FIRE MARSHAL DEATH BENEFIT ASSISTANCE PROGRAM

The primary mission of OSFM is to provide a variety of services to the emergency service community of North Carolina. Being a service-oriented organization, we have a responsibility to continually re-evaluate our mission: the concentrated effort of reducing the stress and risk that is a constant companion of all emergency service personnel. Approximately one hundred emergency service personnel perish nationwide while performing high-risk tasks annually. No matter how well trained and educated, the fact remains that death is always a constant companion. The devastation caused by the death of an emergency service worker is widespread – affecting loved ones, department personnel and the community at large.

The Department of Insurance, Office of State Fire Marshal, recognized the need for assistance when tragedy strikes. Family members and co-workers were ill prepared to deal with the early onslaught of paperwork and red tape required to ensure that the short and long term financial and educational family needs are met. Subsequently, a program was developed to help family members and department officers with the tedious task of collecting vital paperwork. Copies of the autopsy report, incident report, deceased's birth, death, and marriage certificate, and departmental charter are some of the essential documents that must be produced in order to begin the process of obtaining federal and state benefits entitled to the family.

Early notification is the most important step in the process. As unfortunate as an inline of duty death is, a large issue in the families' future will be financial support. Actions taken immediately following the incident will have a lasting effect. Specially trained OSFM staff members are available twenty-four hours a day to respond and assist with processing the necessary paperwork insuring that funds for immediate financial needs are made available as rapidly as possible and to answer any questions family members or department officers may have.

Help is available 24 hours a day, 7 days a week, by contacting the Office of State Fire Marshal (OSFM) at 1-800-634-7854. If you dial this toll-free number Monday – Friday, between 8:00 a.m. and 5:00 p.m., you will be greeted by a voice menu. Please press “0” for the operator and ask to speak to someone regarding a possible LODD. If you call after office hours (8:00 a.m. to 5:00 p.m.), you will be given contact information to reach staff via cell phone.

If it is necessary to leave a message, a representative from the Office of State Fire Marshal will return your call as quickly as possible. Additionally, our website offers information that will guide you until a Local Assistance State Team (LAST) arrives. You will find a checklist of documentation required to apply for possible benefits, funeral protocol, eulogy assistance, honor guard, pipes and drum support, and service planning.

The following is a list of telephone numbers the Fire Chief or Fire Marshal need to have on file.

NC Department of Labor	1-919-662-4597
NC State Auditor's Office	1-919-733-3275
Bureau of Justice Assistance	
Public Safety Officer's Assistance Program	1-202-307-0635
NC Industrial Commission	1-919-733-4820
National Fire Academy	1-301-447-1160
First Call Workers Comp.	1-800-771-2273
OSHA	1-919-733-3322

For Statewide Assistance call or write:

NC Department of Insurance  
Office of State Fire Marshal  
1202 Mail Service Center  
Raleigh, NC 27699-1202  
Tel. 919-661-5880

North Carolina Industrial Commission, Docket Section

4336 Mail Service Center  
Raleigh, NC 27699-4336 Tel. 888-891-4895  
<http://www.comp.state.nc.us>

Emergency Service officers are encouraged to contact OSFM prior to an incident to learn more about the “in-line of-duty death benefit” program. Arrangements can be made for an OSFM representative to attend a local or regional association meeting to explain the benefit program. Don’t wait for tragedy to strike, be prepared.

# SECTION 6

# REGULATORY

# AGENCIES



GENERAL STATUTES

The following is a compilation of NC General Statutes and Administrative Law Listing for State and Federal Regulations that affect fire departments. Although the listing is not complete, it addresses most law and procedure in the day to day responsibilities of the chief.

## ARTICLE 79

### Investigation of Fires and Inspection of Premises

14-58.2	Burning of Mobile Homes
14-69.1	False Reports on Destructive Devices
15-27-2	Warrants to Conduct Inspections authorized by Law
58-79-1	Fires investigated; reports; records
58-79-20	Inspection of premises; dangerous material removed
58-79-35	Fire Prevention and Fire Prevention Day
58-79-40	Insurance Company to furnish information
58-79-45	Fire Incident Reports
58-81-5	Careless or Negligent setting of fires
110-91	Mandatory standards for a license—all day-care facilities shall be inspected annually by a local fire department
143-138	North Carolina State Building Code

## ARTICLE 80

### State Volunteer Fire Departments

58-80-1	Purpose of Article: meaning of “State Fire Marshal”
58-80-5	Personnel
58-80-10	Organization – State Fire Marshal as Chief of the Fire Department
58-80-15	Acceptance of provisions by municipality

- 58-80-20 Withdrawal from participation
- 58-80-25 Dispatching firemen and apparatus from municipalities
- 58-80-30 No authority in State Volunteer Fire Department to render assistance to non-accepting counties
- 58-80-35 Acceptance by counties for the State Volunteer Fire Department to render assistance
- 58-80-40 Municipalities are not to be left unprotected
- 58-80-45 Rights and privileges of firemen; liability of municipalities
- 58-80-50 Relief in case of Injury or Death
- 58-80-55 Local appropriations for assistance
- 58-80-60 Sums from contingent fund of State made available for Administration of Article

#### State Fire and Rescue Commission

- 58-78-1 State Fire & Rescue Commission created; membership
- 58-78-5 State Fire & Rescue Commission – Powers and Duties
- 58-78-10 State Fire & Rescue Commission – Organization; rules and regulations meetings
- 58-78-15 State Fire & Rescue Commission; Staff
- 58-78-20 State Fire & Rescue Commission; fiscal affairs

#### ARTICLE 82

##### Authority and Liability of Firemen

- 58-82-1 Authority of Firemen; penalty for willful interference with firemen
- 58-82-5 Liability limited – nonprofit fire department entitled to same immunity afforded other fire departments – liability of a nonprofit fire company in a non-fire related rescue attempt

58-36-75 Prevents Surcharge on personal insurance based on an accident occurring in a departmental vehicle

## ARTICLE 83

### Mutual Aid between Fire Departments

58-83-1 Authority to send firemen and apparatus beyond territorial limits; privileges and immunities

## ARTICLE 84

### Fund Derived from Insurance Companies

58-84-1 Insurance Companies to report premiums collected

58-84-5 Definition of "Cities, City, Town or Towns"

58-84-10 Tax on receipt of Insurance Premiums

58-84-15 Insurance Commissioner to investigate returns and collect tax

58-84-20 Penalty for failure to report and pay tax

58-84-25 Disbursement of Funds by Insurance Commissioner

58-85-30 Trustees appointed; organization of Relief Fund Board of Trustees

58-84-35 Disbursement of Relief Funds by Trustees

58-84-40 Trustees to keep account and file certified reports

58-84-45 Municipal Clerk to certify list of fire companies; effect of failure to certify list to Insurance Commissioner

58-84-50 Fire Departments are to be members of the State Firemen's Association

58-84-55 No discrimination on account of race in payment of benefits

58-84-60 Immunity for Pensions serving on Local Relief Fund Board  
State Appropriation of Relief Fund

58-85-1 Application of fund – state of North Carolina funds



- 58-85-10 The Treasurer of the State Firemen's Association shall make a detailed report to the State Treasurer's Office annually
- 58-85-15 Who shall participate in the fund "Line of Duty defined"
- 58-85-20 Who may become members – organized fire company
- 58-85-25 Applied to members of regular fire company only
- 58-85-30 Treasurer of NC State Firemen's Association shall pay 1/6 of the 5% Collected from the Insurance Commissioner to the Treasurer of the NC State Volunteer Firemen's Association
- 58-85A-1 Allocation to local fire districts for protection of state property

## ARTICLE 86

### NC Firemen's and Rescue Squad Worker's Pension Fund

- 58-86-1 Fund established; administration by Board of Trustees; Rules and Regulations
- 58-86-5 Creation and membership of Board of Trustees; Compensation
- 58-86-10 Powers and duties of Board of Trustees of Pension Fund
- 58-86-15 Director of the NC Pension Fund
- 58-86-20 State Treasurer to be custodian of fund; appropriations; contributions to fund; expenditures
- 58-86-25 "Eligible Firemen" defined; determination and certification of volunteers meeting qualifications
- 58-86-30 "Eligible Rescue Squad Worker" defined; determination and certification of eligibility
- 58-86-35 Firemen's application for membership in Fund; monthly payments by members; payments credited to separate accounts of members
- 58-86-40 Rescue Squad Worker's application for membership in funds; monthly payments by members; payments credited to separate accounts of members

- 58-86-45 Additional retroactive membership
- 58-86-50 Administrative fee for rejoining the fund
- 58-86-55 Monthly pensions upon retirement
- 58-86-60 Payments in lump sums
- 58-86-65 Pro rata reduction of benefits when fund is insufficient to pay in full
- 58-86-70 Provisions subject to future legislative change
- 58-86-75 Determination of creditable service; information furnished by applicants for membership
- 58-86-80 Length of service not affected by serving in more than one department or squad; transfer from one department or squad to another
- 58-86-85 Effect of member being six months delinquent in making monthly payments
- 58-86-90 Exemptions of pensions from attachment, garnishments or judgments; rights non-assignable

## ARTICLE 87

### Volunteer Fire Department and Rescue/EMS Funds

- 58-87-1 Volunteer Fire Department Fund
- 58-87-5 Volunteer Rescue/EMS Fund

## ARTICLE 88

### Rescue Squad Worker's Relief Fund

- 58-88-1 Definitions – Association, Board, EMS, Fund and Secretary-Treasurer
- 58-88-5 Rescue Squad Workers' Relief Fund; trustees, disbursement of funds

- 58-88-10 Membership Eligibility
- 58-88-15 Accounting; Reports; Audits
- 58-88-20 Justification of Claim
- 58-88-25 Application for Benefits
- 58-88-30 Administration Costs

## ARTICLE 92

### FIRE SAFE CIGARETTE ACT

- 58-92-5 Findings
- 58-92-10 Definitions
- 58-92-15 Test Methods
- 58-92-20 Certification of product
- 58-92-25 Markings

### MUNICIPAL FIRE PROTECTION

- 160A-11 Corporate of Municipalities
- 160A-31.1 Assumption of Debt when a City annexes a Rural District
- 160A-37 Procedures for Annexation
- 160A-37.1 Contract with Rural Fire Department when annexation occurs
- 160A-37.2 Assumption of debt of Rural District where no contract has been entered between City and Rural Department and/or the Rural Fire Department ceases to provide fire protection under its contract
- 160A-49 Procedure for Annexation
- 160A-49.1 Contract with Rural Fire Department
- 160A-49.2 Assumption of Debt

- 160A-167 Defense of employees and officers in civil or criminal actions
- 160A-277(A)(B) Volunteer Fire Departments – sales of land by municipal corporations
- 160A-291 City authorized to appoint Fire Chief and Firemen
- 160A-292 Duties of Fire Chief
- 160A-293 Fire Protection outside City Limits; immunity; injury to firemen
- 160A-294 Loss of Rural Fire Employment when annexation occurs
- 160A-435 Establishment of Fire Limits
- 160A-436 Restrictions within primary fire limits
- 160A-437 Restriction within secondary fire limits
- 160A-438 Failure to establish primary fire limits
- 160A-485 Waiver of immunity through Insurance purchases
- COUNTY FIRE PROTECTION

153A-233 Firefighting and Prevention Services counties may establish, organize, equip, support and maintain a fire department and prescribe the boundaries

153A-234 Fire Marshal

## TAX DISTRICTS

### Rural Fire Protection District

- 69-25.1 Election to be held upon petition of voters
- 69-25.2 Duties of County Board of Commissioners regarding conduct of elections; cost of holding the election
- 69-25.3 Ballots
- 69-25.4 Tax to be levied and used for furnishing fire protection
- 69-25.5 Methods of providing fire protection

- 69-25.6 Municipal corporations empowered to make contracts
- 69-25.7 Administration of special fund; fire protection district commission
- 69-25.8 Authority, rights, privileges and immunities of counties, etc.  
performing services under article
- 69-25.9 Procedure when area lies in more than one county
- 69-25.10 Means of abolishing tax district
- 69-25.11 Changes in area of district
- 69-25.12 Privileges and taxes where territory added to district
- 69-25.13 Privileges and taxes where territory removed from district
- 69-25.14 Contract with city or town to which all or part of district annexed  
concerning property of district and furnishing of fire protection
- 69-25.15 When district or portion thereof annexed by municipality furnishing  
fire protection
- 69-25.16 Exclusion from rural fire protection districts
- 69-25.17 Validation of fire protection funds appropriated in providing rescue  
and ambulance services

#### County Services Districts

- 153A-236 Honoring deceased or retiring firefighters
- 153A-300 Title; effective date
- 153A-301 Purposes for which districts may be established
- 153A-302 Definition of service districts
- 153A-303 Extension of service district
- 153A-304 Consolidation of service districts
- 153A-305 Required provision or maintenance of services
- 153A-306 Abolition of service districts

153A-307 Taxes authorized; rate limitation

153A-308 Bonds authorized

153A-309 EMS Services in Fire Protection Districts

153A-310 Rate limitation in certain districts

153A-435 Liability insurance; damage suits against a county involving governmental functions

#### Volunteer Fire Departments

55A-6 Incorporators

55A-7 Articles of Incorporation

55A-9 Organization meeting of Directors

55A-14 Bylaws of Corporation

55A-25 Officers of Corporation

55A-26 Removal of Officers of Corporation

55A-29 Members of Corporation

55A-30 Meetings of members of Corporation

55A-32 Voting rights of members

55A-33 Quorum of members at meetings

55A-45 Distribution of assets in the event of dissolution

55A-46 Plan of distribution of assets

143-49.1 Purchases by Volunteer Non-Profit Fire Department and Lifesaving and Rescue Squads

#### Criminal History Checks

143B-906 Criminal statistics (Previously G.S. 114-19 Criminal History Checks of applicants to Fire Departments and EMS)

## MOTOR VEHICLES LAWS RELATING TO THE FIRE SERVICE IN NORTH CAROLINA

### Drivers License

- 20-4.01(3C) CDL Commercial Drivers License (3D) Commercial Motor Vehicle – 26,001Pounds GVWR
- 20- 7(a)(3) Class C License entitles a licensee to drive a single vehicle with a GVWR of less than 26,001 pounds or any such vehicle towing another vehicle with a GVWR not in excess of 10,000 pounds, both of which are exempt from Article 2C, A Class C Licensee who is a volunteer member of a municipal or rural fire department. A volunteer member of a rescue squad, or a volunteer member of EMS may also drive any firefighting vehicle, rescue vehicle, EMS vehicle or combination of these vehicles, regardless of GVWR when necessary in the performance of his duty.
- 20-37.16(e)(2) Waives a commercial driver’s license (CDL) for all vehicles used as firefighting or emergency equipment in North Carolina
- 20-79.4 Firemen may be issued special license plates with the word Firefighter
- 20-84 Vehicles owned by state, municipalities or orphanages, etc., may register vehicle and be eligible for a permanent registration plate (\$6.00)
- 20-114.1 Willful failure to obey law-enforcement or traffic control officer; firemen as traffic control officers; appointment of traffic control officers; liability for acts or omissions relating to direction of traffic
- 20-125 Horns and warning devices on emergency vehicles
- 20-130 Electronically modulated headlamps
- 20-130.1 Use of red or blue lights on vehicles prohibited; exceptions – a vehicle operated by a member of a municipal or rural fire department in the performance of his duties
- 20-137 Child restraint systems required
- 20-145 When speed limit not applicable (in line of duty)

- 20-156 Exceptions to the Right-of-Way Rule; duty to drive with due regard for safety of others.
- 20-157 Approach of police, fire department or rescue squad vehicles or ambulances; driving over fire hose or blocking firefighter equipment; parking, etc., near police, fire department or rescue squad vehicle or ambulance
- 20-162 Parking in front of private driveway, fire hydrant, fire station, intersection of curb lines or fire lane

20-171.23 ATV use exemptions for Fire and Rescue

## BENEFITS

### Worker's Compensation

- 97-2 Definitions – Average weekly wages
- 97-22 Notice of accident to employer
- 97-25 Medical treatment and supplies
- 97-29 Compensation rates for total incapacity
- 97-38 Where death results proximately from compensable injury or occupational disease; dependents; burial expenses; compensation to aliens; election by partial dependents
- 143-166.1 Purpose – system of benefits for dependents of law enforcement officers, firemen, rescue squad workers and senior civil air patrol members killed in the discharge of their office duties
- 143-166.2 Definitions – “Dependent Child,” “Dependent Parent,” “Killed in the Line of Duty,” “Law Enforcement Officer,” “Officer,” or “Fireman,” “Spouse,” and “Official Duties”
- 143-166.3 Payments; determination of eligibility
- 143-166.4 Funds; conclusiveness of award these funds will be paid from the contingency and emergency fund. Industrial Commission's power to make rules and regulations for the administration of the provisions of Article 143



143-166.5 Other benefits not affected

143-166.6 Awards made under provisions of Article 143 shall be exempt from taxes

143-166.7 Applicability of Article 143; applies to law enforcement officer, fireman, rescue squad worker, senior civil air patrol member, employees of North Carolina Division of Forest Resources, County Fire Marshals and Emergency Services Coordinators

## INSURANCE CLASSIFICATIONS

58-2-40 Powers and duties of Commissioner of Insurance

58-36-10(3) Fire and Rescue Services Division of North Carolina Department of Insurance has the responsibility for determining if a fire department meets the minimum standards established by the Insurance Commissioner

58-86-25 "Eligible Firemen" defined; determination and certification of volunteers meeting qualifications

143-166 System of Benefits – Worker's Comp. for dependents of firemen, rescue Squad workers, law enforcement officers and senior civil air patrol members

## ENVIRONMENTAL MANAGEMENT

Title 15A NC Administrative Code

20-520 Control and prohibition of open burning – this regulation is for the purpose of preventing, abating and controlling air pollution results in from air contaminants released in the open burning of refuse or other combustible materials History Note: G.S. 143-215.3(A)(1) 143-215.107(A)(S)

Asbestos Inspections – Live Burn

G.S. 130A-447 NC Administrative Code 19C-0602 Asbestos Inspections

Section 61.145(A) NESHAP requires that a structure be inspected to determine if asbestos containing materials are present

## DEPARTMENT OF TRANSPORTATION

### Bridge Law

20-116            Size of Vehicles and Loads

20-118            Weight of Vehicles and Loads

49 CFR Part 178 Air Cylinders shall be tested and maintained

49 CFR Part 173.34(E) Driveway Manual; allows paving of station driveways  
within 100ft of a DOT highway

## FEDERAL REQUIREMENTS

Radio License Title 47 Code of Federal Regulations

Section 301, 303 and 308

Federal Property Agency

41 CFR 101-44.207 To receive Federal Surplus Property

101-6.2

101-7

Public Law 152 known as the Federal Property and Administrative Services Act of  
1949

U.S. Department of Labor

29 CFR Part 553 Application of the Fair Labor Standards Act to employees of  
State and Local Government

America Disability Act

Title VII of the Civil Rights Act and Age Discrimination in Employment Act  
Fiscal Control Act

G.S. 159-1 to 159-188 Local Government Finance

## ENVIRONMENTAL MANAGEMENT

Forestry Service

G.S. 134

G.S. 135

G.S. 110-136

G.S. 50-20

Firearms

14-34.2 Assault with a firearm upon firemen

Highway Use Tax

105-187.1 thru 105-187.11

OSHA

Occupational Safety and Health Briefs

Section 1904

Section 1910

Fire and Rescue Commission Voluntary OSHA Standards

29 CFR 1910.1030 Blood-borne Pathogen; protocols and procedures

NCAC 7C.0101 (A) (96)

Communicable Disease Control

G.S. 130A-144

130A-145

15A NCAC 19A Communicable Disease Control  
Section .0207 HIV & Hepatitis B Health Care Workers  
Section .0206 Infection Control Health Care Workers

29 CFR 1910.156 Requirements for the organization, training and personal protective equipment of fire brigades whenever they are established by an employer

29 CFR 1910.120 Hazard Waste Operations and emergency response standard  
29 CFR 1910.134 Respiratory Protection and Air Quality

#### Confined Space

29 CFR 1910.146 Confined Space Permit Entry

#### HAZARDOUS CHEMICALS

Right to Know Act

OSHA 1910.120

G.S. 95-173 thru 95-218

N.C. Admin. Code 7C .0101 (A) (105) NC Safety & Health Hazardous

29 CFR 1910.1200 Communication Standard "Material Safety Data Sheets"

29 CFR 1926.59

29 CFR 1928.21

#### FIRE & RESCUE COMMISSION PROFESSIONAL QUALIFICATION STANDARDS (VOLUNTARY)

Firefighter

Emergency Vehicle Driver

Hazardous Materials Responder

Fire Apparatus Driver/Operator

Fire/Arson Investigator

Life Safety Educator

Rescue Technician

Fire and Rescue Instructor

Fire Officer

Communication Systems

G.S. 62 A Public Safety Telephone Service

Allows use of special surcharges on phone bills to fund communication equipment

EMERGENCY MEDICAL SERVICES

G.S. 131E – 155 Regulation of Emergency Medical Services

Rule and Administrative Hearings

G.S. 150B Procedure for Rule Making in North Carolina

Firefighter / Rescue Squad Tax Deduction

G.S. 105-134.6(d) A taxpayer who is an eligible firefighter or an eligible rescue squad worker may deduct from taxable income the sum of two hundred fifty dollars (\$250.00)

# RESOURCE DIRECTORY APPENDIX A DIRECTORY OF AGENCIES



## DIRECTORY OF AGENCIES

N.C. Association of Fire Chiefs  
P.O. Box 46  
Walkertown, NC 27051

336-817-1437  
[www.ncafc.com](http://www.ncafc.com)

N.C. Office of State Fire Marshal  
1202 Mail Service Center  
Raleigh, NC 27699-1202  
(919) 647-0000  
1-800-634-7854  
[www.osfm.com](http://www.osfm.com)

N.C. State Firefighters Association  
323 W. Jones St.  
Suite 401  
Raleigh, NC 27603  
1-800-253-4733  
(919) 821-2132  
[www.ncsfa.com](http://www.ncsfa.com)

N.C. Fire and Rescue Commission  
1202 Mail Service Center  
Raleigh, NC 27699-1202  
(919) 647-0000  
1-800-634-7854  
Fax: (919) 662-4670  
[www.ncdoi.com](http://www.ncdoi.com)

N.C. League of Municipalities  
215 N. Dawson St.  
Raleigh, NC 27603  
(919) 715-4000  
[www.nclm.org](http://www.nclm.org)

N.C. Association of Rescue and EMS  
P.O. Box 1914  
Goldsboro, NC 27533-1914  
(919) 736-0506  
Fax: (919) 736-7759  
[www.ncarems.org](http://www.ncarems.org)

N.C. Code Officials Qualification Board  
1202 Mail Service Center  
Raleigh, NC 27699-1202  
(919) 647-0000  
[www.ncdoi.com](http://www.ncdoi.com)

N.C Firefighters and Rescue Squad  
Workers' Pension Fund

Department of State Treasurer  
32 Atlantic Avenue  
Raleigh, NC 27604  
1-877-627-3287 (press #5 when  
prompted)

School of Government  
Knapp-Sanders Bldg.  
Campus Box 3330, UNC Chapel Hill  
Chapel Hill, NC 27599-3330  
(919) 966-5381  
Fax: (919) 962-0654  
[www.sog.unc.edu](http://www.sog.unc.edu)

N. C. Secretary of State  
P.O. Box 29622  
Raleigh, NC 27626-0622  
(919) 807-2000  
[www.sosnc.gov](http://www.sosnc.gov)

Insurance Services Office  
(Verisk Insurance Solutions)  
1000 Bishops Gate Blvd.  
Mt. Laurel, NJ 08054-5404  
[www.iso.com](http://www.iso.com)

Federal Emergency Management  
Agency  
500 C. Street SW  
Washington, DC 20472  
(202) 646-2500 (General Contact)  
[www.fema.gov](http://www.fema.gov)

National Fire Academy  
16825 S. Seton Avenue  
Emmitsburg, MD 21727  
[www.usfa.fema.gov/training/nfa](http://www.usfa.fema.gov/training/nfa)

N.C Industrial Commission  
4340 Mail Service Center

Raleigh, NC 27699-4340  
(919) 807-2501  
1-800-688-8349  
Fax: (919) 715-0282  
[www.ic.nc.gov](http://www.ic.nc.gov)

N.C. Department of Labor  
1101 Mail Service Center  
Raleigh, NC 27699-1101  
(919) 807-2796  
1-800-625-2267  
[www.nclabor.com](http://www.nclabor.com)

N.C. Association of County  
Commissioners  
215 N. Dawson Street  
Raleigh, NC 27603  
(919) 715-2893  
[www.ncacc.org](http://www.ncacc.org)

N.C. City and County Management  
Association  
308 W. Jones Street  
Raleigh, NC 27603  
(919) 715-9767  
[www.ncmanagers.org](http://www.ncmanagers.org)

National Fire Protection Agency  
1 Battery Park  
Quincy, MA 02169-7471  
1-800-344-3555  
[www.nfpa.org](http://www.nfpa.org)

International Association of Firefighters  
1750 New York Avenue, NW  
Suite 300  
Washington, DC 20006-5395  
(202) 737-8484  
Fax: (202) 737-8418  
[www.iaff.org](http://www.iaff.org)

Public Safety Officer's Benefit Program  
Bureau of Justice Assistance  
Office of Justice Programs  
U.S. Department of Justice  
810 Seventh Street NW



Washington, DC 20531  
1-888-744-6513  
Fax: (202) 616-0314  
[www.psob.gov/index.html](http://www.psob.gov/index.html)

International Association of Fire Chiefs  
4025 Fair Ridge Drive  
Suite 300  
Fairfax, VA 22033-2868  
(703) 273-0911  
Fax: (703) 273-9363  
[www.iafc.org](http://www.iafc.org)

# RESOURCE DIRECTORY APPENDIX B SAMPLE CONTRACTS AND FORMS



## **Sample Contracts**

In order to best serve the North Carolina Fire Service and to ensure that departments are using the most current versions, the following forms are available online in the Ratings and Inspections Forms section of the N.C. Office of State Fire Marshal website.

Contract to Provide Tax District Fire Service  
Contract for City Fire Service from Incorporated Department  
Contract to Provide County Fire Service from Municipality  
Contract for County Fire Service from Incorporated Department  
Mutual Aid Agreement for Fire Protection Between City and Incorporated Fire Department  
Mutual Aid Agreement for Fire Protection Between Municipalities  
Mutual Aid Agreement Between Incorporated Departments  
Automatic Aid Agreement for Fire Protection  
Release to Burn A Structure

<https://www.ncosfm.gov/fire-rescue/ratings-inspections/ratings-and-inspections/ratings>

## **Sample Forms**

### **Ratings and Inspections**

In order to best serve the North Carolina Fire Service and to ensure that departments are using the most current versions, the following forms are available online in the Ratings and Inspections Forms section of the N.C. Office of State Fire Marshal website.

30 Day 9S Inspection Package  
NC RRS Form A – Pre-Survey Worksheet

NC RRS Form B – Exhibit 2 Apparatus Sheets  
NC RRS Form C – Exhibit 3 Training Form  
NC RRS Form D – Exhibit 4 Automatic Aid Information  
NC RRS Form E – Exhibit 5 Static Water Point Form  
NC RRS Form F – Exhibit 6 Water Supply Information NC RRS Form G – Exhibit 1  
Station Location  
NC RRS Form Pre-Survey Package – Communications  
NC RRS Form Pre-Survey Package – Water

<https://www.ncosfm.gov/fire-rescue/ratings-inspections/ratings-and-inspections>

### **Other Forms**

In order to best serve the North Carolina Fire Service and to ensure that departments are using the most current versions, the following forms are available online in the Ratings and Inspections Forms section of the N.C. Office of State Fire Marshal website.

Approved Fire Safety Education Courses  
Automatic Aid Agreement for Fire Protection  
Certification of Static Water Point  
Hose Testing Procedures  
Hydrant Inspection and Flow Testing  
Items to Consider When Adding a Sub  
NC DOT Policy for Erection of Water Point Signs  
NCRRS Fire Flow Calculator  
NFA Fire Officers Education Courses  
Pump Service Test Form  
Sample Pre Plan Forms  
Sample Resolution for Insurance District  
Sample SOGs  
Sample Training Sign-in Sheet  
Water Haul Grade Testing

<https://www.ncosfm.gov/fire-rescue/ratings-inspections/ratings-and-inspections/ratings>

### **Live Fire Training**

In order to best serve the North Carolina Fire Service and to ensure that departments are using the most current versions, the following forms for Live Fire training are available online in the Fire and Rescue Training section of the N.C. Office of State Fire Marshal website.

Live Fire Training Notification  
Live Fire Checklist  
Live Fire Generic Structure Release Statement

NFPA 1142 Water Supply Calc Sheet  
Example Pre-Burn Plan

<https://www.ncosfm.gov/fire-rescue/training-certification/live-fire>

## **OSHA Worksheet**

In order to best serve the North Carolina Fire Service and to ensure that departments are using the most current versions, the following OSHA standards that pertain to emergency response are available online in the Regulations section of the Occupational Safety and Health website.

### *General Industry*

- [29 CFR 1910.119](#) - process safety management of highly hazardous chemicals
- [29 CFR 1910.120](#) - hazardous waste operations and emergency response
- [29 CFR 1910.132](#) - personal protective equipment, general requirements
- [29 CFR 1910.134](#) - respiratory protection
- [29 CFR 1910.156](#) - fire brigades
- [29 CFR 1910.1020](#) - access to employee exposure and medical records
- [29 CFR 1910.1030](#) - bloodborne pathogens
- [29 CFR 1910.1200](#) - hazard communication

<https://www.labor.nc.gov/emergency-response#Tab-Regulations-2516>