

ORDINANCE 23-14C

AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, “CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, (1997)” AND ADOPTING A NEW CHAPTER 29, VOLUNTEER INCENTIVE PROGRAM

WHEREAS, there is significant and growing issue with securing a sufficient number of volunteers for the Beach Haven First Aid Squad (“Beach Haven EMS”), an independent, non-profit 501(c)(3) organization; and

WHEREAS, the Beach Haven EMS is the primary volunteer first aid and emergency medical service for the Township beginning at the southern border of the Borough of Ship Bottom and continuing south through Holgate; and

WHEREAS, a growing number of New Jersey municipalities have elected to create volunteer incentive programs to incentivize the public to volunteer to provide necessary emergency services; and

WHEREAS, the Mayor and Board of Commissioners conclude that the declining number of Beach Haven EMS volunteers is a growing threat to the public health, welfare, and safety and the quality of life in the Township during the peak summer season; and

WHEREAS, during the peak summer season, the Township population and visitors swells to approximately 100,000 or more persons and the need for qualified EMT certified volunteers is significantly increased to ensure the public health, welfare, and safety; and

WHEREAS, the Mayor and Board of Commissioners have elected to address the growing local, regional, and Statewide volunteer emergency services issue by creating an incentive program to incentivize Township employees to volunteer for the Beach Haven EMS during the peak summer season pursuant to the terms set forth herein.

NOW THEREFORE, BE IT ORDAINED by the Mayor and Board of Commissioners of Township of Long Beach, Ocean County, State of New Jersey, in accordance with the aforesaid Recitals, which are incorporated herein by reference, as follows.

STATEMENT OF PURPOSE

The purpose of the Ordinance is to adopt a program to incentive Township employees to become members of the Beach Haven First Aid Squad during the peak summer season.

SECTION I

Chapter 29 Volunteer Incentive Program

§29-1 Program, eligibility, and requirements.

- A. An incentive program is established to encourage and incentivize Township employees to volunteer as active members of the Beach Haven Volunteer First Aid Squad (“Beach Haven EMS”). This program shall be implemented and monitored by the Business Administrator and Volunteer Incentive Coordinator.
- B. The program shall apply only to Township employees who volunteer as first responders for the Beach Haven EMS and shall be open to all Township employees who meet the requirements set forth herein.
- C. The program shall require the volunteers to be active members of the Beach Haven EMS during the summer season, which, for purposes of this Chapter, shall mean between and including Memorial Day and Labor Day of each calendar year which totals approximately 14 weeks every year (“Volunteer Term”).
- D. All employees who volunteer shall be required to qualify for and secure EMT certification. The Township shall pay for all fees relating to the volunteer employees’ required EMT certification and continuing education requirements.
- E. No employees who volunteer shall be permitted to perform volunteer service for the Beach Haven EMS during the employee’s scheduled employment with the Township unless the employee uses available sick, personal, or vacation leave.

§29-2 Annual incentive.

- A. The annual incentive is directly payable to the volunteer in accordance with the laws of the State of New Jersey, and United States Internal Revenue Code, and this Chapter.
- B. The incentive is \$8,000 for qualified and eligible employees who volunteer for the entire Volunteer Term. To be qualified and eligible for the annual incentive, an employee must be enrolled in the required certification training or EMT certified and accepted as a member of the Beach Haven EMS and the date the employee complies with the foregoing is the date the employee's eligibility for the incentive begins.
- C. The amount of the incentive payable to the volunteer employees shall be prorated for the period of time during which the employee is an active volunteer member of the Beach Haven EMS for each calendar year Volunteer Term: the date the volunteer is accepted as an active EMT certified volunteer and the date of the volunteer's resignation, termination, or the last day of the Volunteer Term, as applicable. The incentive is payable to the volunteer at the conclusion of each calendar year Volunteer Term.
- D. If a volunteer disagrees with the amount of a payment, he or she may appeal to the Volunteer Incentive Coordinator for resolution. The Volunteer Incentive Coordinator shall review and conduct an audit of all documentation and confer with the Captain of the Beach Haven EMS and the Business Administrator prior to rendering a decision.

§29-3 Beach Haven EMS.

- A. The Beach Haven EMS shall maintain sufficient records suitable to the Township to provide for the maintenance of this program.
- B. It shall be the duty of the Beach Haven EMS Captain or his/her designee of the Beach Haven EMS to ensure that the records are provided to the Volunteer Incentive Coordinator relating to the Township volunteer employees.

§29-4 Volunteer Incentive Coordinator

- A. The Township shall appoint the Volunteer Incentive Coordinator who shall be responsible for supervision of the volunteer incentive program and shall recruit employees to volunteer, schedule required training and certifications, act as the liaison between the Beach Haven EMS and the Township and manage the volunteer incentive program at the direction and under the supervisions of the Business Administrator.
- B. The Volunteer Incentive Coordinator shall submit to the Finance Department the reports for incentive payments to eligible volunteers.

§29-5 Status of organizations.

Nothing in this program is intended to change the status of the Beach Haven EMS as an independent volunteer and non-profit organization. The Township and Beach Haven EMS shall remain separate and independent juridical entities.

§29-6 Employer-employee relationship.

- A. Nothing in this program is intended to create an employer-employee relationship by and between any Township employee who is volunteering and performing services on behalf of the Beach Haven EMS or any other volunteers and/or members of the Beach Haven EMS. No person receiving an incentive under these regulations shall be considered an employee of the Township while performing services for the Beach Haven EMS.
- B. The payment of any incentive does not change the status of any volunteer. Volunteers are not employees of the Township while volunteering for and working on behalf of the Beach Haven EMS. Incentive payments shall conform to the Fair Labor Standards Act of 1938 requirements as set forth by interpretative guidance promulgated by the United States Department of Labor (DOL) and the New Jersey Department of Labor and Workforce Development (NJDOL).

§29-7 No entitlement to benefits and LOSAP.

Nothing in this program will entitle any volunteer to health and prescription benefits, pension, or other like benefits provided by the Township. The program shall not affect the LOSAP Program as set forth in Chapter 109 of the Code.

SECTION II

All Ordinances or parts of Ordinance inconsistent herewith are repealed to the extent of such inconsistency.

SECTION III

If any word, phrase, clause, section or provision of this Ordinance shall be found by any Court of competent jurisdiction to be unenforceable, illegal or unconstitutional such word, phrase, clause, section or provision shall be severable from the balance of the Ordinance and the remainder of the Ordinance shall remain in full force and effect.

SECTION IV

This Ordinance shall take effect upon publication thereof after final passage according to law.

Effective date.

This ordinance shall take effect after final adoption and publication as required by law.

NOTICE

Public Notice is hereby given that the foregoing Ordinance 23-14C was introduced and passed on the first reading at a regular meeting of the Board of Commissioners of the Township of Long Beach, County of Ocean, State of New Jersey, held on Monday, April 3, 2023, at 4:00 p.m.

Further public notice is hereby given that said ordinance shall be considered for final passage and adoption at a regular meeting of the Board of Commissioners to be held on Tuesday, May 9, 2023, at 4:00 p.m. at the Public Safety Building, 6805 Long Beach Blvd., Brant Beach, NJ 08008.

Danielle La Valle, RMC
Municipal Clerk

First Reading: April 3, 2023
Publication: April 13, 2023
Second Reading: May 9, 2023
Final Publication: May 11, 2023
Effective: May 11, 2023

CERTIFICATION

I, **DANIELLE LA VALLE, RMC**, Municipal Clerk for the Township of Long Beach do hereby certify that the foregoing Ordinance 23-14C was duly adopted by the Board of Commissioners at their meeting held on Tuesday, May 9, 2023, at 4:00 p.m.

Danielle La Valle, RMC
Municipal Clerk

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