

**TOWNSHIP OF MAHWAH  
ORDINANCE NO. 2007**

**ORDINANCE OF THE TOWNSHIP OF MAHWAH, COUNTY OF  
BERGEN, STATE OF NEW JERSEY, AMENDING CHAPTER 2,  
ADMINISTRATION, OF THE TOWNSHIP CODE TO MODIFY THE  
VOLUNTEER FIREFIGHTER STIPEND PROGRAM**

**WHEREAS**, the Mayor and Council of the Township of Mahwah wish to amend the volunteer firefighter stipend program, which was established to encourage the recruitment, retention and participation of active members of the Fire Department; and

**WHEREAS**, the stipend program operates independently of the LOSAP program and leaves the volunteer status of the Fire Department and its members unchanged; and

**WHEREAS**, stipend program payments made during the course of any given year shall not exceed available funding for that year.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Council of the Township of Mahwah, County of Bergen, State of New Jersey, as follows:

**SECTION 1.** Chapter 2, Administration, § 2-17, Fire Department, § 2-17B, Volunteer Firefighter Stipend Program, is hereby amended to read as follows:

**a. Program Background.**

1. There shall be a stipend program (“Program”) established to compensate volunteer firefighters of the Mahwah Township Volunteer Fire Department (“Department”) for their loyal, diligent and devoted service to the residents of Mahwah Township. The Program shall be implemented and monitored by the Township Administrator in consultation with the Township Chief Financial Officer.
2. The Program shall apply only to volunteer firefighters of the Department who are assigned to and riding an emergency vehicle that are mask fit and/or driver certified.
3. Auxiliary and affiliate members of the Department are not eligible for the Program.
4. This Program shall not affect the LOSAP as set forth in § 2-17A of the Township Code.
5. Nothing in the Program is intended to change the status of the Department, it being the intent and purpose herein that the Department shall remain a volunteer organization.

6. The stipend for each eligible volunteer member shall be per the criteria set forth in § 2-17B(b).
7. Payment shall be made directly to the eligible member.
8. The quarters shall be the following:
  - (a) First quarter: January, February and March.
  - (b) Second quarter: April, May and June.
  - (c) Third quarter: July, August and September.
  - (d) Fourth quarter: October, November and December.
9. Quarterly payments shall be made in accordance with standard Township payroll procedures.
10. Stipend payments made during the course of any given year shall not exceed the available funding for that year.

**b. Stipend Eligibility.**

1. The Program shall provide for a quarterly stipend for each volunteer member who meets the criteria set forth below. Such stipend shall be made in accordance with a plan that shall be established by the Township, and administered in accordance with the laws of the State of New Jersey, and U.S. Internal Revenue Code and this chapter.
2. Firefighters suspended from the Department are not eligible for the quarterly stipend. They will become eligible to receive a stipend at the beginning of the next quarter following the conclusion of their suspension.
3. Firefighters on medical or military leave are not eligible for the stipend during the time of their leave, but will become eligible immediately upon their return to service.
4. Firefighters who join the organization during the quarter will become eligible to receive a stipend at the beginning of the next quarter.
5. The Township Administrator, in consultation with the Fire Chief and Stipend Administrator, shall have the authority to approve payment of the quarterly stipend to an active volunteer member due to extraordinary and/or exceptional circumstances.
6. Member categories are as follows:

- (a) **Driver.** A Driver is an authorized firefighter in compliance with Department and State requirements to drive an apparatus. Drivers must maintain a current Mask Fit Record and the required annual Bloodborne and Right-to-Know certifications.
  - (b) **Firefighter.** A firefighter holds a minimum State Fire 1 Certification from the N.J. Division of Fire Safety and a current Mask Fit Record. Firefighters must complete SCBA, Ladder, Bloodborne, Right-to-Know and Mask Fit certifications annually.
  - (c) **Junior Member.** Junior members are those members who are age 16 and over and approved by the Council as Junior firefighters. Junior members are required to provide a d consent letter signed by a parent or guardian that allows them to participate in the Program.
7. Firefighters must complete and pass a Mask Fit test and SCBA recertification within the first quarter of the year, or within their first quarter of membership for new members, to be eligible for a quarterly stipend.
  8. Firefighters must track their attendance in the Department-approved attendance database to be eligible for the Program.
  9. Only riding members will be eligible for the Program. A riding member is one who responds to calls for service by physically filling a seat on a responding apparatus that is required to be released for an emergency response and has adhered to applicable State, Township, and Department regulations. Personal vehicles qualify as an approved apparatus for Battalion Chiefs only.
  10. The Department Chief and two Assistant Chiefs are not eligible for the Program.

**c. Recordkeeping.**

1. The Department shall maintain sufficient records suitable to the Township to provide for the maintenance of the Program and to ensure accurate and complete reporting of volunteer attendance.
2. It shall be the duty of each Battalion Chief to see that attendance records for their company are recorded accurately and transferred to the Chief of Department and Stipend Administrator. At the completion of each quarter, the Battalion Chief shall run a quarterly report from the attendance system and compile all necessary paperwork (including, but not limited to, W4, SCBA qualifications and Mask Fit records) to be submitted to the Township. It will then be determined which members are eligible to receive the quarterly stipend.
3. Quarterly stipend results, per Fire Company, will be communicated to the members of each Company before they are submitted to the Chief of

Department and Stipend Administrator. Members who do not agree with the monthly totals will be referred to the Stipend Administrator. If a member disagrees with the calculations by the Stipend Administrator, they may appeal to the Fire Chief for resolution. The Fire Chief will review and conduct an audit of all documentation and confer with the Township Administrator prior to rendering a decision.

**d. Stipend Administrator.**

1. The Fire Chief shall appoint a Stipend Administrator. The Stipend Administrator shall be compensated at \$2,000 per year. The term of the Stipend Administrator shall be for the calendar year, from January 1 to December 31 of the given year.
2. The Stipend Administrator shall receive, acknowledge the receipt of, and review quarterly records from each Battalion Chief, maintain records and files of eligible members, and prepare quarterly reports.
3. The Stipend Administrator shall submit to the Township's Finance Department a quarterly report for payment to eligible members. on or before April 30, July 31, October 31 and January 31.
4. The Stipend Administrator shall provide a quarterly report to each Battalion Chief listing each member's calculated quarterly totals. The quarterly report shall be posted by each Battalion Chief at the emergency response building.

**e. Employer-Employee Relationship.**

The payment of any stipend does not change the status of any volunteer firefighter. Firefighters are not employees of the Township. Stipend payments shall conform to the Fair Labor Standards Act of 1938 (FLSA) requirements as set forth by interpretation guidance promulgated by the United States Department of Labor (DOL) and the New Jersey Department of Labor and Workforce Development (NDOL).

**f. No Entitlement to Benefits.**

Nothing in the Program will entitle any Firefighter to health and prescription benefits, pension or other like benefits provided by the Township to employees.

**g. Members Serving Multiple Organizations.**

Any person who is a member of the Department will be eligible to earn stipends from all organizations, given they meet the requirements herein

**h. Services Performed During Regular Work Hours.**

Employees of the Township who are also volunteer firefighters are eligible to earn a stipend while performing such volunteer services during regular work hours.

**i. Program Opt-Out Option**

Active Firefighters who do not wish to receive or participate in the Program have the option to opt out of the program. The Firefighter will be required to complete the Department Opt-Out paperwork and submit it to their Battalion Chief, who will keep the form on file and notify the Stipend Administrator.

**j. Stipend Payment Distribution Plan.**

1. The payment distribution plan will be set forth by the Department with the approval of the Township Business Administrator (see Schedule A).
2. Any change to the payment distribution plan must be voted on at the Board of Firematic Officers Meeting and submitted to the Township Council for approval. Changes will take effect the next stipend period.

**SECTION 2.** If any section, paragraph, subsection, clause or provision of this ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this ordinance as a whole or any part thereof.

**SECTION 3.** All ordinances or parts of ordinances of the Township heretofore adopted that are inconsistent with any terms and provisions of this ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 4.** This ordinance shall take effect twenty (20) days following final passage, approval, and publication as required by law.

Ordinance No. 2007

Introduction: 4/17/23

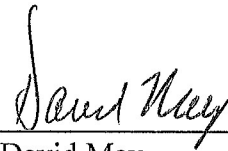
Public Hearing: 5/1/23

Effective: 5/22/23

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Dated: May 22, 2023

Attest



David May  
Council President



Carolyn George  
Municipal Clerk

I, Carolyn George, Municipal Clerk of the Township of Mahwah, hereby certify that the within Ordinance was passed and adopted at a meeting of the Township Council held on the 1<sup>st</sup> day of May, 2023.



Carolyn George  
Municipal Clerk