

**TOWNSHIP OF MAHWAH
ORDINANCE NO. 2012**

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

WHEREAS, the Township of Mahwah holds deep gratitude for the Township's volunteer Mahwah Emergency Medical Services, Inc. (MEMS) members and the devotion they exhibit on a daily basis by protecting the residents and businesses in the Township Mahwah; and

WHEREAS, the Mayor and Council wish to establish a stipend program to encourage the recruitment, retention and participation of active volunteers; and

WHEREAS, the stipend program would operate independently of the LOSAP program and leave the volunteer status of the MEMS members unchanged.

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, is hereby amended to establish new § 2-17D Volunteer Mahwah Emergency Medical Services, Inc. Stipend Program.

a. Program Background.

1. There shall be a stipend program ("Program") established to compensate volunteer members of the Mahwah Emergency Medical Services, Inc. (MEMS) 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 MEMS members who meet the criteria as set forth in §2-17D(b).
3. This Program shall not affect the LOSAP as set forth in § 2-17A of the Township Code.
4. Nothing in the Program is intended to change the status of MEMS, it being the intent and purpose herein that MEMS shall remain a volunteer organizations.
5. Payment shall be made directly to the eligible member.
6. 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.

7. Quarterly payments shall be made in accordance with standard Township payroll procedures.
8. The total amount of payments made during any given year shall not exceed the total amount budgeted by the Township.

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, the U.S. Internal Revenue Code and this Chapter.
2. The point system for the Stipend Program shall be calculated on a monthly basis and submitted to the Township of Mahwah on a quarterly basis. In order to qualify, the following three (3) criteria must be met:
 - (a) Members must be classified as being off probation as defined in the Mahwah EMS' Standard Operating Guidelines.
 - (b) Members must have all of their minimum mandatory certifications as defined in Mahwah EMS' Standard Operating Guidelines.
 - (c) Members must meet the minimum mandatory hourly requirement for each month as outlined in Mahwah EMS' Standard Operating Guidelines to qualify.
3. The Township Administrator, in consultation with the MEMS Chief and Stipend Administrator, shall have the authority to approve payment of the quarterly stipend to a volunteer member due to extraordinary and/or exceptional circumstances.
4. All members eligible for the Program must adhere to applicable State, Township, and Department regulations.

c. Recordkeeping.

1. MEMS 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 the MEMS Chief to see that attendance records for the organization are recorded accurately and transferred to the Stipend Administrator. At the completion of each quarter, the Stipend Administrator shall run a quarterly report from their point system calculator and compile all necessary paperwork to be submitted to the Chief. It will then be determined which members are eligible to receive the quarterly stipend. The final quarterly report and all supporting documentation and necessary paperwork shall then be submitted to the Township.

3. Quarterly stipend results shall be communicated to the members before they are submitted to the Township. 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 Chief for resolution. The 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 Chief shall appoint a Stipend Administrator. 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 Chief, maintain records and files of eligible members, and prepare quarterly reports.
3. The Chief 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 the Chief listing each member's calculated quarterly totals. The quarterly report shall be distributed to the membership via email by the Chief.

e. Employer-Employee Relationship.

The payment of any stipend does not change the status of any volunteer MEMS member and they are not considered 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 shall entitle any MEMS member to health and prescription benefits, pension or other like benefits provided by the Township to employees.

g. Members Serving Multiple Organizations.

Any member of MEMS shall 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 MEMS members shall be eligible to earn a stipend while performing such volunteer services during regular work hours.

i. Program Opt-Out Option

Active MEMS members who do not wish to receive or participate in the Program have the option to opt out of the program. Such members shall be required to complete the Opt-Out paperwork and submit it to their Chief, who shall keep the form on file and notify the Stipend Administrator.

j. Stipend Payment Distribution Plan.

1. The payment distribution plan shall be set forth by MEMS with the approval of the Township Business Administrator (see Schedule A).
2. Any change to the payment distribution plan must be voted on at a MEMS business meeting and submitted to the Township Council for approval. Changes shall take effect the next stipend period.

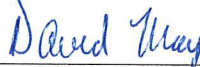
SECTION 2. If any section, paragraph, subsection, clause or provision of this ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this ordinance as a whole or any part thereof.

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.

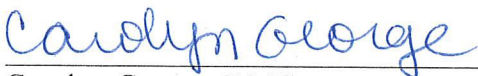
Introduced: June 19, 2023
Adopted: July 17, 2023
Effective Date: August 6, 2023

TOWNSHIP OF MAHWAH



David May, Council President

ATTEST:



Carolyn George, RMC
Municipal Clerk

STIPEND POINT SYSTEM

Points shall be granted in accordance with the following criteria:

SCHEDULING CREDIT POINTS

- One (1) Scheduling Credit Point is awarded for every two (2) hours signed up on the MEMS-recognized scheduling program while actively responding to calls during nighttime hours (19:00 to 06:00).
- One (1) Scheduling Credit Point is awarded for every one (1) hour signed up on the MEMS-recognized scheduling program while actively responding to calls during daytime hours (06:00 to 19:00).
- A Member who actively responds to a call at any time is awarded one (1) Scheduling Credit Point.
- A Member who actively responds to a call while not signed up on the MEMS-recognized scheduling program is awarded one (1) additional Scheduling Credit Points for that active response.
- The value of point is variable but has a maximum value of \$5.00.
- There is a monthly maximum monthly payout amount of \$625.00 (which would equal a maximum annual payout of \$7,500 or less).

MEETINGS & DRILL CREDIT POINTS

- Two (2) points will be awarded for attendance at a monthly business meeting.
- Two (2) points will be awarded for attendance at a drill.

TRAINING CREDIT POINTS

- One (1) point will be awarded for each hour of documented training. Proof of training (i.e. certificated, etc.) must be submitted, and recorded.

ADDITIONAL (MISCELLANEOUS) CREDIT POINTS

- At the Chief's discretion, one (1) point is awarded per hour for participating in approved activities or events (i.e. washing of ambulances, attending standbys at Township events, special events, etc.).