

# Fire Staffing Analysis

Hellertown Borough  
Northampton County, PA

SEPTEMBER 2025



Pennsylvania  
Department of Community  
& Economic Development  
Governor's Center for Local Government Services

Governor's Center for  
Local Government Services

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## Executive Summary

Hellertown Borough and the Dewey Fire Company began the process of finding solutions to their volunteer firefighter staffing issues several months ago. One avenue, the one that has led to the generation of this report, involved the assistance from the Commonwealth of Pennsylvania, the Department of Community & Economic Development through the Governor's Center for Local Government Services with the Emergency Services Program.

Through several meetings, the Borough and the fire company identified the scope of work to "conduct a focused evaluation of a potential hybrid staffing model for Dewey Fire Company #1." Additionally, they have continued their working relationship in accordance with state statutes.

All data presented in this study was obtained from open sources, the Borough, the fire company, and meeting notes involving the Borough and/or fire company. The charts, graphs, and other visual representations included in this study were synthesized from the provided data.

Throughout this report, recommendations are provided for both the Borough and the fire company. They are listed as recommendations because they are non-binding. The Borough and fire company are free to implement none, some, or all of the recommendations. Further, they may also revise any recommendation and implement them as they see fit.

## Introduction: Objectives & Study Design

In December of 2024, Hellertown Borough and the Dewey Fire Company #1 submitted a letter of intent to the Pennsylvania Department of Community & Economic Development (DCED) with the Governor's Center for Local Government Services (GCLGS) to "conduct a detailed study of their fire services so that they can best utilize available resources to provide adequate fire protection for the residents and visitors of Hellertown Borough."

On March 5, 2025, a Fire Services Workshop was held at the Dewey Fire Company #1 to provide borough officials and fire company representatives more information on the fire service in Pennsylvania. Floyd Wise was the lead fire peer consultant for this workshop, with Glenn Sattizahn assisting. This workshop led to a better-informed discussion between the Borough, the fire company, and the fire peer consultants.

The result of that discussion was the Borough and fire company submitting a revised request to GCLGS to "conduct a focused evaluation of a potential hybrid staffing model for Dewey Fire Company #1." The project was then assigned to Glenn Sattizahn, fire peer consultant, in April of 2025.

### Scope

The revised request for this project significantly reduced its scope of work to accessing the staffing of the fire company. Staffing is one of several facets of providing fire protection services to the public. The following pages contain information and data that has been collected, analyzed, synthesized, compiled, and displayed to provide the "why" behind the recommendations in this report. The recommendations in this report were developed to address staffing, and they were done so with some consideration of the other facets.

### Methodology

A few meetings were conducted at the Dewey Fire Company, with both fire company and borough leadership, to identify the current relationship, the vision of both entities regarding this project, and any barriers that may impact the process.

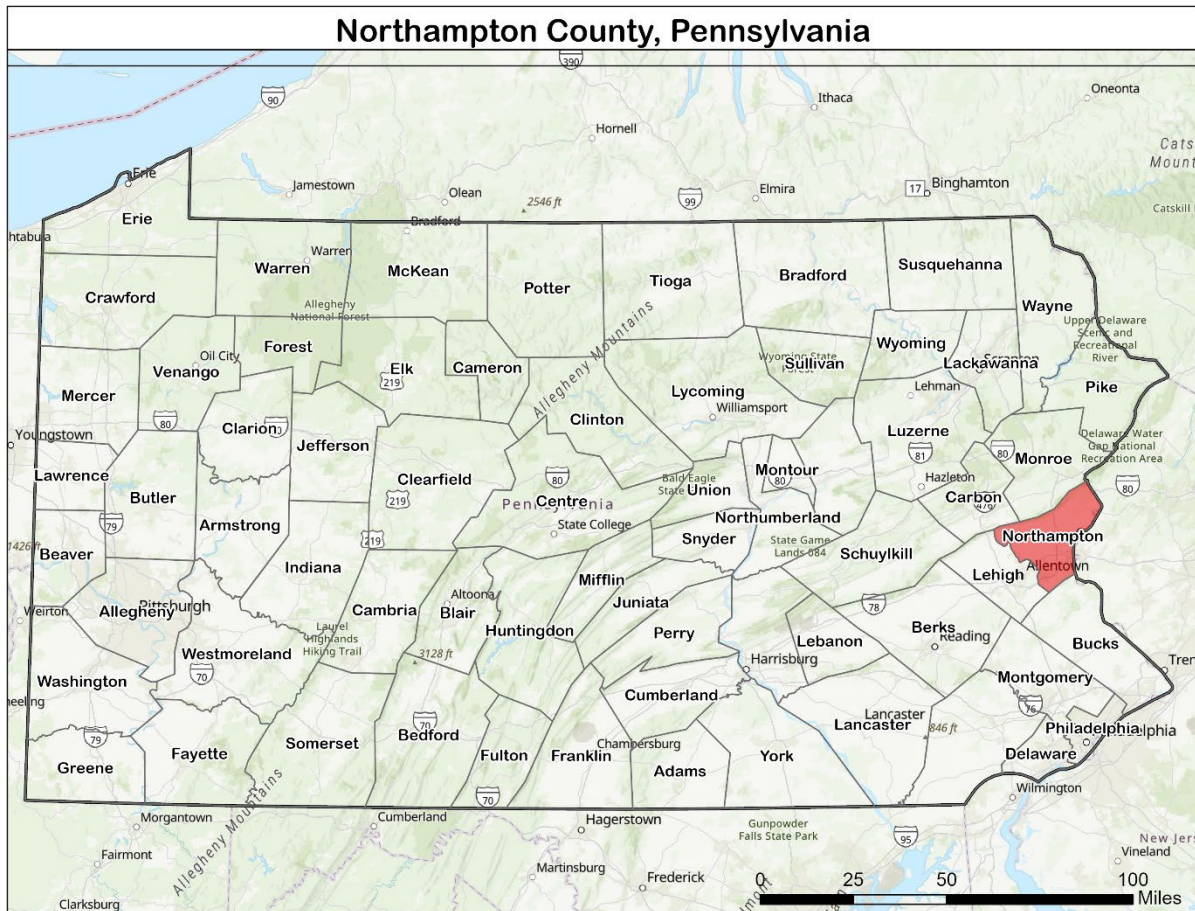
Data was provided by both the fire company and the Borough, including such things as borough budgets, ISO Public Protection Classification (PPC) reports, fire company budgets, geographic jurisdictions, and incident response data.

The recommendations contained within this report are predominantly quantitative in nature. There may be some qualitative aspects to them, but they are hard, data-driven recommendations at their core. Context, when added by the fire company and/or the Borough, provides the qualitative aspects that are needed to drive the conversations about the recommendations.

# Municipal Overview

## Hellertown Borough

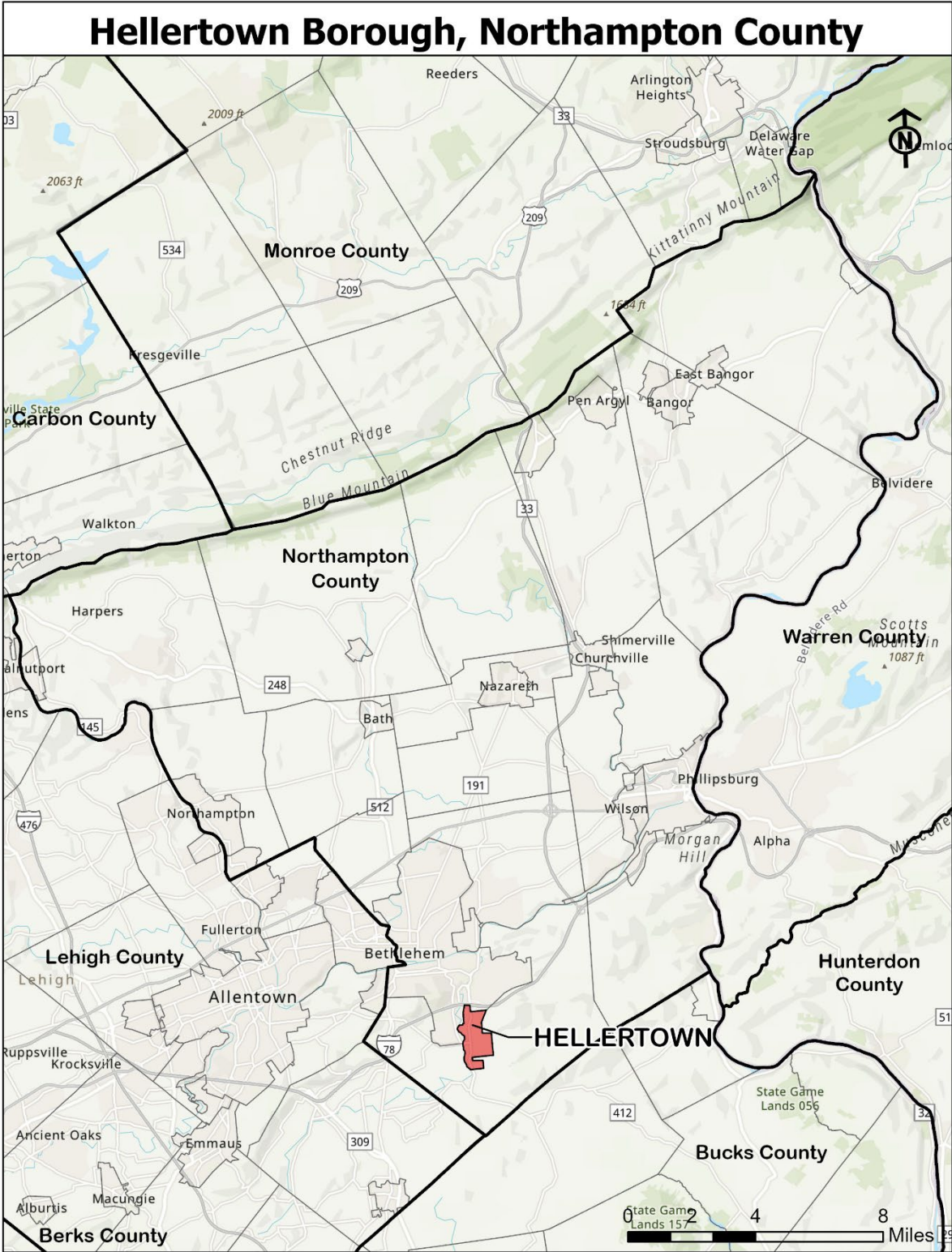
The Borough of Hellertown is located in Northampton County and is considered part of the Allentown-Bethlehem-Easton (Lehigh Valley) metropolitan area.



Originally founded in 1742 by brothers Christopher and Simon Heller, the Borough of Hellertown is situated in the rich and fertile Saucon Valley, on the right bank of the Saucon Creek, and on the eastern side of the North Pennsylvania Railroad. It wasn't until 1872 that Hellertown was officially incorporated as a borough.

According to the U.S. Census Bureau, the 2023 population of Hellertown was 6,117. The Borough covers 1.3 square miles and has a population density of 4,705 people per square mile.

Hellertown is governed by a 7-member Borough Council who are elected at-large. The Borough Council serves as the legislative body, and it appoints a Borough Manager to handle the administrative, day-to-day operations of the borough. The Mayor of the borough is also elected at-large, and serves as the chief law enforcement officer. Although the Mayor doesn't typically vote on legislative matters, the Mayor can vote in the event of tie, and even veto an ordinance passed by Council.



Hellertown is bordered by just two municipalities: Bethlehem City and Lower Saucon Township.

## Borough Budget

### Real Estate Taxes

The real estate tax rates for Northampton County, Lower Saucon School District, and Hellertown Borough are as follows:<sup>1</sup>

	Real Estate - County	Real Estate – School	Real Estate – Municipal	Real Estate – Fire Equipment & Firehouses	TOTAL
Mills	10.8	55.2055	20	1.5	87.5055
Dollars	\$3,456.00	\$17,665.76	\$6,400.00	\$480.00	\$28,001.76

In addition to the above, homes within Hellertown are also subject to a 1.0% realty transfer tax (0.5% for the borough, and 0.5% for Lower Saucon School District).

### General Fund

The General Fund is primarily funded through real estate taxes – roughly 55 percent of the 2025 budgeted revenues for the Borough are directly attributable to them. The remainder of the borough’s revenue comes from a variety of sources such as the real estate transfer tax mentioned above, earned income taxes, local services taxes, licenses & permits, fines & forfeitures, interest, shared revenues, and recreation fees (primarily from a community pool owned and operated by the borough). Below is a summary of the 2025 budgeted revenue.

REVENUE CATEGORY	2025 BUDGET
Real Estate Taxes	\$2,603,911.00
ACT 511 Taxes	\$1,199,000.00
Licenses & Permits	\$160,002.00
Fines & Forfeitures	\$47,000.00
Interest	\$100,000.00
Shared Revenue	\$143,934.00
General Government	\$57,600.00
Public Safety	\$7,200.00
Streets & Highways	\$19,500.00
Recreation	\$172,950.00
Miscellaneous Receipts	\$205,135.76
<b>TOTAL</b>	<b>\$4,716,232.76</b>

<sup>1</sup> According to [www.realtor.com](http://www.realtor.com), the median sale price for a home in Hellertown Borough is roughly \$320,000. The dollar figures above are calculated and presented under the assumption that most homes are assessed at values close to current day prices, and there are no homestead exclusions applied.

As far as expenses within the General Fund, the only expense that goes directly to fire and/or emergency medical services is a \$10,000 contribution to the Dewey Ambulance.

**Fire Fund**

The primary funding for fire protection services to Hellertown Borough is a fire tax. As noted in the Real Estate Taxes section, the Borough has implemented a 1.5 mill tax on real estate within its borders. Further, as previously noted, a house at the median value of \$320,000 would only contribute \$480 per year for fire protection. Stated a different way, an average household would pay \$40 per month (which comes out to roughly \$1.31 per day). Below is a detail of the 2025 budgeted revenue.

REVENUE CATEGORY	2025 BUDGET
Fire Tax – Discount	\$160,000.00
Fire Tax – Base	\$20,900.00
Fire Tax – Penalty	\$3,500.00
Fire Tax – Prior	\$2,600.00
Fire Tax - Delinquent	\$8,700.00
Fire Service Billing	\$5,000.00
Interest	\$250.00
<b>TOTAL</b>	<b>\$200,950.00</b>

Given the information laid out above, one can obtain a rough calculation of how much revenue will be generated per 0.01 mill of fire tax. Below is that rough calculation.

REVENUE TYPE	2025 BUDGET
Fire Tax – Discount	\$160,000.00
Fire Tax – Base	\$20,900.00
Fire Tax – Penalty	\$3,500.00
<b>TOTAL TAX REVENUE</b>	<b>\$184,400.00</b>
Real Estate Millage	1.5 mills
<b>REVENUE PER MILL</b>	<b>\$122,933.33</b>
DIVIDE BY 100	100
<b>REVENUE PER 0.01 MILL</b>	<b>\$1,229.33</b>

# Enabling Legislation

## Title 8 (Pennsylvania Consolidated Statutes)

The Pennsylvania General Assembly has enacted several pieces of legislation regarding fire and emergency services, all of which gave specific powers to the municipality to provide those services.

House Bill 1133 was enacted on February 5, 2008, to amend the Borough Code. The Borough Code was further amended on April 18, 2014, when Act 37 was enacted to consolidate the Borough Code.

### §1202 (Specific Powers)

One of the specific powers vested in a borough is identified in sub-section 56:

“To ensure that fire and emergency medical services are provided within the borough by the means and to the extent determined by the borough, including the appropriate financial and administrative assistance for these services. The borough shall consult with fire and emergency medical services providers to discuss the emergency services needs of the borough. The borough shall require any emergency services organization receiving borough funds to provide to the borough an annual itemized listing of all expenditures of these funds before the borough may consider budgeting additional funding to the organization.”

### §1302 (Tax Levy)

In addition to having the authority to levy up to 30 mills on real estate for general purposes, a borough council also has the authority to levy a real estate tax up to 3 mills for the following fire service purposes:

1. For purchasing fire engines, fire apparatus, and fire hose (for use by the borough);
2. For assisting any fire company in the borough in the purchase, renewal, or repair of fire engines, fire apparatus, or fire hose;
3. For making appropriations to fire companies (inside or outside the borough) and/or adjacent municipalities for fire protection services;
4. For the training of fire personnel and payments to fire training schools/centers;
5. For purchasing land upon which to build a firehouse;
6. For building and maintaining a firehouse or fire training school/center (levy not to exceed 2 mills for these purposes);
7. For paying salaries, benefits, and other compensation of fire suppression employees (of the borough or a fire company serving the borough), equivalent to half the revenue generated from a fire tax, but not to exceed 1 mill.

\*Note on item #7: 8 Pa. C.S. §1302(a)(6)(i) stipulates that, “For any calendar year, the council may waive the appropriation limitation under this subparagraph by resolution.”

## Hellertown Codified Ordinances

The Borough Council of Hellertown enacted Ordinance Number 329 on December 30, 1964, which officially identified a fire department for the borough – Dewey Fire Company Number 1 – and created the positions of Fire Chief and Assistant Fire Chief.

The Borough Council also adopted Ordinance Number 601 on June 6, 1994, which recognized Dewey Fire Company Number 1 as the official fire company of the borough, and the Dewey Ambulance Squad as the official EMS provider. The ordinance further identified the authorized activities of the fire company and the authorized activities of its members.

# Fire Company Overview

## Fire Company History

Two significant fires – one occurring in April of 1896, and the other in April of 1897 – led to a group of roughly 25 citizens holding a meeting on December 17, 1897, at the Cottage Hotel. A Constitution and By-Laws were soon drafted, and on January 18, 1898, the first officers of the Hellertown Hook & Ladder were elected.

Prior to the organization being formally incorporated, a U.S. victory at the Battle of Manila Bay during the Spanish-American War, led by Admiral George Dewey, inspired the newly elected leaders of the organization to propose a new name – Dewey Fire Company.

In 1947, the fire company expanded its services to the community by incorporating the Dewey Fire Company Ambulance. In its first year, the ambulance squad responded to 12 incidents. The fire company still provides ambulance services – Basic Life Support (BLS) and Advanced Life Support (ALS) – to the borough and surrounding communities.

In July of 1955, the fire company and ambulance squad moved into their current location – 502 Durham Street. The fire station was built with four apparatus bays for the fire company and the ambulance squad. A major building addition was completed in October of 1979, which added more apparatus bays to accommodate a ladder truck and two ambulances.

In the Northampton County numbering system, Dewey Fire Company is number 13.

## Fire Apparatus

### Engine 13-11

Engine 13-11 is a 2013 Pierce Dash custom cab fire apparatus designed to serve as an engine/rescue. It is equipped with a 1,000-gallon water tank and a 1,500-gpm (gallons per minute) water pump. Additional fire suppression equipment includes a compressed air foam system (CAFS) with a 30-gallon foam tank on board.

On the rescue side, Engine 13-11 carries an assortment of Holmatro rescue tools, vehicle stabilization equipment, and other associated items.

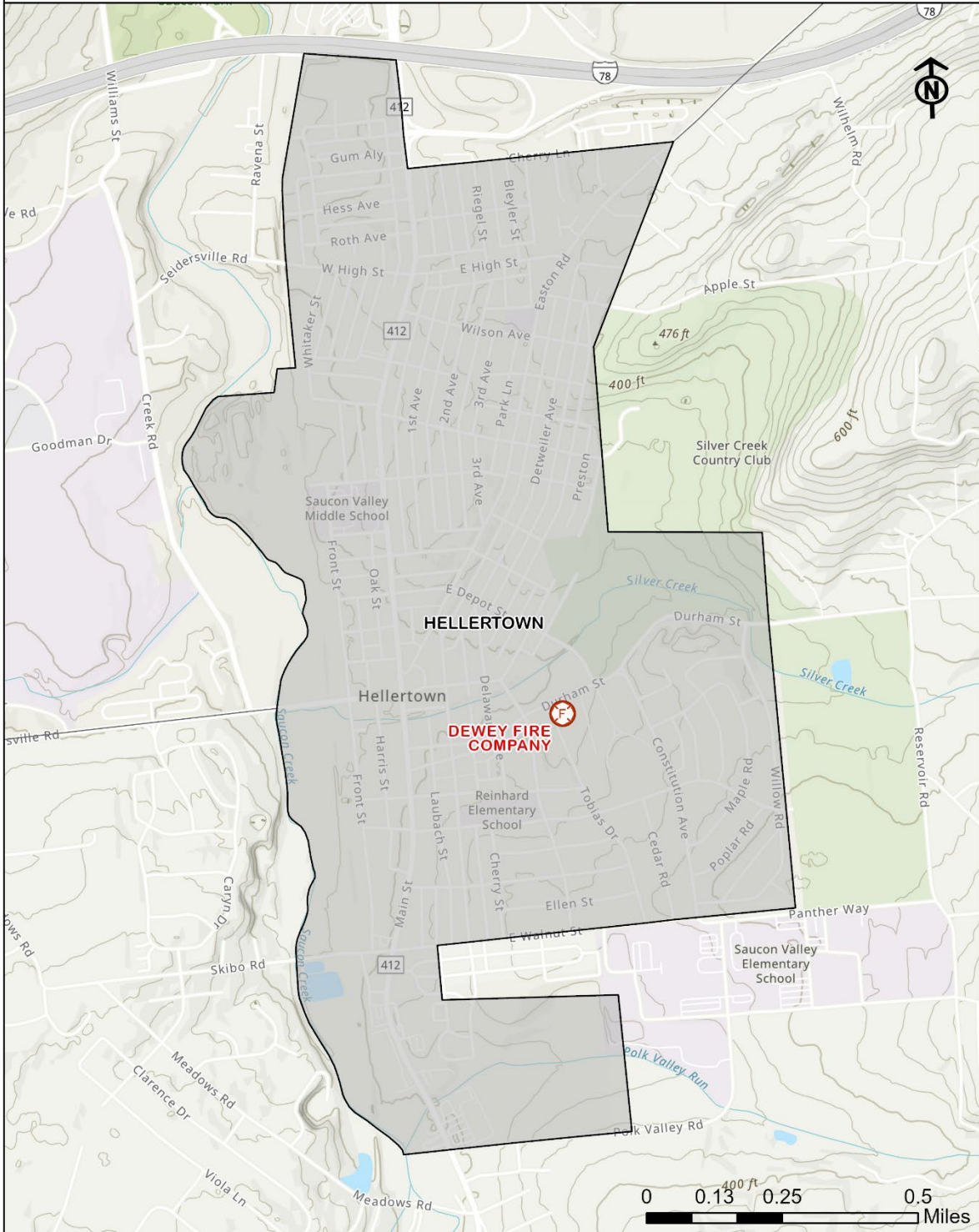
This apparatus has seating for 6, and it carries 6 SCBA.

### Truck 13-21

Truck 13-21 is a 2021 HME-Ahrens Fox rear-mount ladder truck. It has a reach of 111 feet, and it includes a pre-piped waterway. The apparatus is also equipped with a 500-gallon water tank and a 2,000-gpm water pump.

This apparatus has seating for 6, and it carries 6 SCBA.

# Dewey Fire Company -- Hellertown Borough



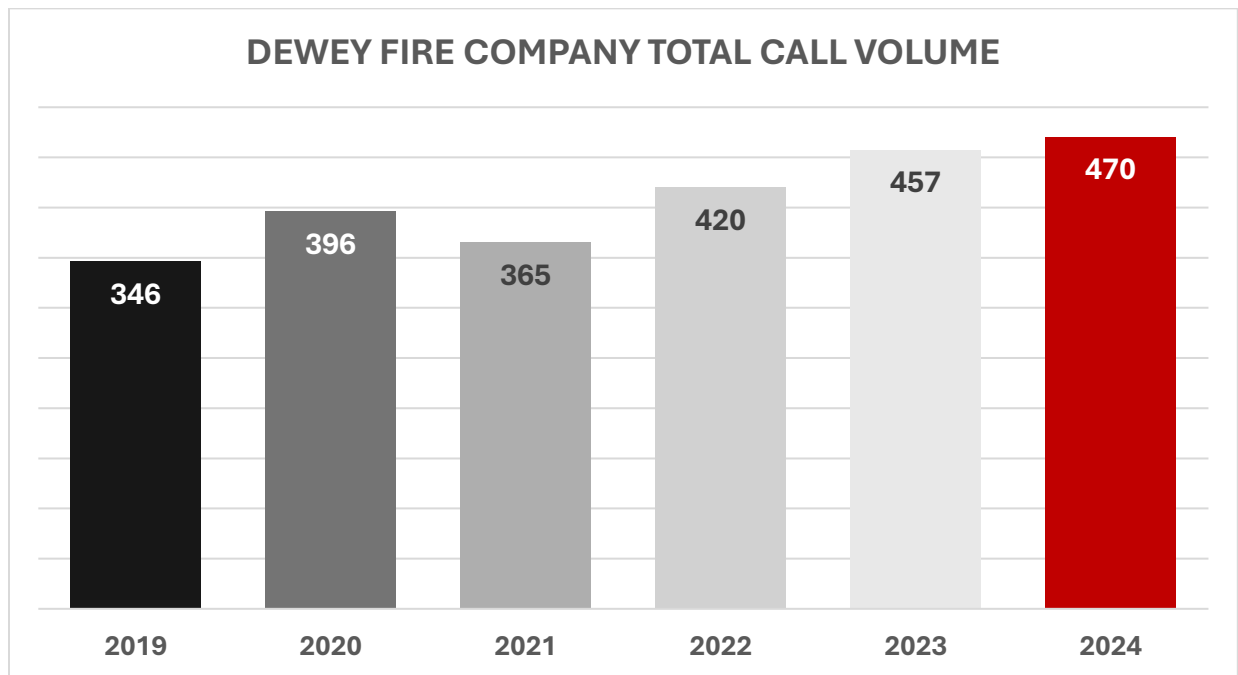
# Fire Company Run Data

The Dewey Fire Company operates similar to many other fire companies which provide both fire protection and emergency medical services. It is organized as a 501(c)3 non-profit organization and has incorporated a second, independent organization for emergency medical services. The data in the following sections will only focus on the fire company and fire incidents – the scope of this study does not include emergency medical services.

## Call Volume & Breakdowns

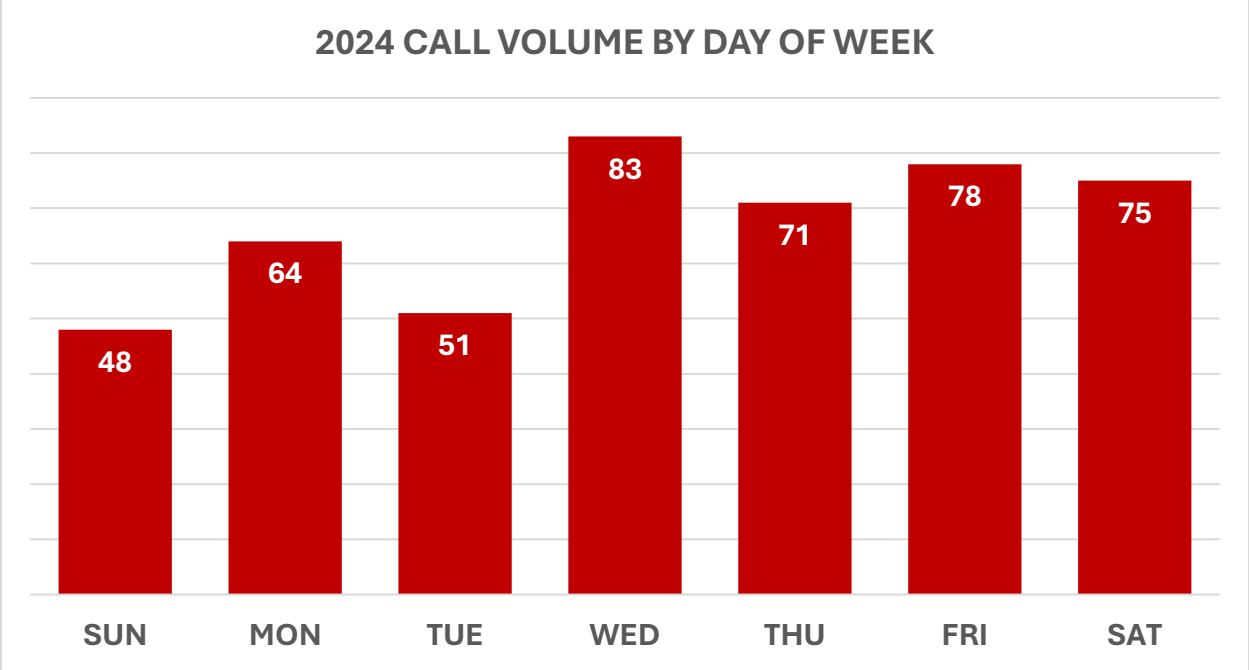
### Total Annual Call Volume

In terms of total annual call volume, the Dewey Fire Company saw a delayed impact of the COVID-19 pandemic – most fire companies saw lower volume during 2020, when the majority of the “lockdowns” occurred. In spite of that delay, Dewey Fire Company has seen steadily increasing demand for service. Below is a visual display of the total annual call volume for the years 2019 – 2024.



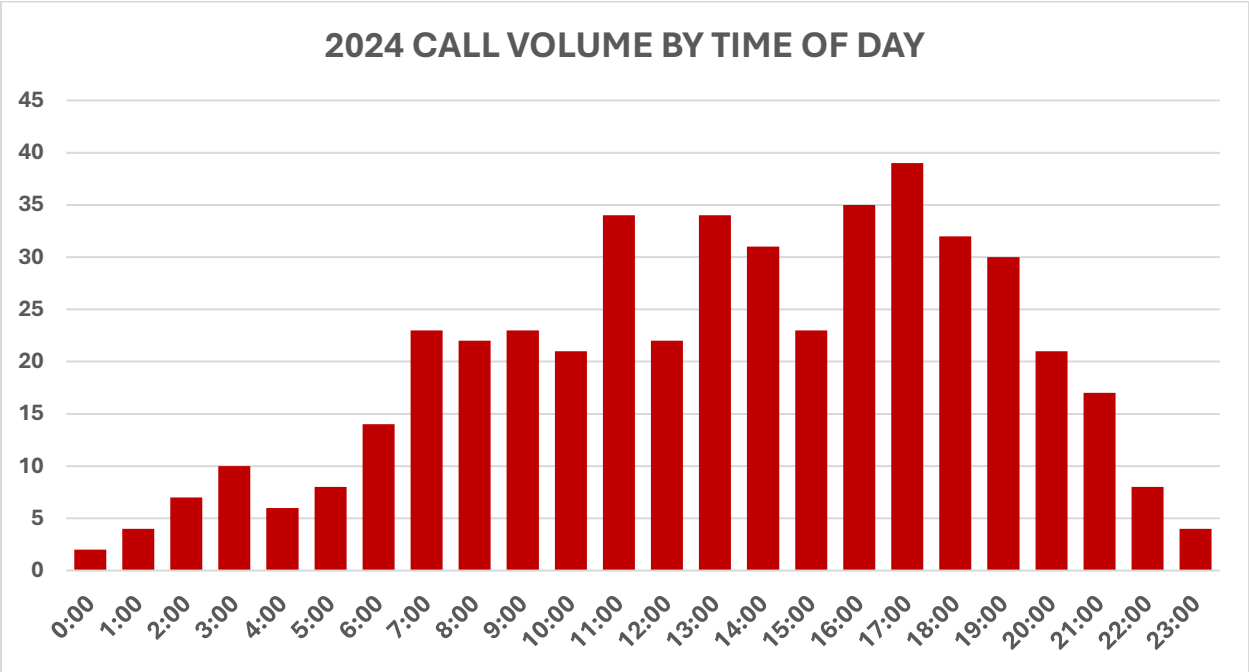
### Call Volume by Day of Week

Over the course of the last several years (2019 – 2024) the Dewey Fire Company has seen a shift in how their call volume is distributed throughout the week. It has shifted from earlier in the week (Sunday through Tuesday) to later in the week (Wednesday through Saturday). In other words, the call volume for Sunday through Tuesday has dropped while the call volume for Wednesday through Saturday has increased. The following graph displays the 2024 call volume broken down by day of the week.



**Call Volume by Time of Day**

In addition to the trend identified above, the Dewey Fire Company has also seen a shift in the time of day that they are called for service. Over the course of the last several years (2019 – 2024), there has been a marked decline in call volume during the 19:00 – 23:00 hours and a generalized increase in volume throughout the 07:00 – 18:00 hours. In other words, the fire company has gotten busier during the commuting and working hours, and has gotten less busy during the non-working and overnight hours. The graph below displays the 2024 call volume broken down by time of the day.



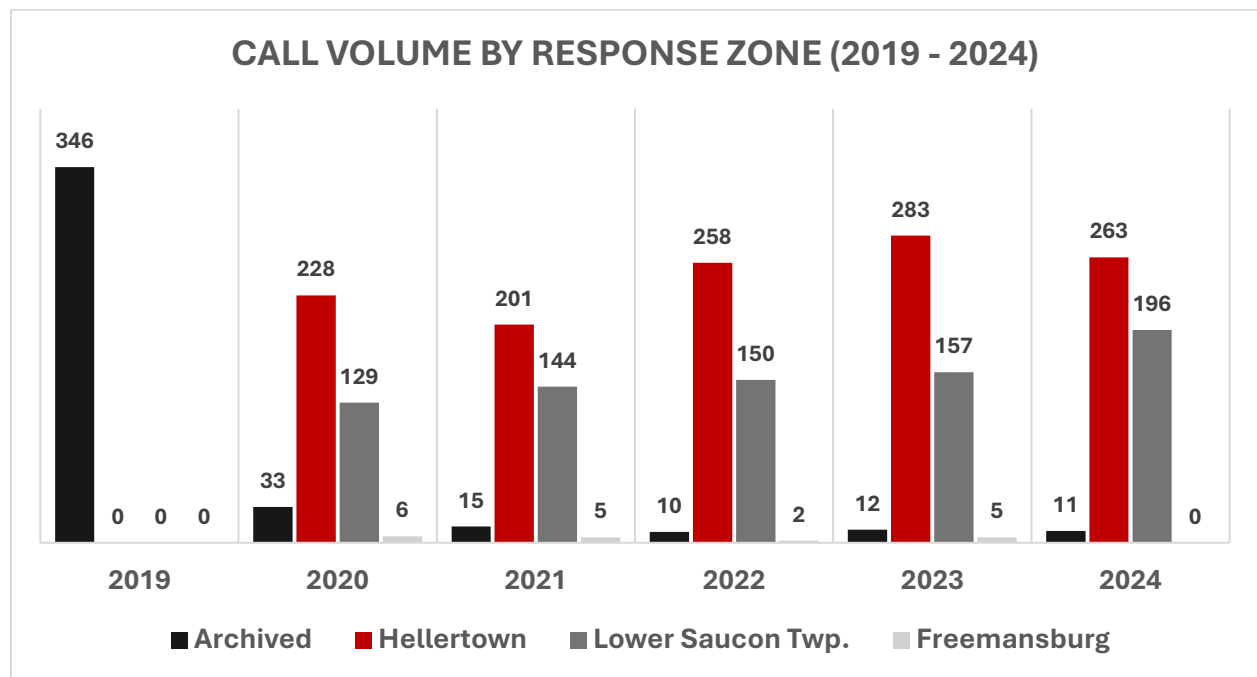
### Call Volume by Response Zone

When examining the Dewey Fire Company’s call volume by response zone and taking into account the fact that Hellertown Borough is surrounded by just two other municipalities (Bethlehem City and Lower Saucon Township), it is not surprising that the fire company does not respond to many other municipalities.

Furthermore, although the data provided by the fire company is slightly less than ideally detailed when it comes to documenting response zones, that data is not required to be documented in an incident report. Many fire companies don’t document that information at all. The data that has been documented, though, is enough to capture a rough idea of where the Dewey Fire Company provides its services.

In general, between 50% - 60% of the Dewey Fire Company’s call volume is for Hellertown Borough. The next most-served municipality is Lower Saucon Township at between 30% - 40% of total volume. After that, Freemansburg Borough is roughly 1% of total call volume. Finally, somewhere between 2% - 9% of total call volume is to unknown response zone(s).

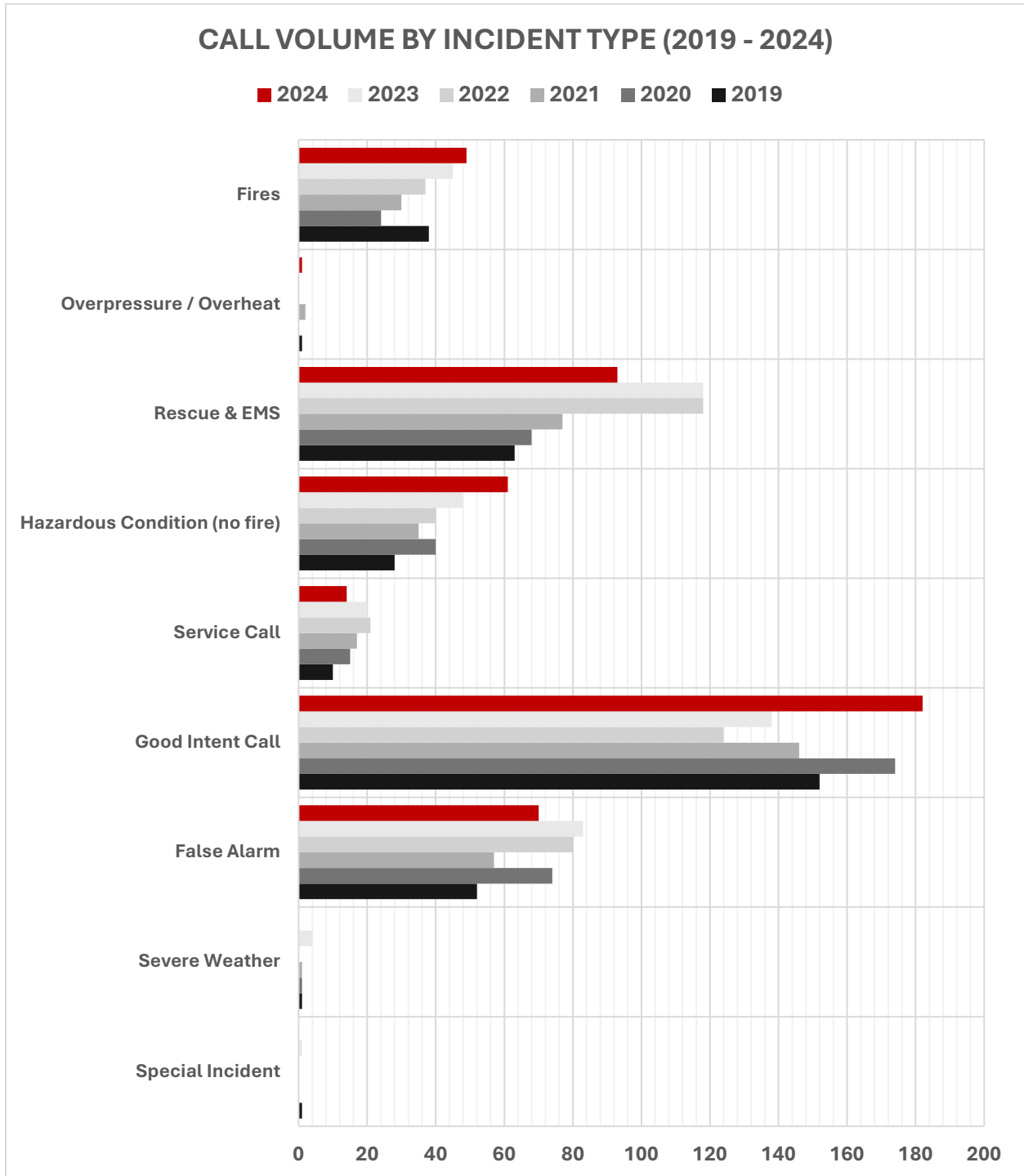
Below is a graph of the Dewey Fire Company’s total call volume for the years 2019 – 2024, broken down by response zone.



### Call Volume by Incident Type

Documenting fire incidents includes a plethora of information, including the type of incident that occurred. The U.S. Fire Administration provides the framework under which all fire incident documentation is completed. For the purposes of this study, there are nine distinct categories of incident types. Each category contains one or more specific incident types.

The Dewey Fire Company's call volume, broken down by incident type, is well within what is to be expected of a suburban volunteer fire company. The *Good Intent* category includes instances where the fire company is dispatched to an incident, but they are cancelled prior to arriving on the scene – this occurs very regularly (both in Hellertown and across the entire U.S.). Below is a graph of the Dewey Fire Company's total call volume for the years 2019 – 2024, broken down into the nine major incident types.



## Incident Response Times & Staffing

### Standards

The two primary organizations that establish incident response “benchmarks” for the fire service are the National Fire Protection Association (NFPA) and the Insurance Services Office (ISO).

While those two organizations establish clear cut standards, the legislature of the Commonwealth of Pennsylvania provided a Standard of Service Matrix contained within the Senate Resolution 60 Report (SR60 Report), which was published in 2004. This matrix, intended to be used as a decision-making tool, essentially outlines six distinct levels of fire protection services, including the number of personnel required, the equipment required, and the expectations of that level of service. The matrix is attached to this report as Appendix A.

#### *National Fire Protection Association (NFPA)*

The NFPA standard that addresses incident response and staffing for volunteer fire departments is NFPA 1720 (Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Volunteer Fire Departments). Contained within NFPA 1720 is a table that succinctly identifies response zone types, minimum staffing, response times, and response goals – below is a modified version of Table 4.3.2.

DEMAND ZONE	DEMOGRAPHICS	MINIMUM STAFF	RESPONSE TIME	GOAL
Urban Zone	1,000 + people per sq. mi.	15	9:00	90%
Suburban Zone	500 – 1,000 people per sq. mi.	10	10:00	80%
Rural Zone	less than 500 people per sq. mi.	6	14:00	80%
Remote Zone	travel distance of 8 miles or more	4	depends on travel distance	90%

The minimum staffing can include mutual aid departments, apparatus, and personnel. Additionally, the response times listed do not specify the number of fire apparatus, but it can be inferred to include the appropriate number of fire apparatus needed to initiate fire suppression activities by the listed number of staff.

#### *Insurance Services Office (ISO)*

The ISO differs from NFPA in that it is not a consensus standard organization – rather, it is “an independent company that serves insurance companies, communities, fire departments, insurance regulators, and others by providing information about risk.” In short, ISO evaluates communities on four major categories: needed fire flows, emergency communications, fire department, and water supply. The complex evaluation results in a score, which ranges from 1-10 (with 1 being the best score possible). A municipality’s score is used by the insurance industry to help establish fire insurance premiums in that area, among other things.

When it comes to response times, ISO gives the option to look at response time compliance with NFPA 1710 (Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments) or to look at the distribution of fire stations covering the “built-upon” portions of the municipality – ideally, all built-upon portions would be within 1.5 road miles of an engine company, and within 2.5 road miles of a ladder-service company.

## **Performance**

On paper, the two main factors that a fire company is evaluated on to determine its effectiveness are response time and staffing. Regarding response times, there are two distinct periods of time and then the combination of them. The first period is from the time of dispatch to the time the apparatus begins responding (turnout time). The second period is from the time the apparatus begins responding to the time the apparatus arrives on the scene of the incident (response time). The combination of those two periods is known as the total response time.

Regarding staffing, the standard that addresses volunteer fire companies (NFPA 1720) states that those members engaging in interior structural firefighting must be trained to the Firefighter 1 level (in accordance with NFPA 1001), and that departments must ensure personnel are qualified for their specific roles. Given that information, the minimum staffing listed in the table on the previous page should only include those who are Firefighter 1 level, the apparatus drivers are trained in accordance with NFPA 1002 (Driver/Operator), the officers are trained in accordance with NFPA 1021 (Fire Officer), and all members on the scene are trained in using the Incident Command System (ICS).

### *Response Times*

The various time data that the Dewey Fire Company records on their incident reports is obtained from their respective Public Safety Answering Point (PSAP) – in this instance, the 911 Center under the Northampton County Emergency Management Services. As such, the times contained within the fire company’s records are only as accurate as the records of the 911 Center. Despite major technological improvements, many 911 systems across the U.S. are not operating at the forefront of technology and are still relying on manual inputs to record vital date and time stamps. Therefore, the incident response time data that will be presented should be considered mostly accurate, but not 100% accurate.

Time of Day	Average Response Time ( Dispatch to Arrival ) in minutes					
	2024	2023	2022	2021	2020	2019
00:00 - 00:59	3.36	6.72	5.71	5.67	4.11	8.50
01:00 - 01:59	1.58	5.10	7.08	4.51	3.29	9.33
02:00 - 02:59	10.53	3.24	7.67	6.69	10.06	15.00
03:00 - 03:59	10.33	2.46	4.18	5.66	8.73	6.33
04:00 - 04:59	6.22	5.81	9.81	6.11		21.00
05:00 - 05:59	8.05	8.78	4.25	4.87	8.48	9.40
06:00 - 06:59	5.11	10.13	6.42	6.02	1.88	9.71
07:00 - 07:59	4.66	4.31	3.91	5.36	3.62	7.40
08:00 - 08:59	6.92	4.72	2.37	2.10	2.46	8.42
09:00 - 09:59	6.29	5.50	5.23	3.64	3.29	10.67
10:00 - 10:59	4.12	7.26	5.30	4.45	5.56	7.69
11:00 - 11:59	2.36	3.61	4.53	3.41	6.29	10.71
12:00 - 12:59	4.63	5.07	3.59	4.24	4.59	9.23
13:00 - 13:59	9.77	6.13	5.15	6.53	5.69	9.09
14:00 - 14:59	4.94	4.61	4.91	4.32	4.91	8.74
15:00 - 15:59	3.38	6.01	5.05	4.20	6.65	9.50
16:00 - 16:59	5.99	5.84	4.47	6.25	4.55	11.67
17:00 - 17:59	4.36	4.29	4.17	2.69	3.35	9.93
18:00 - 18:59	3.61	4.35	4.06	4.36	5.64	7.33
19:00 - 19:59	4.07	3.31	3.99	4.13	4.59	7.29
20:00 - 20:59	5.12	4.06	4.00	5.67	3.73	12.39
21:00 - 21:59	3.92	4.08	4.65	3.08	2.61	7.60
22:00 - 22:59	5.28	3.37	3.83	3.17	4.09	5.72
23:00 - 23:59	3.54	5.45	3.63	7.51	4.44	9.14
<b>TOTAL AVG.</b>	<b>5.34</b>	<b>5.18</b>	<b>4.92</b>	<b>4.78</b>	<b>4.90</b>	<b>9.66</b>

It must be noted that the data shown above includes all apparatus and response vehicles in service at the Dewey Fire Company, including utility vehicles and chief officer vehicles. Further, the above data does not include any incidents when all units were cancelled prior to arriving on scene.

To add context to the previous table, Hellertown Borough covers 1.3 square miles and has a population density of 4,705 people per square mile – easily placing it in the Urban Zone category of the NFPA 1720 table on page 15. In that table, incident responses to an Urban Zone should have 15 firefighters and apparatus should arrive on scene within 9 minutes the majority of the time.

As can be seen in the previous table, average response times for the entire Dewey Fire Company are well within the 9-minute window, despite the slight uptick in response times over the last couple years.

**Staffing**

From the information provided by the Dewey Fire Company, it appears that 99% of the active members who could be expected to perform interior structural firefighting are trained and certified to the Firefighter 1 level. A handful of members are trained and certified to the Firefighter 2 level. No records were requested or provided regarding Driver/Operator or Officer training.

Currently, there is no consensus standard that specifies a minimum staffing level per apparatus for the volunteer fire service. For the career fire service, though, NFPA 1710 specifies a minimum staffing level of 4 personnel for each engine company. Since this study is for a volunteer fire company, and given the fact that many of the small, career fire departments throughout Pennsylvania staff their engine companies with 3 personnel, a staffing level of 3 personnel for an engine company in the Dewey Fire Company can be viewed as adequate. Since Dewey’s truck company (13-21) has a water tank and pump, a staffing of 3 personnel can also be viewed as adequate.

Below is a table that shows data from 2024 when there was no apparatus response, when only 1 apparatus responded with only 1 person, and when only 1 apparatus responded with 2 personnel (all instances that should be considered less than adequate). For reference, the total call volume in 2024 was 470 incidents.

# of Apparatus	# of Personnel	Aid Status	Occurrences	% of Total Calls	Grouped % of Total Calls
0	0	No Aid	13	2.77%	12.34%
0	0	Aid Received	18	3.83%	
0	0	Aid Given	27	5.74%	
1	1	No Aid	47	10.00%	23.62%
1	1	Aid Received	33	7.02%	
1	1	Aid Given	31	6.60%	
1	2	No Aid	15	3.19%	9.79%
1	2	Aid Received	10	2.13%	
1	2	Aid Given	21	4.47%	
<b>TOTAL</b>			<b>215</b>	<b>45.74%</b>	

To summarize the table above, for just under half of its dispatched incidents, the Dewey Fire Company responded with only one, understaffed apparatus – if they even responded at all.

Below is a table that shows the grouped totals and percentages for the years 2020-2023.

Year	# of Apparatus	# of Personnel	Aid Status	Occurrences	Grouped % of Total Calls	% of Annual Calls
2023	0	0	All	24	5.25%	35.89%
	1	1		86	18.82%	
	1	2		54	11.82%	
2022	0	0	All	12	2.86%	24.76%
	1	1		67	15.95%	
	1	2		25	5.95%	
2021	0	0	All	10	2.74%	26.30%
	1	1		39	10.68%	
	1	2		47	12.88%	
2020	0	0	All	0	0.00%	28.03%
	1	1		68	17.17%	
	1	2		43	10.86%	

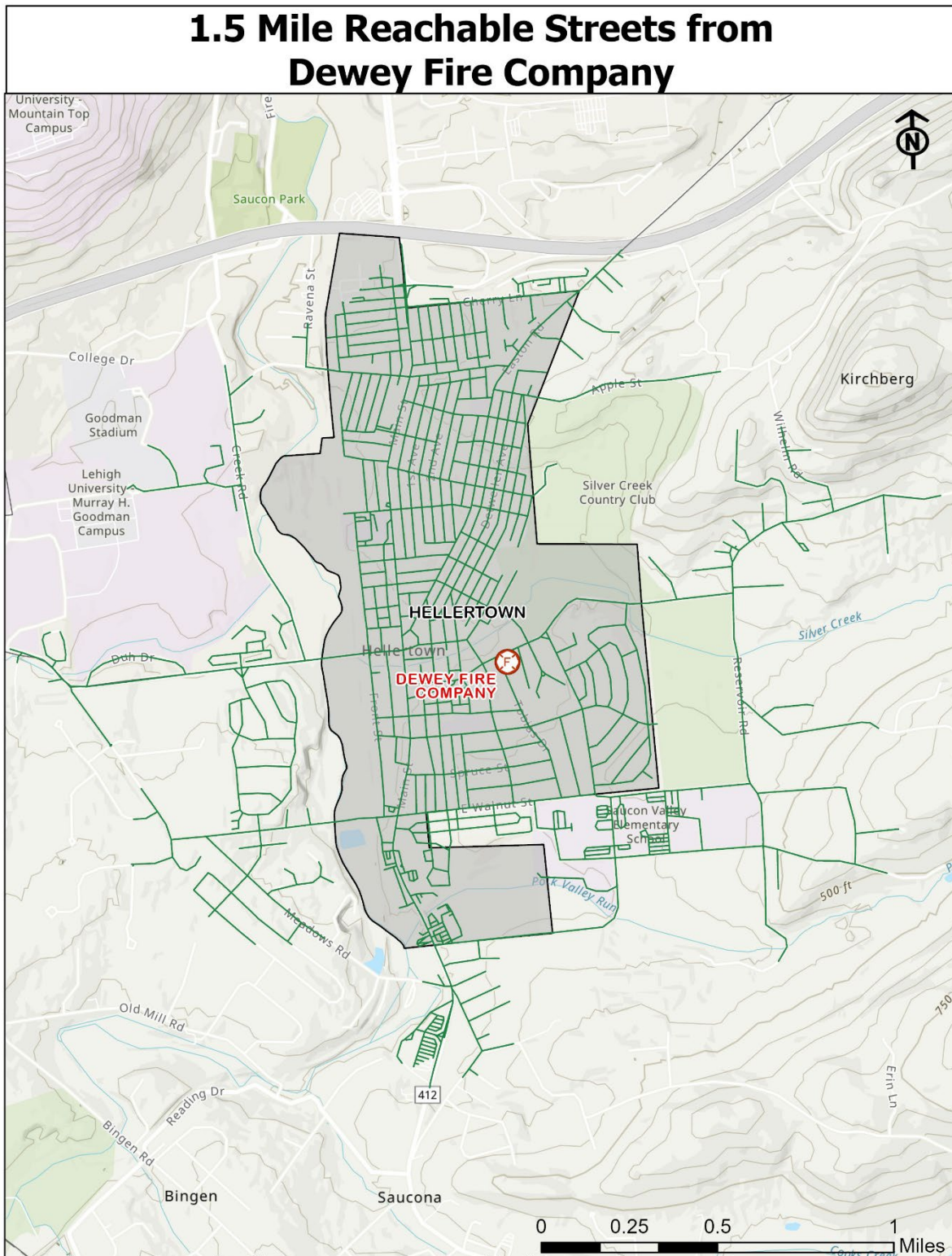
To summarize the previous tables, the fire company was trending toward lower percentages of incident responses with one, understaffed apparatus. However, things took a turn between 2022 and 2023 and then continued getting worse through 2024. Although 2025 incident statistics aren't finalized, it is highly unlikely that the fire company has had a large influx of volunteers that would drastically reduce their number of incident responses with inadequate staffing. At best, the fire company can hope to either maintain or slightly improve – with one-third of 2024's responses being understaffed, maintaining or slightly improving is unacceptable.

Running parallel to that, the percentage of incidents when no apparatus responded at all has been in a continual upward trend – from 2.74% of calls in 2021 to 12.34% in 2024. For those incidents when no apparatus responded from Dewey, one of three things most likely occurred:

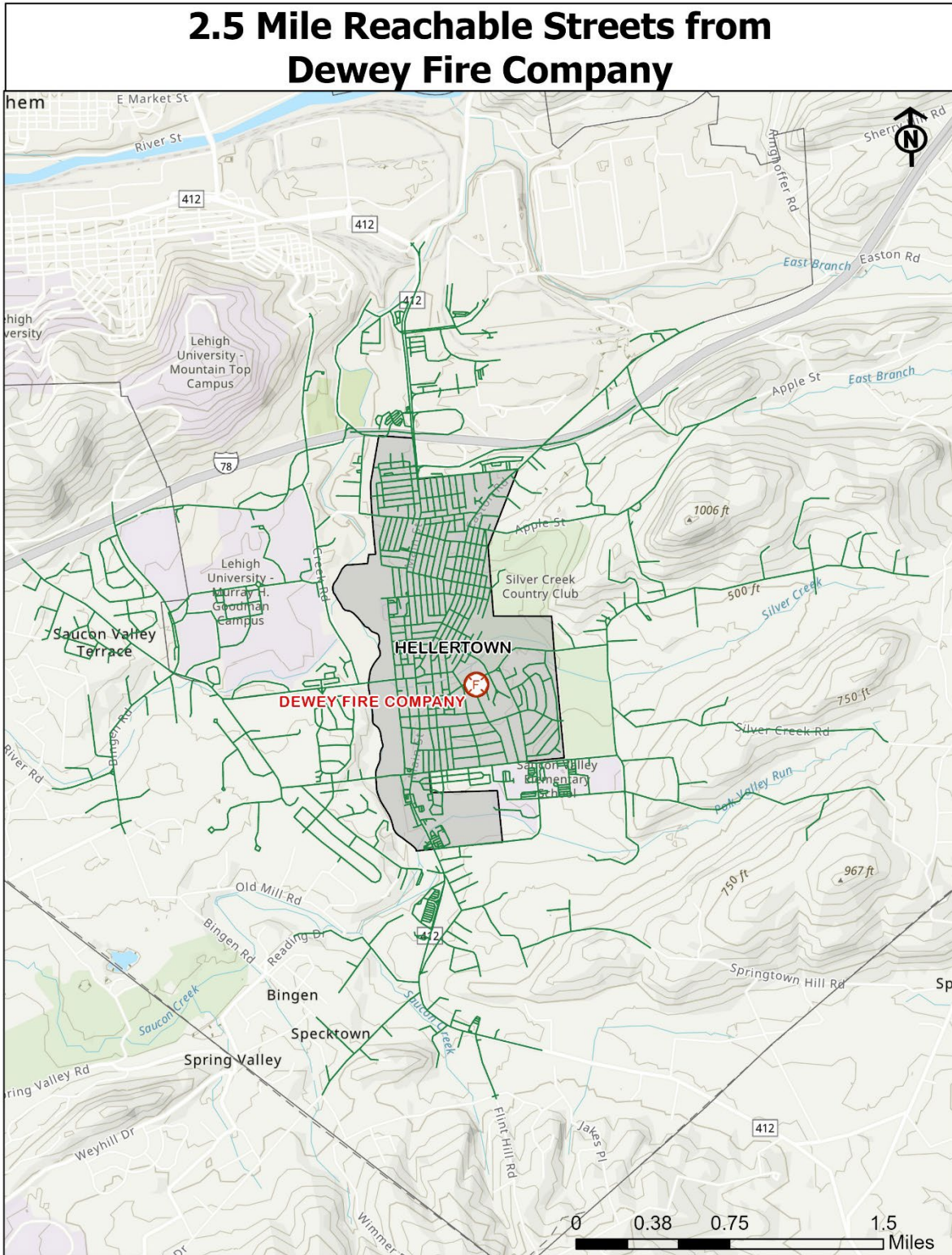
1. If the incident was located within Hellertown Borough, a mutual aid fire company was dispatched, responded, and handled the incident.
2. If the incident was located within Hellertown Borough, no other fire company was dispatched, and the incident was simply closed without a response.
3. If the incident was located outside of Hellertown Borough, the fire company that called for Dewey had to either handle the incident without any other assistance or they called another fire company to replace Dewey.

## Coverage Area

Engine Company Area (1.5 miles)



Ladder Company Area (2.5 miles)



## **Summary**

As can be seen in both the 1.5-mile and 2.5-mile maps, the fire station is well positioned within the Borough. All built upon areas of the Borough are within 1.5 miles of Dewey Fire Company's engine company, and within 2.5 miles of their ladder company.

## Summary & Recommendations

The Dewey Fire Company is living through the same or similar changes that many other volunteer fire companies are going through. Both here in Pennsylvania and across the entire United States, demand for services has been increasing while the number of volunteers providing those services has been decreasing.

Currently, Hellertown Borough has a fire tax in place. It is set at 1.5 mills and has been there for several years. The Dewey Fire Company operates in a way that demonstrates that they care about being good stewards of the public funding they receive, while also providing the best service they can with the people, apparatus, and equipment they have.

It is clear, though, that of the two primary performance metrics – staffing and response time – the Dewey Fire Company is experiencing issues with staffing. These issues impact not only Hellertown Borough and Dewey Fire Company, but also surrounding municipalities and the surrounding volunteer fire companies as well. Addressing staffing will benefit the region.

### Recommendation 1

The Dewey Fire Company and the Borough of Hellertown should develop a volunteer firefighter incentive program that provides stipends to its members. This program will need to be funded – most likely through the fire tax that has already been enacted. This program should be considered the first step in ensuring the fire company can provide an appropriate level of fire protection to the Borough. Two of the appendices – B and C – are examples of programs currently in place in other municipalities.

One important item to keep in mind is the stance of the U.S. Department of Labor (DOL) on the issue of volunteer firefighters receiving a “nominal fee” for providing services. In opinion letter FLSA2006-28 (attached as Appendix D), the DOL clarified that it considers any fee paid to a volunteer firefighter as nominal as long as the fee does not exceed twenty percent (20%) of what that public agency would otherwise pay to hire a full-time firefighter.

In the region in and around Hellertown Borough, the following municipalities employ career firefighters: City of Allentown, City of Bethlehem, City of Easton, and Borough of Wilson. Their entry-level firefighter salaries are listed in the following table.

Municipality	Salary
Allentown	\$53,649.00 (2025)
Bethlehem	\$60,673.00 (2026)
Easton	\$52,370.00 (2025)
Wilson	\$69,485.00 (2025)
AVERAGE	\$59,044.25

It should be assumed that Hellertown Borough would pay the average salary listed above to hire a full-time firefighter. Therefore, twenty percent of that would equal \$11,808.85. That dollar figure is the current maximum amount that any individual volunteer firefighter could earn as part of any incentive/stipend program.

The program should be designed to incentivize more than incident responses. Training, certifications, special events, pre-plan surveys, fire codes inspections, and station staffing are all just as important as responding to incidents with 3 or more trained members. The program currently in use by Swatara Township (Dauphin County) provides a great example of such a program – it is attached as Appendix C.

## **Recommendation 2**

The Dewey Fire Company and the Borough of Hellertown should implement a process to evaluate staffing at the fire company. This report can essentially serve as the starting point for that process – the current staffing has already been evaluated. Any incentive program that is implemented should be evaluated at 6-month intervals (at a minimum) to gauge effectiveness and affordability. Furthermore, the evaluation process should outline a range of available staffing options and their associated costs, should changes be warranted. Such options should include part-time staffing during peak hours all the way through full-time staffing 24/7.

For some reference on other staffing options, part-time staffing could be expected to cost between \$22 - \$27 per hour, per firefighter. Further, one full-time firefighter could be expected to cost roughly \$76,757.53 annually per firefighter. This figure accounts for annual salary, benefits, etc.

## **Recommendation 3**

The Dewey Fire Company and the Borough of Hellertown should begin exploring options to either remodel or rebuild the fire station to provide sleeping accommodations, bathrooms, showers, kitchen, etc. for firefighters. While it may not be needed now, it is highly likely that those accommodations will be needed in the mid- to long-term future. The costs for such a project will only increase – making delays all the more costly.

## **Recommendation 4**

The Dewey Fire Company should capitalize on any staffing model that provides firefighters in the fire station for committed periods of time. During such times, those committed members can conduct pre-plan surveys on the numerous buildings located within Hellertown. Not only will such activities improve incident responses, but those activities also go a long way in improving the borough's ISO rating – resulting in lower fire insurance premiums for many properties in the borough.

## **Recommendation 5**

Running parallel with Recommendation 4, Hellertown Borough should try to capitalize on the same staffing by implementing a fire inspection program. In doing so, the Borough would lighten the load of the Borough's Code Enforcement Officer, allowing them to focus on building and property maintenance code issues. Furthermore, it would increase the frequency of fire codes inspections to something more frequent than once every 5 years – increasing citizen safety while also increasing firefighter familiarity with buildings inside the Borough. Finally, the cost of the fire codes inspections has already been included in the Borough's business license fee structure. This would add zero extra costs to local businesses.

## **Recommendation 6**

The Dewey Fire Company should incorporate their documentation and record-keeping of members' attendance at trainings, events, etc. into a cloud-based records management system (RMS) – preferably the same RMS that the fire company uses for documenting incident reports. This recommendation should ideally be implemented regardless of whether or not the fire company incorporates training, events, etc. into its stipend program.

## **DCED and Emergency Services Program Staff**

Richard P. Vilello, Jr., Deputy Secretary  
Community Affairs and Development

Kathy Wyrosdick, Executive Director, AICP  
Governor's Center for Local Government Services

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Kelly Wilson, Administrative Assistant

# Notes

## **Appendix A (Standard of Service Matrix – SR60 Report)**

## Standard of Service Matrix

It is important for us to consider the vast differences in the communities of the Commonwealth. Therefore, we must be cautious in creating standards too stringent for small communities with limited personnel, but also hold to acceptable levels of service for the residents of such communities.

<b>SERVICE LEVEL*</b>	<b>DESCRIPTION</b>
<b>Defensive Service Level F</b>	<ul style="list-style-type: none"> <li>a. Personnel required – 3</li> <li>b. Equipment – 1 NFPA criteria engine (pumper)</li> <li>c. Exterior Defensive Firefighting capabilities only</li> <li>d. Expectations – Protect surrounding exposures, loss of involved property – NO TIME LIMITS</li> </ul>
<b>Offensive Service Level E</b>	<ul style="list-style-type: none"> <li>a. Personnel required – 5</li> <li>b. Equipment – 1 NFPA criteria engine (pumper)</li> <li>c. Interior Firefighting capabilities only of room or contents and small buildings under 750 square feet, NFPA PPE/SCBA.</li> <li>d. Expectations – Ability to extinguish a fire and save life and property. Respond within 9 minutes, plus travel time.</li> </ul>
<b>Offensive Service Level D</b>	<ul style="list-style-type: none"> <li>a. Personnel required – 5</li> <li>b. Equipment – 1 NFPA criteria engine (pumper)</li> <li>c. Interior Firefighting capabilities only of room or contents and small buildings under 750 square feet. Also, vehicle extrication capabilities with little or no power equipment. NFPA PPE/SCBA.</li> <li>d. Expectations – Ability to extinguish a fire and save life and property. The ability to extricate a person from a motor vehicle efficiently. Respond within 9 minutes, plus travel time.</li> </ul>
<b>Offensive Service Level C</b>	<ul style="list-style-type: none"> <li>a. Personnel required – 6</li> <li>b. Equipment – 1 NFPA criteria engine (pumper)</li> <li>c. Interior Firefighting capabilities of room or contents and small buildings under 1000 square feet. Vehicle rescue capabilities with power or no power equipment and provide Operations level Hazardous Materials Response. NFPA PPE/SCBA.</li> <li>d. Expectations – Ability to extinguish a fire and save life and property. The ability to perform and extricate a person from a motor vehicle efficiently. The ability to identify and provide operations level hazardous materials response. Arrive on scene within 14 minutes, 80% of the time.</li> </ul>
<b>Offensive Service Level B</b>	<ul style="list-style-type: none"> <li>a. Personnel required – 10</li> <li>b. Equipment – 2 NFPA criteria engine (pumper)</li> <li>c. Interior Firefighting capabilities of room or contents and small buildings under 5000 square feet. Vehicle rescue capabilities with power or no power equipment and provide Operations level Hazardous Materials Response. NFPA PPE/SCBA.</li> <li>d. Expectations – Ability to extinguish a fire and save life and property. The ability to perform and extricate a person from a motor vehicle efficiently. The ability to identify and provide operations level hazardous materials response. Arrive on scene within 10 minutes of dispatch , 80% of the time.</li> </ul>
<b>Offensive Service Level A</b>	<ul style="list-style-type: none"> <li>a. Personnel required – 15</li> <li>b. Equipment – 2 NFPA criteria engine (pumper), and one truck company (aerial or support truck)</li> <li>c. Interior Firefighting capabilities of room or contents and small buildings under 10,000 square feet. Vehicle rescue capabilities with power or no power equipment and provide Operations level Hazardous Materials Response. NFPA PPE/SCBA for each person.</li> <li>d. Expectations – Ability to extinguish a fire and save life and property. The ability to perform and extricate a person from a motor vehicle efficiently. The ability to identify and provide operations level hazardous materials response. Arrive on scene within 9 minutes of dispatch, 90 % of the time.</li> </ul>

\* An ultimate (most basic) goal is to have a turnout time (time from dispatch to time first vehicle leaves the door) is 9 minutes 90% of the time, plus travel time to the incident. (Levels E and F)

\* Communities may have more than one service level

**NOTE: SPECIAL RISKS REQUIRE ADDED SERVICES AS DETERMINED LOCALLY**

<b>SERVICE LEVEL</b>	<b>TRAINING REQUIREMENTS**</b>
<b>Defensive Service Level F</b>	<b>Firefighter</b> – Basic firefighting course <b>Pump Operator</b> – Basic Pump course
<b>Offensive Service Level E</b>	<b>Firefighter</b> – Basic firefighting course, Haz Mat R&I, NIMS <b>Pump Operator</b> – Basic Pump course, Basic firefighting course
<b>Offensive Service Level D</b>	<b>Firefighter</b> – Basic firefighting course, Basic vehicle rescue course, Haz Mat R&I, NIMS <b>Pump Operator</b> – Basic Pump course, Basic firefighting course, Basic vehicle rescue course, Haz Mat R&I, NIMS
<b>Offensive Service Level C</b>	<b>Firefighter</b> – Basic firefighting course, Basic vehicle rescue course, Haz Mat Operations Course, NIMS <b>Pump Operator</b> – Basic Pump course, Basic firefighting course, Basic vehicle rescue course, Haz-mat Operations Course, NIMS
<b>Offensive Service Level B</b>	<b>Firefighter</b> – Basic firefighting course, Advanced vehicle rescue course, Haz Mat Operations Course RIT Course, Truck Company Operations Course, NIMS <b>Pump Operator</b> – Basic Pump course, Basic firefighting course, Advanced vehicle rescue course, Haz-mat Operations Course, Truck Company Operations Course, NIMS
<b>Offensive Service Level A</b>	<b>Firefighter</b> – Firefighter I Certification, Advanced vehicle rescue course, Haz Mat Operations Course, RIT Course, Truck Company Operations Course, NIMS. <b>Pump Operator</b> – Basic Pump course, Firefighter I Certification, Advanced vehicle rescue course, Haz-mat Operations Course, Truck Company Operations Course, NIMS

\*\* Applies to 50% of active responders not including fire police.

<b>EMS Service Level D</b>	First Aid Response by 2 First Responders
<b>EMS Service Level C</b>	Quick Response Unit with 1 EMT and 1 First Responder
<b>EMS Service Level B</b>	Basic Life Support – 1 EMT and 1 First Responder
<b>EMS Service Level A</b>	Advanced Life Support – 1 EMT and 1 Paramedic

**Suggested Minimum Training for Administrative Officers:**

President - Rules of Order, By-laws, Conducting of Meetings, Grant Writing  
Treasurer - IRS Reporting, Grant Writing, Charitable Registrations.

**Appendix B (Upper Macungie Township Duty Staffing  
Incentive Program)**

# Upper Macungie Township Fire & Rescue

## Duty Staffing Incentive Program



### **Purpose and Scope:**

Upper Macungie Township Fire Rescue is providing incentives to volunteer firefighters to provide an on-duty staffing crew. This would be to provide coverage for immediate response to all emergencies within Upper Macungie Township and our primary mutual aid partners. Staffing would cover hours Monday - Friday 1800 to 0600 hours and Friday 1800 till Monday 0600 hours. Staffing requirements for this time is to staff 1 Engine Company with a minimum of 3 and up to 4 personnel. Preferred requirements are as follows; 1-Trained Officer, 1-Operator, 2-Firefighters.

### **Objective:**

The Staffing incentive program is to decrease response times to have a goal of a daytime response of 60 seconds and an evening response time of 120 seconds. This unit will respond to all fire department emergencies within Upper Macungie Township and will be the primary response unit to our mutual aid partners. The objective is to reduce the primary on scene times and allow for an increase in staffing to meet NFPA 1720 compliance. This will greatly increase the safety of our public and emergency responders.

### **Duty Crew Incentive Program:**

The duty crew will consist of a minimum of 3 staffing members, with a goal of maintaining 4 staffing members on all shifts. Those members will receive 1 duty incentive point per 12 hours of staffing and 1 point per response to incidents while staffing. The staffing incentive will be distributed quarterly to the participating members. This will be outside of the call volume incentive program that Upper Macungie Fire Department members are eligible for when not staffing. The program will staff a single Engine Company to be provided by Upper Macungie Township within one of the current Upper Macungie Township Fire Stations. The staffed Engine Company will be the primary & single response unit for multiple incident types. The primary purpose is to decrease the response times while also securing staffing to meet the requirements set forth in the NFPA 1720 compliances. The Engine duty crew will be the immediate response unit for lower priority calls within Upper Macungie Township including alarm notifications. The duty crew will respond and if needed will upgrade the response based on the needs of the incident. Turn out gear may be kept by the Engine or inside but shall not

be hung on the side of the apparatus. While on duty, the crews will perform some assigned tasks within the department. Crews will be responsible for the checking of primary equipment being used for the shift. See attached Staffing Engine Equipment Checklist. Crews will be responsible for the cleaning of areas used and items used but will not be responsible for overall cleaning of any fire station, unless said area is utilized by staffing personnel. See staffing station responsibilities document attached. It is also expected that crews take time to perform in-house training to sharpen skills and increase crew uniformity. The Staffing Crew is permitted to attend Tuesday evening in-house trainings, but the apparatus and personnel must remain in the "ready to respond" status at all times. The Staffing Engine is permitted from time to time to be utilized for travel within Upper Macungie Township and for no reason is it permitted to leave the Township unless prior approval of the Fire Commissioner or Staffing Manager, or for incident responses. Full-Time "Live-In" Members are committed to a certain amount of staffing hours as part of the Live-In program. Should all requirements be fulfilled, said Live-In member will have the opportunity to sign up for (1) 12-hour staffing incentive shift per week. In addition to the Duty Crew, there will be (1) Duty Officer assigned to each shift utilizing the same scheduling as the Crew. 12-hour shifts will be prioritized but may be broken down to 6-hour shifts. The Duty Officer shall be a current Fire Officer in Upper Macungie Township. The Duty Officer shall be designated as Battalion 57 while on shift as the Duty Officer.

### **Dress Attire:**

All staffing members will be issued a shirt or shirts to be utilized while staffing. BDU cargo style pants and black shoes/boots are acceptable, no jeans. BDU cargo style shorts are acceptable during the summer months, no cut off jean shorts or biker style shorts.

### **Bunk Room & Visitors:**

The Bunk Room is available for over-night staffing from 10:00 PM to 6:00 AM and 10:00 AM to 6:00 PM for daylight staffing. No visitors are permitted at any time in the bunk room. Visitors are permitted from 6:00 PM to 8:00 PM during the week and weekends, and from 11:00 AM to 1:00 PM on the weekend, but must remain in the common area of the Staffed Engine Bay. Each staffing member is responsible for supplying their own linens and or sleeping equipment. All linens shall be removed after each shift and sleeping areas cleaned and organized prior to departure from said shift. Lockers will be available for the storage of personal belongings during and after the assigned staffing period provided the member is meeting the requirements of the staffing program.

### **Scheduling:**

Upper Macungie Township has selected "When I Work" scheduling program to be used for the duty program. All eligible members will be given login information to the scheduling program. Crews will schedule their availability and will be assigned primary shifts by the Staffing Manager. The crews will be given scheduled time in order of rotation to allow for maximum eligibility. Preference will be given to 12-hour shifts and then will be broken down to 6-hour blocks if needed. Crews will be scheduled for weeknights starting at 6:00 PM and will continue

until 6:00 AM the following morning. Crews will be scheduled starting at 6:00 PM Friday evening and complete at 6:00 AM on Monday morning. During this time the crews will perform duties at the request of the staffing manager. All assigned duties will only be through the Fire Commissioner and or the Staffing Manager, any requests from a station will be directed to the staffing manager for assignment.

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
6:00AM TO 6:00PM	6:00PM TO 6:00AM	6:00PM TO 6:00AM	6:00PM TO 6:00AM	6:00PM TO 6:00AM	6:00PM TO 6:00AM	6:00AM TO 6:00PM
6:00PM TO 6:00AM MONDAY						6:00PM TO 6:00AM SUNDAY

Crew members will be expected to arrive prior to the start of their shift and fully complete the assigned shift. Any deviation to a scheduled shift will be directed through the Staffing Manager for approval. This includes but not limited to becoming unavailable for an assigned shift, needing to leave prior to completion of shift. The crew member with the assigned shift will be responsible for switching or coverage of a shift that they could not complete unless of an emergency nature. Crew members will contact the staffing manger as soon as possible if there is any change in availability.

Staffing will be assigned monthly and will be assigned by the 3<sup>rd</sup> Monday of the month prior. Crew members eligible for duty staffing will provide their availability for the coming month prior to the 2<sup>nd</sup> Friday of the month prior. All scheduling and availability will be submitted through the scheduling program. The Staffing Manager will assign the shifts in accordance with length of shift and needs of shifts. Eligible crew members will be placed on a list that rotates when each shift is assigned. This will allow for equal opportunities to all members for available shifts.

**Duty Incentive Points:**

Duty incentive points will be assigned through the Staffing Manager using record keeping from the scheduling program and with response call logs. One duty incentive point will be assigned the monetary value of \$100.00 for staffing and one point for each incident response at a monetary value of \$10.00. All incentive distributions will be directed through the Staffing Manager with the approval from the Office of the Fire Commissioner. Funds will be provided through the budgeted staffing stipend program provided by Upper Macungie Township to Upper Macungie Township Fire and Rescue Company. Distribution of funds will be performed monthly. For the 11 paid holidays for Township staff, to provide coverage from 6 AM to 6PM the monetary value for one point for staffing shall be \$150.00. The maximum amount of stipend any individual may receive is \$14,000.00. Each member shall receive a Form-1099 after receiving a stipend amount more than \$600.00. The Duty Officer will receive one point for each incident attended while on duty and receive the current stipend amount per incident. They will not receive the monetary amount for staffing the engine as the Duty Officer.

## **Staffing Manager:**

The Staffing Manager will be assigned by the Fire Commissioner and will report directly to the Fire Commissioner. The Staffing Manager will keep contact with the chief officers of the Fire Department as to any staffing deficiencies. The Staffing Manager will be the direct contact for any incidents, problems or complaints involving the duty crew. The Staffing Manager will attempt to solve the reported claim, if possible, at that time. If any further investigation needs to be made it will be shared with the Fire Commissioner and will be addressed with proper authorities and needed parties. The Staffing Manager will hold the rank of a chief officer within the fire department system to allow for oversight of the program.

## **Duty Crew Members:**

Eligible duty crew members will be required to meet the minimum standards set forth in each description of members. The members will be assigned for scheduling under the duties they are eligible for.

**Crew Officer** - This member will be assigned to act as the officer on the engine crew. The member assigned with this responsibility will lead the crew in emergency and non-emergency operations while on duty, The officer will be responsible to ensure the assigned duties are completed and will also be responsible for completion of NFIRS reports and other required incident reports. Requirements to be Crew Officer are either a current UMT Fire Department Officer or NFPA 1001 Firefighter 2, Advanced Vehicle Rescue, CPR/AED/First Aid, Hazardous Materials Operations training with a current (no more than 14 months old) Refresher Course, and recommendation from a station chief. Must have 2 years prior officer experience.

**Driver/Operator** - This member is responsible for apparatus operations and support on the fire ground. Apparatus driver is responsible for a shift operational check of apparatus and equipment. The driver is responsible for safe operation of the apparatus to and from the scene. Requirements to be apparatus driver/operator are to be either a current UMT Fire Department qualified driver, or the following, Driver Operator Pumper or Pump Ops 1&2, EVDT, CDL Class B with tanker endorsement, Hazardous Materials Operations training with a current (no more than 14 months old) Refresher Course.

**Firefighter** - This member is primarily responsible for fire attack and other firefighter functions. The firefighter will be responsible to assist with operational checks and other assigned duties. Requirements for a firefighter is minimum of NFPA 1001 Firefighter 1, Basic Vehicle Rescue, CPR/First Aid, Hazardous Materials Operations training with a current (no more than 14 months old) Refresher Course and cleared to act in the roll of interior firefighter within Upper Macungie Township. Must have 1 year of interior firefighting experience.

## **Eligibility List:**

The staffing manager will maintain the eligible member list along with monitoring for rotation of members on that list. Any additions or subtractions to the eligibility list will be by the 1st of every month. This will allow for the additions or subtractions to be taken into consideration for the following month. Each member of a current UMT Fire Station will need to be placed on the eligibility list by request of the Staffing Manager. After the initial list is made each member will

rotate from the top of the list to the bottom of the eligibility list after completing a staffing shift. This will allow for fair and equitable assignments of shifts. The list will be broken into 4 sub-lists for eligibility. Sub list 1 will be for Crew Officers, sub list 2 will be Driver/Operator, sub list 3 will be used for Firefighters, and sub list 4 will be used for the Duty Officer. A staffing member can be listed on all 3 sub lists and will rotate on all 3 lists when staffing shift schedule is completed.

**Scheduling Process:**

Any firefighter on the eligibility list can submit availability through the scheduling program for the following month. Availability must be submitted prior to the 2<sup>nd</sup> Friday of the prior month. The Staffing Manager will go through availability and provide it to firefighters on the list. This will allow for the Staffing Manager to provide the schedule for the following month by the 3<sup>rd</sup> Monday. At that time any available shifts will be at a first come first serve basis for position. Any open shift will be sent out as a message to all available members as soon as possible. The staffing manager or Fire Commissioner has right to deny, cancel or alter any assigned shift depending on needs of the department. Only the Fire Commissioner has the right to increase or decrease staffing levels for the duty staffing program. This increase could be for any reason deemed necessary by the Fire Commissioner.

\_\_\_\_\_  
Peter Christ, Fire Commissioner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Staffing Manager

\_\_\_\_\_  
Date

\_\_\_\_\_  
Staffing Member

\_\_\_\_\_  
Date

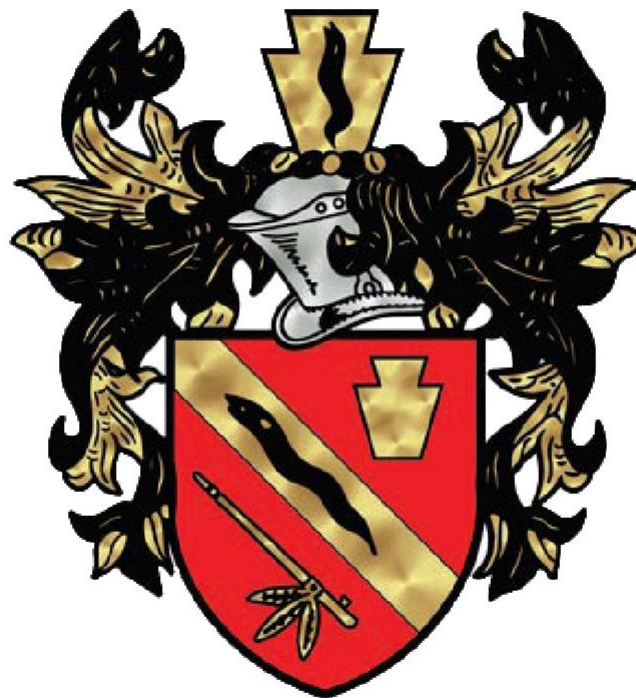
## **Appendix C (Swatara Township Stipend Program)**

# Swatara Township Fire-Rescue Services

Office of the Fire Chief

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## SWATARA TOWNSHIP VOLUNTEER FIREFIGHTER INCENTIVE PROGRAM



I'm pleased to present the sixth year of Swatara Fire-Rescue's volunteer firefighter incentive program. Swatara Fire-Rescue, operating 24/7, relies on the dedication of its volunteers who tirelessly respond to emergencies, maintain equipment, and undergo continuous training to serve Swatara Township effectively.

Initiated in 2019 to counteract the decline in volunteerism, our incentive program has yielded remarkable results. In the year 2023, our firefighters recorded 21,362 hours of standby in station. This significant commitment has notably reduced response times, minimizing property loss, injuries, and fatalities. Training hours totaled 3,870, encompassing both in-station sessions and external educational programs. Additionally, our firefighters collectively spent 1,794 hours focusing on health and wellness through gym visits.

To ensure our program remains adaptive to community needs, we've implemented several adjustments. Officer stipends and certification categories have been restructured, and bonuses are now offered for obtaining essential national training certifications aligned with our newly adopted 6-year training plan.

We recognize the importance of remaining competitive, especially as many municipalities have mirrored and improved upon our program, adopting similar initiatives. In response, we are committed to continuously enhancing our incentive program to attract and retain dedicated volunteers. By staying proactive and innovative, we aim to maintain Swatara Fire-Rescue as a leader in volunteer firefighting services, ensuring the safety and well-being of our community for years to come.

Thanks to the ongoing collaboration with the Swatara Township Volunteer Fireman's Relief Association, our firefighters continue to benefit from complimentary gym memberships, life insurance coverage, NFPA 1582 medical and cancer screenings, as well as discounts on cable, telephone, and internet services.

We extend our sincere appreciation to our residents and elected officials whose support has been instrumental in funding these initiatives. As we progress, we remain committed to evaluating, adapting, and implementing necessary changes to ensure the sustainability and effectiveness of our program.

Sincerely,

Michael Ibberson, B.S. Fire Chief

# *Administration*

1. The Volunteer Incentive Program is under the administration and sole discretion of The Office of the Township Fire Chief. The Township Fire Chief or his designee shall have the discretion to modify or amend the program.
2. The incentive program is voluntary and nominal in nature.
3. The Township Fire Chief or designee will review and approve all incentive disbursements.
4. All disbursements shall meet Federal, State, and Local tax withholdings and other tax requirements concerning volunteer incentives.
5. The disbursements of incentives will typically be distributed monthly, but this is subject to change without notice for any reason.
6. Any entries into the reporting database for incentives must be completed within two (2) days ending the given month.
7. Any volunteer found falsifying documents to obtain incentive will be subject to discipline in accordance with Swatara Fire-Rescue policies and procedures.
8. The Office of the Township Fire Chief, any Township Asst. Chief, and or reserves the right to remove any volunteer from the incentive program for any length of time for any reason.
9. All training requirements will meet the standards as set forth by the Office of the Township Fire Chief. These shall include equivalents to those contained in this document. All training and policy updates required by the Fire Chief or designee shall be completed to be eligible.

# *Qualifying Participants*

1. **Junior Firefighter:** (those persons 14 to 17 years of age)
  - a. First Aid/CPR/AED(Current)
  - b. Bloodborne Pathogens(Current)
  - c. NIMS 100, 200, 700, 800
  - d. Modules A through C
  - e. Completed department training packets
  
2. **Probationary Firefighter:** (new members) During this period the volunteer is considered probationary while completing the following classes.
  - a. First Aid/CPR/AED(Current)
  - b. Bloodborne Pathogens(Current)
  - c. NIMS 100, 200,700, 800
  - d. Modules A through C Haz-Mat Operations
  - e. Completed department training Probation Section
  
3. **Firefighter Apprentice/Exterior**
  - a. First Aid/CPR/AED(Current)
  - b. Bloodborne Pathogens(Current)
  - c. NIMS 100, 200, 700, 800
  - d. Haz-Mat Operations
  - e. Completed Mods A-D or equivalent
  - f. Completed department training Probation Section
  - g. Annual training burn
  
4. **Firefighter I:**
  - a. First Aid/CPR/AED(Current)
  - b. Bloodborne Pathogens(Current)
  - c. NIMS 100, 200, 700, 800
  - d. Firefighter I
  - e. Completed department training Engine Section.
  - f. Annual training burn

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## **5. Firefighter II**

- a. First Aid/CPR/AED(Current)
- b. Bloodborne Pathogens(Current)
- c. NIMS 100, 200, 700, 800
- d. Firefighter II
- e. Completed department training packets.
- f. Annual training burn

## **6. Driver/Operator**

- a. First Aid/CPR/AED
- b. Bloodborne Pathogens
- c. NIMS 100, 200, 700, 800
- d. Haz-Mat Operations
- e. EVOC
- f. By-annual driver recertification
- g. Completed department driver packet
- h. Annual training burn

## **7. Fire Police**

- a. First Aid/CPR/AED
- b. Bloodborne Pathogens
- c. NIMS 100, 200, 700, 800
- d. EVOC
- e. Basic Fire Police Course
- f. Haz-mat awareness
- g. Sworn in Officer

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# *Incentive Program*

The incentive program is a point system based upon three (3) tiers with benchmarks for call participation, training, adequate standby, and the individual volunteer's current certification level.

## **A.** Certification category of disbursement yearly maximums

- a. Firefighter II \$12,000
- b. Firefighter I \$6240
- c. Firefighter Apprentice \$1800
- d. Driver/Operator \$6240
- e. Probationary Firefighter \$1250 (exempt from point system until completion of classes)
- f. Junior Firefighter \$1250 (exempt from point system until completion of classes)
- g. Training bonuses not included in yearly maximums.
- h. Only eligible for one (1) category

## **B.** Point system

- a. Calls: 1 point per call
- b. Training: 2 points per training hour
- c. Standby: 5 points per 4-hours of standby
- d. Events 5 points per event
  - i. All event points are subject to approval by a chief officer.
  - ii. Typically points will be given for Swatara Township Events

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**C. Tier system monthly disbursements**

- a. Basic Incentive - Participant earns between 20 and 39 points during any calendar month
- b. Mid Incentive - Participant earns between 40 and 59 points during any calendar month
- c. High Incentive – Participant earns between 60 and 79 or more points during any calendar month
- d. Max Incentive – Participant earns 80 or more points during any calendar month

<b>Firefighter Apprentice</b>			
<b>Basic</b>	<b>Mid</b>	<b>High</b>	<b>Max</b>
<b>\$17</b>	<b>\$46</b>	<b>\$83</b>	<b>\$150</b>

<b>Driver Operator</b>			
<b>Basic</b>	<b>Mid</b>	<b>High</b>	<b>Max</b>
<b>\$86</b>	<b>\$153</b>	<b>\$270</b>	<b>\$600</b>

<b>Firefighter I</b>			
<b>Basic</b>	<b>Mid</b>	<b>High</b>	<b>Max</b>
<b>\$100</b>	<b>\$175</b>	<b>\$310</b>	<b>\$750</b>

<b>Firefighter II</b>			
<b>Basic</b>	<b>Mid</b>	<b>High</b>	<b>Max</b>
<b>\$120</b>	<b>\$192</b>	<b>\$400</b>	<b>\$1100</b>

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# *Exempt Volunteer*

The incentive program shall have point exempt volunteers in which their incentive disbursements are based upon duties/responsibilities and meeting training certification levels.

## A. Junior Firefighter

- a. \$150 at completion of First Aid/CPR/AED, Bloodborne Pathogens, NIMS 100, 200, 700, 800 and company training packet.
- b. \$200 at completion of Introduction to the Fire Service
- c. \$200 at completion of Fire Ground Support
- d. \$200 at completion of Exterior Firefighting
- e. \$200 at completion of Interior Firefighting

## B. New Firefighter (New members with no training classes)

- a. \$150 at completion of First Aid/CPR/AED, Bloodborne Pathogens, NIMS 100, 200, 700, 800 and company training packet.
- b. \$200 at completion of Module A
- c. \$200 at completion of Module B
- d. \$200 at completion of Module C
- e. \$200 at completion of Module D
- f. \$300 at completion of Firefighter I

## C. Township Officers

- a. The officer shall meet any requirements set forth by Swatara Fire-Rescue and have assigned duties and responsibilities to qualify for incentive.
- b. Lieutenant - \$13560
- c. Captain - \$13800
- d. Battalion Chief - \$14500
- e. Assistant Chief - \$15000

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#### D. Fire Police

- a. \$10 Per Call
- b. Must have basic fire police class and any other training required by the department.
- c. Fire Police are also eligible for training bonus for advance fire police classes.
  - Bonuses will be \$200.
  - Classes must be approved by the fire chief.

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## *Other Training Bonuses*

To encourage all members to reach national training standards the following bonuses will be paid for obtaining the following certifications.

1. Firefighter I - \$300
2. Firefighter II - \$300
3. Fire Instructor I - \$300
4. Fire Officer I-IV - \$300 (per certification)

## *Group Term Life Insurance (Firemen's Relief)*

### **Administration:**

1. Administration of the Group Term Life Insurance Plan and its rules are at the discretion of the Board of Directors of the Swatara Township Volunteer Firemen's Relief Association.
2. The Secretary of the Association shall be the Plan Administrator of the Group Term Life Insurance Plan.

### **Eligibility:**

1. A member in good standing and 18 years of age.
2. An Executive Board Member of the Association to include the positions of President, Vice President, Treasurer, Secretary, and Assistant Secretary.
3. An officer of Swatara Fire-Rescue Services to include the positions of Fire Chief, Assistant Chief, Battalion Chief, Captain, Lieutenant, EMA Coordinator.
4. A member of a recognized fire department for the period of one (1) year with 300 points earned annually.
5. All members actively engaged in Military duties will be covered for the duration of their duty. These members, upon their return from active duty shall remain on the plan for a period of one (1) year. All Military members must fill out proper leave status forms and provide all requested documentation.

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**Beneficiary Forms:**

1. The Plan Administrator must obtain Group Term Life Beneficiary Forms within 30 days of member eligibility.
2. Eligible members may update Group Term Life Beneficiary Forms at any time during eligibility period.

**Termination of Eligibility:**

Those members not meeting the eligibility requirements will be terminated from the plan January 1 of the effected year.

**Appendix D (DOL Opinion Letter FLSA2006-28)**



**U.S. Department of Labor**  
Employment Standards Administration  
Wage and Hour Division  
Washington, D.C. 20210

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**FLSA2006-28**

August 7, 2006

Dear **Name\***:

I am writing in reply to your Association's letter requesting guidance under the Fair Labor Standards Act (FLSA) on numerous hypothetical questions concerning "same type of services," "same public agency," and "nominal fee," as applied to individuals volunteering for, or employed by, a public agency.

The FLSA recognizes the generosity and public benefits of volunteering, and does not seek to pose unnecessary obstacles to *bona fide* volunteer efforts for charitable and public purposes. In this spirit, in enacting the 1985 FLSA Amendments, Congress sought to ensure that true volunteer activities are neither impeded nor discouraged. Congress, however, also wanted to minimize the potential for abuse or manipulation of the FLSA's minimum wage and overtime requirements in "volunteer" situations.

Section 3(e)(4)(A) of the FLSA and 29 C.F.R. §§ 553.101 and 553.103 (copies enclosed) indicate that an individual is a volunteer, not an employee of a public agency, when the individual meets the following criteria:

1. Performs hours of service for a public agency for civic, charitable or humanitarian reasons, without promise, expectation or receipt of compensation for services rendered. Although a volunteer can receive no compensation, a volunteer can be paid expenses, reasonable benefits or a nominal fee to perform such services;
2. Offers services freely and without pressure or coercion, direct or implied, from an employer; and
3. Is not otherwise employed by the same public agency to perform the same type of services as those for which the individual proposes to volunteer.

Please be assured that this Administration fully supports volunteerism and is committed to working with organizations like yours to ensure that citizens are able to volunteer freely their services for charitable and public purposes consistent with the law.

Your letter posits factual circumstances that test whether volunteer status is jeopardized. The first series of questions -- questions 1 through 9 -- concerns payments that a public agency may provide a volunteer. We will address these questions under Scenario 1, below. The second

series of questions -- questions 11, 14 and 15 -- goes to the issue of providing the “same type of services” to the “same public agency.”<sup>1</sup> We will address these questions under Scenario 2, below.

### **Scenario 1**

1. An individual serves as a volunteer firefighter for County A.
2. County A provides the volunteer with some monetary payment (or tax relief) calculated on a yearly, monthly, shift, or on-call basis.
3. The payment (or tax relief) varies based on factors such as the amount of time spent on the activities, length of service, number of calls, and number of shifts, but is not linked to expenses incurred by the volunteer.

Each question asks whether the particular payment negates volunteer status.

Section 3(e)(4)(A)(i) and the implementing regulations at 29 C.F.R. § 553.106 (copy enclosed) provide that a volunteer may only be paid expenses, reasonable benefits, or a nominal fee, or any combination thereof, without losing volunteer status. Examples of permissible expenses or benefit payments are described as a payment for expenses, such as dry cleaning; an allowance for a requirement, such as a uniform; reimbursement for an out-of-pocket expense, such as transportation; a payment to provide materials, such as supplies; or a payment for benefits, such as participation in group insurance plans. *See* 29 C.F.R. § 553.106(a)-(d).

Section 553.106(e) discusses what constitutes a nominal fee and the various factors to consider in determining whether a stipend is nominal. In the preamble to this provision of the regulation, the Department stated, “whether a specific amount is ‘nominal’ depends on the economic realities of the situation and that no guidelines on specific amounts applicable to all (or even most) possible situations can be provided.” *See* 52 Fed. Reg. 2012, at 2021 (Jan. 16, 1987) (copy enclosed).

While the statute and the implementing regulations do not define what constitutes a “nominal fee,” the regulations provide guidance for determining whether a fee is nominal and permissible. If a fee is not nominal, then the individual does not qualify as a volunteer and is considered an employee who is covered by the FLSA minimum wage and overtime provisions. The factors to examine in making a determination of whether an amount is nominal include, but are not limited to: (1) the distance traveled and the time or effort required of a volunteer; (2) the availability -- limited or unlimited -- of a volunteer to provide services; and (3) the basis -- as needed or throughout the year -- on which a volunteer agrees to perform services. *See* 29 C.F.R. § 553.106(e). These factors focus upon whether the fee is actually more analogous to a payment for services or recompense for something performed and, hence, not nominal. Thus,

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<sup>1</sup> In a conversation with our staff subsequent to your letter, you withdrew original questions 7, 8, 10, 12, and 13 and replaced them with two new questions. These new questions are reproduced here as new questions 7 and 8. There are no longer any questions 10, 12, or 13.

to the extent that payments are tied to productivity (*e.g.*, payment of hourly wages for services rendered), are similar to “piece rates” or are comparable to “production bonuses,” there is a greater likelihood that such fees are not nominal. However, as noted in the preamble to section 553.106(e), almost 30 percent of all volunteer firefighters are paid a small fee for each fire call to which they respond, and the rule was not intended to invalidate that model. *See* 52 Fed. Reg. 2012, at 2021. Moreover, consistent with the discussion of factors to be considered (*e.g.*, distance traveled, time and effort expended, around-the-clock versus limited availability, throughout the year versus upon request), compensation “per call” or other similar bases may be acceptable so long as they may fairly be characterized as tied to the volunteer’s sacrifice rather than productivity-based compensation. Accordingly, nothing in the statutory language would directly preclude the payment of nominal per call or even per shift fees to volunteer firefighters as section 553.106(e) specifically provides that a nominal fee can be paid on a “per call” or similar basis for volunteer firefighters.

Please also see Wage and Hour Opinion Letter FLSA2005-51 (Nov. 10, 2005) (copy enclosed) that contains a recent discussion of the Department’s consideration of what payment constitutes a nominal fee for determining an individual’s volunteer status. That opinion letter expounds upon the “economic realities” test in the context of school systems and those volunteering by assisting with extra-curricular activities, such as coaching sports or sponsoring various clubs. Specifically, this letter states that when a public agency employee volunteers as a coach or extracurricular advisor, the Department will presume the fee paid is nominal as long as the fee does not exceed 20 percent of what the public agency would otherwise pay to hire a full-time coach or extracurricular advisor for the same services. This 20 percent rule is derived from the FLSA and implementing regulations. *See* Wage and Hour Opinion Letter FLSA2005-51 (“The FLSA and the implementing regulations use a 20 percent test to assess whether something is insubstantial with regard to prohibited driving on public roadways by employees who are 17 years of age.”). A willingness to volunteer for 20 percent of the prevailing wage for the job is also a likely indication of the spirit of volunteerism contemplated by the 1985 amendments to the FLSA. We believe this interpretation of “nominal fee” applies equally in the context of firefighters.

Finally, the regulations instruct that any nominal fees must be considered in the context of any other benefits or expenses paid and the economic reality of the particular situation. Indeed, section 553.106(f) sets forth the “economic realities” test, which specifically provides that the determination of whether the expenses, benefits or fees would preclude an individual from qualifying as a volunteer under the FLSA must be made by examining the total amount of payments in the context of the economic realities of a particular situation. As your letter is silent on whether any other expenses and/or benefits are paid, the Department assumes there are no other benefits or expenses beyond the payments described in the questions.

The probative facts as we see them for each hypothetical question are set out below:

**Q.1** The volunteer is paid \$1,200 per year regardless of the number of shifts or amount of time spent responding to calls. On average the volunteer staffs a minimum of 24 shifts and/or spends a minimum of 60 hours responding to calls annually.

**Q.2** The volunteer is paid \$100.00 per month regardless of the number of shifts or amount of time spent responding to calls. On average the volunteer staffs a minimum of 4 shifts and/or spends a minimum of 8 hours responding to calls monthly.

**Q.3** The volunteer is paid \$100.00 per month so long as the volunteer staffs a minimum of 2 shifts and/or spends a minimum of 5 hours responding to calls during the month. Additional payments of \$25.00 are made for each additional shift over 4 during the month and/or for every 2.5 hours spent responding to calls exceeding 12 hours during the month.

**Q.4** The volunteer is paid \$25.00 (or \$30.00 or \$40.00) for each four-hour block of time regardless of the actual amount of time below four hours spent at the station house or responding to calls.

**Q.5** The volunteer is paid \$20.00 for each shift regardless of the length of the shift or the time spent responding to calls. On average, the volunteer works a 6 hour shift and/or spends 2 hours per shift responding to calls.

**Q.6** The volunteer is paid \$25.00 if the volunteer staffs a shift of at least 8 hours and/or spends 2.5 hours responding to calls. An additional \$15.00 per shift is paid if the shift exceeds 8 hours or responds to calls over 5 hours during a single shift.

**Q.7** An individual serves as a volunteer firefighter in Indiana. Indiana Code 36-8-12 defines “nominal” as an annual payment of not more than twenty thousand dollars (\$20,000). The volunteer is paid an annual fee of \$15,000. On average, the volunteer spends at least 3,000 hours per year waiting and responding to calls.<sup>2</sup>

**Q.8** The volunteer is paid a stipend of \$20.00 per shift regardless of the length of the shift or the amount of time spent responding to calls during the shift. For every consecutive year of volunteer service in which the volunteer has staffed not less than 12 shifts per year, the volunteer is granted an additional stipend of \$1.00 per shift regardless of the time spent responding to calls.

**Q.9** The volunteer is provided with \$1,500.00 personal property tax relief annually during the term of their volunteer service.

These questions, with the exception of question 9, specify payments to be made to the volunteer per shift, month, or year and the average number of shifts, calls, and/or hours worked by the volunteer. In some instances, additional payments are made if additional time above the required minimum is spent on shift or responding to calls. In other instances, payment increases depending on the number of years volunteered. Assuming there are no other payments or benefits provided and no other facts that bear on the question (out-of-pocket expenses, travel costs, uniform maintenance, etc.), these payments may qualify as nominal fees under § 553.106.

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<sup>2</sup> In a conversation with our staff subsequent to your letter, you withdrew questions 7, 8, 10, 12, and 13 and replaced them with two new questions. These new questions are reproduced here as new questions 7 and 8.

Generally, a key factor in determining if a payment is “substitute for compensation” or “tied to productivity” is “whether the amount of the fee varies as the particular individual spends more or less time engaged in the volunteer activities.” Wage and Hour Opinion Letter FLSA2005-51. If the amount varies, it may be indicative of a substitute for compensation or tied to productivity and therefore not nominal. *See id.*; *see also* 29 C.F.R. § 553.106(e). However, as noted above, there is a specific allowance for volunteer firefighters to be paid on a “per call” or similar basis consistent with certain factors denoting the relative sacrifice of the volunteer. *See* 29 C.F.R. § 553.106(e). Due to this specific allowance, and assuming there are no other facts showing that the payments in your hypothetical situations are a substitute for compensation or tied to productivity, it still must be determined if the payments are nominal amounts.

Applying the recent interpretation of “nominal fee” in Wage and Hour Opinion Letter FLSA2005-51, generally an amount not exceeding 20 percent of the total compensation that the employer would pay to employ a full-time firefighter for performing comparable services would be deemed nominal. Thus, in questions 1 through 6, a nominal fee could be 20 percent or less of the total compensation that County A would pay for the same services. Assuming the fee is determined to be nominal, it is less relevant whether it is paid on an annual, monthly or daily basis.<sup>3</sup> As was stated in Wage and Hour Opinion Letter FLSA2005-51, the market information necessary to complete this good faith determination is generally within your members’ knowledge and control. Any full-time firefighter a particular fire department has on its payroll would be a good benchmark for this calculation. Absent such information, a fire department or similar entity may look to information from neighboring jurisdictions, the state, or ultimately, the nation, including data from the Department of Labor, Bureau of Labor Statistics. Thus, for example, if a volunteer staffs three shifts during a month, a nominal fee should not exceed 20 percent of what it would cost to employ a full-time firefighter to staff a period to cover the equivalent of the three shifts.

Question 7 involves \$15,000 per year for volunteers who on average spend at least 3,000 hours waiting for or responding to calls. Assuming the payment does not vary depending on the productivity of the volunteer or whether the volunteer spends more or less time on volunteer activities, the payment of \$15,000 might qualify as “nominal” under the 20 percent rule if County A would otherwise need to pay \$75,000 or more to hire a full-time firefighter to perform the same services. However, it is unlikely that 3,000 hours of service (50+ hours per week) is “volunteering” rather than employment. Indeed, without knowing additional facts and circumstances about the economic realities of the locality, a payment of \$15,000 for 3,000 hours of volunteer services arguably constitutes compensation for a full-time job rather than a “nominal fee” for volunteering.

Similarly, Question 8 involves increased payment for every year the volunteer staffs a requisite number of shifts. Without additional facts, we are unable to say definitively whether this increased payment represents compensation via a seniority or productivity system based on

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<sup>3</sup> The Department has withdrawn Wage and Hour Opinion Letters September 17, 1999, April 2, 1992, and July 15, 1988 to the extent they are inconsistent with the interpretation of nominal fee in this opinion.

services rendered, and is thus not permitted, or, applying the test described above, is a “nominal fee” for volunteerism.

Question 9, involving tax relief of \$1,500 on personal property taxes, would appear to constitute a permissible “reasonable benefit” and thus need not be evaluated as a “nominal fee.” Provision of such a benefit will not, in and of itself, preclude bona fide volunteer status.

## **Scenario 2**

You have also posed questions similar to those raised in your letter of September 16, 2002, which we responded to in April 2003, that concern whether the volunteer services are for the same public agency and/or are the same type of services the volunteer is employed by that public agency to provide. *See* Wage and Hour Opinion Letter FLSA2003-2 (Apr. 14, 2003) (copy enclosed). Questions 11, 14, and 15 all concern these issues. We assume for each Question that the person is providing volunteer services for civic, charitable or humanitarian purposes and without any expectation or receipt of compensation and the services are volunteered without any pressure or coercion from an employer. You posit the following facts:

1. The individual in question is employed by County A, a public agency.
2. The individual seeks to volunteer either for County A, a public agency, or a joint powers board funded by both City A and County A.

In order to determine whether a person is a bona fide volunteer under section 3(e) of the FLSA (copy enclosed), if the volunteer is employed by a public agency it is necessary to assess whether the volunteer is employed by the same agency for whom the services are provided **and** the services provided are the same services the volunteer is employed to provide. As noted in Wage and Hour Opinion Letter FLSA2003-2, if an individual is not employed by the **same public agency** (what you call the “who is an employer” question), then it is not necessary to examine the nature of the services provided (what you call the “what are the same type of services” question). Similarly, if the individual does not perform the **same type of services** for the public agency, there is no need to examine the relationship of the agency receiving the individual’s volunteer services to the individual’s employer.

As stated in our prior opinion letter, whether two entities of a local government constitute the same public agency can only be determined on a case-by-case basis. Among the factors to be considered is whether the Census of Governments issued by the Bureau of the Census, U.S. Department of Commerce, treats the two agencies separately for statistical purposes. *See* 29 C.F.R. § 553.102 (copy enclosed). In addition to the Census of Governments, the attached Wage and Hour Opinion Letter FLSA2002-3 (June 7, 2002) provides a framework for making such a determination and identifies factors that are relevant to the determination. As indicated in Wage and Hour Opinion Letter FLSA2003-2, there are a number of relevant factors to consider, such as: whether the two agencies have separate payroll and retirement systems; whether they both have the authority to sue and be sued in their own names; whether they have separate hiring and other employment practices; and how they are treated under state law. *See also* Wage and Hour Opinion Letter FLSA2006-13 (Apr. 28, 2006) (City firefighters may

volunteer to County Fire Protection District that has separately elected Board; separate funding sources; separate payroll, benefits and retirement systems; can levy taxes and exercise eminent domain; can sue and be sued; and is treated separately by the Census) (copy enclosed).

If those other factors demonstrate that the agencies should be treated as separate entities, or if the Census of Governments treats the agencies described in questions 11, 14 and 15 as separate agencies, then our opinion is that they are not the same employer and an employee of one could volunteer to provide services of any nature for the other public agency.

Even if the public agency for which the person seeks to volunteer is the volunteer's employer, volunteer services may still be provided so long as the services are not the same type of services the volunteer is employed to provide. For instance, a firefighter may not volunteer as a firefighter for the same public agency. On the other hand, an employee of the city parks department may offer to volunteer as a firefighter, or a police officer may volunteer to referee in a basketball league sponsored by his employing city. *See* 29 C.F.R. § 553.103.

Much like the determination of "same public agency," whether the service the volunteer seeks to provide is the "same type of services" the individual is employed to perform can only be determined after "consideration of all the facts and circumstances in a particular case[.]" *See* 29 C.F.R. § 553.103(a). The regulations define "same type of services" to mean similar or identical services. *Id.* Among the facts considered is how the volunteered services and the services that the volunteer is employed to provide are classified by the three digit categories of occupations in the *Dictionary of Occupational Titles*. Further, in addition to the *Dictionary of Occupational Titles*, one must also consider whether the volunteer services are "closely related to the actual duties performed by or responsibilities assigned to the employee." *Id.* An additional source of information about occupational categories is found in O\*NET, available at <http://www.doleta.gov/programs/onet/>. The O\*NET system, created and maintained by the Department of Labor's Employment and Training Administration, is a unique, powerful source for continually updated information on skill requirements and occupational characteristics.

With these qualifications in mind, we will now address in turn each question under Scenario 2.

**Q.11** An individual is employed as a mechanic by the County A Parks Department. He also volunteers as a firefighter for the County Fire and Rescue Department, a joint powers board funded by County A and City A. He is granted paid leave while responding to calls as a volunteer.

**A.11** This scenario resembles that outlined in your September 16, 2002, letter which the Department answered in Wage and Hour Opinion Letter FLSA2003-2. As discussed more fully therein, the determination of whether the mechanic is a bona fide volunteer turns in part on whether the County A Parks Department and the County A Fire and Rescue Department are the same public agency. We refer you to the discussion of the factors to consider in making this determination as outlined in Wage and Hour Opinion Letter FLSA2003-2.

Assuming the County A Parks Department and the Fire and Rescue Department are separate agencies, the fact that the Parks Department allowed its employee to cease his usual duties to

respond to fire calls and paid the employee for his normal work hours spent on such calls, would not make the mechanic an employee of the Fire and Rescue Department. However, such special leave would be compensable hours worked for the Parks Department and would have to be counted when computing total hours worked for the Parks Department for purposes of overtime. If the employee substitutes paid personal leave earned with the Parks Department -- which the employee may use as the employee sees fit, including for time spent as a volunteer firefighter -- for the time off spent in volunteer activities, then the individual's status as a bona fide volunteer to the Fire and Rescue Department is not jeopardized and the hours would not be compensable hours worked for the Parks Department for overtime purposes.

Conversely, as explained in Wage and Hour Opinion Letter FLSA2003-2, if the County Parks Department and the Fire and Rescue Department are part of the same public agency, and the County grants special leave for the hours the employee works as a firefighter without requiring him to use his personal accrued leave (which would be considered compensable hours worked for the County as discussed above), then the County employs him as both a mechanic and as a firefighter. In essence, because the County releases him from his normal mechanic duties and shift only if he spends the specified time performing alternative firefighting duties and pays him wages for the time worked, he is employed by the County as both a full-time mechanic and as a part-time firefighter. Therefore, such time would be compensable hours worked for the County Parks Department and would have to be counted when computing total hours worked for purposes of overtime. Moreover, he would not be able to serve additional hours as a "volunteer" firefighter for the County because of the statutory prohibition against an employee volunteering to his own agency to perform the same type of services he is employed to perform. However, even if the Park Department and Fire and Rescue Department are not separate agencies, if the employee substitutes paid personal leave earned -- which the employee may use as the employee sees fit, including for time spent as a volunteer firefighter -- for the time off spent in volunteer activities that are not the "same type of service," then the individual's status as a bona fide volunteer is not jeopardized and the hours would not be compensable hours worked for the Parks Department for overtime purposes.

**Q.14** Firefighter, cross-trained and licensed as an EMT/paramedic, is employed by County A Fire and Rescue Department. The Fire and Rescue Department is not licensed to nor does it provide advanced life support, although it does respond to medical emergencies, accidents, and fires as first responders. The County A Department of Emergency Medical Services is licensed and required to provide advanced life support services as first responders. Firefighter serves as a volunteer EMT/Paramedic for the County A Department of Emergency Medical Services.

**A.14** Similar to question 11, the determination of whether the firefighter, who is cross-trained and licensed as an EMT/Paramedic, is a bona fide volunteer turns in part on whether the County A Fire and Rescue Department and the County A Department of Emergency Medical Services are the same public agency. Again, we refer you to the discussion of this question in Wage and Hour Opinion Letter FLSA2003-2. Generally, "the government of a political subdivision, e.g., county, city, etc., with all of its departments and agencies, constitutes a single employer under the Act." Field Operations Handbook § 10c11(a) (copy enclosed). Although somewhat limited, it appears likely that the regulations provide that "[p]ublic safety employees taking on any kind of security or safety function within the same local government are never

considered to be employed in a *different capacity*.” 29 C.F.R. § 553.30(c)(3) (copy enclosed). This is based on the 1985 legislative history instructing the Department to interpret the phrase working in a different capacity “in the strictest sense” with regard to public safety employees. See House Report No. 99-391, October 24, 1985, p. 25; Wage and Hour Opinion Letters FLSA2004-26NA (Oct. 29, 2004) and FLSA2004-25NA (Oct. 22, 2004) (copies enclosed). Therefore, we have previously concluded that an individual employed as a fire marshal could not volunteer as a firefighter for the same employer (Wage and Hour Opinion Letter September 3, 1999) (copy enclosed), and that firefighter/EMS employees could not volunteer as tactical EMS medics for their employer’s police department SWAT team (*see* Wage and Hour Opinion Letter August 19, 1999) (copy enclosed).

Your letter provides no specific information regarding whether state law and the Census treat the County A Department of Emergency Medical Services as a separate public agency, including whether its payroll retirement and other personnel systems are separate, and whether it may sue and be sued in its own name. Additionally, you provide no evidence concerning the extent to which the County A Fire and Rescue Department exercises day-to-day control, if at all, over the volunteer services provided to the County A Department of Emergency Medical Services. Consequently, we are unable to determine if the entities should be considered the same public agency. If the agencies are determined to be separate public agencies under the FLSA, it is not necessary to determine if the individuals perform the same type of services.

However, in the event the agencies were not separate, while your scenario provides that there are some differences in the type of services provided in each role, there is insufficient information on the total scope of services in each role to make a “same type of services” determination, and, consequently, we are unable to provide a definite response to this question for that reason also.

**Q.15** Police Officer is employed by County A Bureau of Police, where he responds to medical emergencies, accidents, and fires as a first responder but provides no medical or life support. The Police Officer also volunteers for County A Fire and Rescue Department (a joint powers board of County A and City A) where he responds to medical emergencies, accidents and fires and provides medical and other life support.

**A.15** Again, the determination of whether the police officer, who is a first responder, is a bona fide volunteer turns in part on whether the person is volunteering for the same public agency that employs the individual as a police officer and, if so, whether the volunteered services are the same as those the person is employed to provide. We refer you to the discussion of the factors to consider in making this determination as outlined in Wage and Hour Opinion Letter FLSA2003-2. Again, a “same type of services” determination can be made only after an examination of all the facts and circumstances of a particular case. We assume that, even though both agencies respond to the same types of emergencies, the Bureau of Police does not provide medical or life support services that the Fire and Rescue Department provides. It is our general position that the definition of “same type of services” typically allows for a determination that police and firefighters provide a different type of service, consistent with their different *Dictionary of Occupational Titles* categories. As explained in Wage and Hour Opinion Letter FLSA2003-2, merely responding to the same emergencies, such as traffic

accidents and fire calls, or acting as a medical first responder on occasion will typically not change the inherent difference in the two occupations. Accordingly, while we believe, for the reasons cited, that the police officer described in your scenario probably may volunteer as a firefighter without incurring FLSA wage liability, without more information on the relationship of the agencies, we are constrained in providing a definitive answer on this question.

We are also enclosing a copy of Wage and Hour Opinion Letter July 7, 1999 that addresses issues very similar to those raised in this and your September 16, 2002 letter. This letter may provide further guidance to you and your members concerning the volunteer issue.

This opinion is based exclusively on the facts and circumstances described in your request and is given based on your representation, express or implied, that you have provided a full and fair description of all the facts and circumstances that would be pertinent to our consideration of the question presented. Existence of any other factual or historical background not contained in your letter might require a conclusion different from the one expressed herein. You have represented that this opinion is not sought by a party to pending private litigation concerning the issue addressed herein. You have also represented that this opinion is not sought in connection with an investigation or litigation between a client or firm and the Wage and Hour Division or the Department of Labor.

We trust you will find the above discussion and analysis responsive to your request.

Sincerely,

Alfred B. Robinson Jr.  
Acting Administrator

**\* Note: The actual name(s) was removed to preserve privacy in accordance with 5 U.S.C. § 552(b)(7).**