

Emergency Bill No. 6-01
Concerning: Fire and Rescue Services –
Length of Service Award Program
Revised: Mar. 22, 2001 Draft No. 6
Introduced: February 6, 2001
Enacted: March 27, 2001
Executive: April 5, 2001
Effective: April 5, 2001
Sunset Date: None
Ch. 3, Laws of Mont. Co. 01

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Council President at the Request of the County Executive

AN EMERGENCY ACT to

- (1) revise the Length of Service Award Program to increase the length-of-service, disability, and death benefits; and
- (2) generally amend County law regarding length of service awards and benefits for fire and rescue department volunteers.

By amending

Montgomery County Code
Chapter 21, Fire and Rescue Services
Section 21-21

Boldface

Underlining

[Single boldface brackets]

Double underlining

[[Double boldface brackets]]

* * *

Heading or defined term.

Added to existing law by original bill.

Deleted from existing law by original bill.

Added by amendment.

Deleted from existing law or the bill by amendment.

Existing law unaffected by bill.

The County Council for Montgomery County, Maryland approves the following Act:

Section 1. Section 21-21 of the Code is amended as follows:

21-21. Length of service award program for volunteers.

There is a length of service award program for local fire and rescue department volunteers.

(a) *Definition.* In this Section, active volunteer means a local fire and rescue department volunteer who accumulates at least 50 points in a calendar year under the point system in subsection (j).

(b) *Eligibility.* Any local fire and rescue department volunteer is eligible for the length of service award program if the volunteer is at least 16 years [[or older]] old. and:

(1) (A) is an active volunteer on or after August 15, 1965; or

[[2]]

(B) on August 15, 1965 had completed 25 years as an active volunteer~~[[.]]~~; and

(2) if less than 18 years old. meets any additional requirements established by Executive regulation under method (3).

(c) *Length of service benefits.*

(1) Volunteers Who Qualified before 1985. Effective January 1, 1985, any volunteer who qualified for a monthly award payment before January 1, 1985 must receive monthly award payments equal to 150 percent of the pre-1985 monthly award payment.

(2) Volunteers Who Qualify in 1985 or Later -- 25 Years of Service.

(A) Effective January 1, 1985, a volunteer qualifies for a 25-year award payment when the volunteer:

(i) has 25 years as an active volunteer; and

(ii) is at least age 60.

- 27 (B) A volunteer who qualifies under this paragraph must
 28 receive an award payment of:
 29 (i) [~~\$200~~] \$230 per month for life; and
 30 (ii) [~~\$10~~] \$11.50 per month for life for each year of
 31 service as an active volunteer over 25 years, up to
 32 [~~\$100~~] \$115.00 per month. The maximum total
 33 benefit is \$345 per month.
- 34 (3) Volunteers Who Qualify in 1985 or Later -- 15 years of Service.
- 35 (A) Effective January 1, 1985, a volunteer qualifies for a 15-
 36 year award payment when the volunteer:
 37 (i) has 15 years as an active volunteer after January 1,
 38 1955; and
 39 (ii) is at least age 65.
- 40 (B) A volunteer who qualifies under this paragraph must
 41 receive an award payment of [~~\$8~~] \$9.20 per month for life
 42 for each year of service as an active volunteer.
- 43 (4) Volunteers Who Qualify in 1985 or Later -- 10 Years of Service.
- 44 (A) Effective January 1, 1985, a volunteer qualifies for a 10-
 45 year award payment when the volunteer:
 46 (i) has 10 years as an active volunteer; and
 47 (ii) is at least age 70.
- 48 (B) A volunteer who qualifies under this paragraph must
 49 receive an award payment of [~~\$8~~] \$9.20 per month for life
 50 for each year of service as an active volunteer.
- 51 (d) *Disability benefit.*
- 52 (1) A volunteer qualifies for a disability benefit if:

- 53 (A) the volunteer becomes disabled as the direct result of
 54 active participation as a **local fire and rescue department**
 55 volunteer;
- 56 (B) the disability prevents the volunteer from pursuing the
 57 volunteer's normal occupation: and
- 58 (C) a state worker's compensation commission finds that the
 59 disability is total and permanent, and is a direct result of
 60 active participation as a **local fire and rescue department**
 61 volunteer.
- 62 (2) A volunteer who qualifies under this subsection must receive an
 63 award payment of [\$300] \$345 per month for life.
- 64 (3) Length of service benefits under subsection (c) must not be paid
 65 to volunteers who are receiving award payments under this
 66 subsection.
- 67 (e) *Survivor's benefit.*
- 68 (1) A **local fire and rescue department** volunteer's surviving
 69 spouse or domestic partner qualifies for a survivor's benefit on
 70 the volunteer's death if:
- 71 (A) the surviving spouse or partner submits an application for
 72 the benefit; and
- 73 (B) the volunteer met the:
- 74 (i) years-of-service requirement for a length of service
 75 benefit under subsection (c); or
- 76 (ii) requirements for a disability benefit under
 77 subsection (d).
- 78 (2) The volunteer's surviving spouse or domestic partner must
 79 receive a monthly award payment until the spouse's death or

80 remarriage, or partner's death or establishment of another
81 domestic partnership, equal to 50 percent of the:

- 82 (A) length of service benefit for which the volunteer met the
83 years-of-service requirement; or
84 (B) volunteer's disability benefit.

85 (f) *Death benefit.*

86 (1) A **local fire and rescue department** volunteer's surviving
87 spouse or domestic partner (or estate if no spouse or partner
88 survives) qualifies on the volunteer's death for a [~~\$1,500~~] \$2,500
89 death benefit if:

- 90 (A) the surviving spouse or partner (or estate) submits an
91 application for the benefit within one year of the
92 volunteer's death; and
93 (B) the volunteer met the:
94 (i) years-of-service requirement for a length of service
95 benefit under subsection (c); or
96 (ii) requirements for a disability benefit under
97 subsection (d).

98 (g) *Funding.* The County must pay benefits to a volunteer under this
99 section from the fire tax funds.

100 (h) *Administration.*

- 101 (1) The County Executive or the Executive's designee must
102 administer this Section under Executive Regulations adopted
103 under method (3).
104 (2) The County must pay benefits under this section from the first
105 day of the first month after the volunteer, surviving spouse or
106 domestic partner, or volunteer's estate ~~[[qualify]]~~ qualifies for the

- 107 benefit, except that benefits must not be paid for any period
 108 before the application for the benefit is filed.
- 109 (3) The County Executive or the Executive's designee may audit the
 110 records of participating local **fire and rescue departments**
 111 regarding volunteer participation.
- 112 (4) The County Executive or the Executive's designee may correct
 113 clerical errors in volunteers' service records made by County
 114 staff in the administration of this Section.
- 115 (i) *Certification of volunteers.*
- 116 (1) **Local fire and rescue departments.** Each participating local fire
 117 and rescue department must:
- 118 (A) maintain a detailed and accurate record for each **local fire**
 119 **and rescue department** volunteer, in a form established
 120 by the County Executive[.]. of any activity that qualifies
 121 for credit toward active volunteer status:
- 122 (B) by March 31 each year, submit a record of all **local fire**
 123 **and rescue department** volunteers, certified by the
 124 secretary under oath, that identifies each active volunteer
 125 for the previous year, and
- 126 (C) post any list from the County Executive or the Executive's
 127 designee of active volunteers for at least 30 days after
 128 receipt for review by members.
- 129 (2) *Appeal.* A volunteer may appeal [the] a finding that the volunteer
 130 was not an active volunteer within 30 days after [the date of] a
 131 written notice of the finding is mailed to the volunteer. The
 132 appeal must [conform to the] satisfy requirements established in
 133 [Executive Regulation adopted] regulations issued by the County

134 Executive under method (3). The decision of the County
 135 Executive or the Executive's designee on the appeal is final.

136 (j) *Point system.* [Volunteers receive points for purposes of this section
 137 under the following point system. Volunteers receive points for the
 138 period of January 1 through December 31. Points must not be
 139 transferred from one year to the next. Montgomery County employees]
 140 To qualify as an active volunteer under subsection (a), a volunteer
 141 accumulates points under this subsection during each calendar year that
 142 are not transferable to another year. An individual must not receive
 143 points for [activities] any activity performed as a County [employees]
 144 employee.

145 (1) Training Courses -- [Twenty-five Points Maximum.] 25 points
 146 maximum:

147 [a.]

148 (A) Courses [under twenty] lasting less than 20 hours [duration
 149 -- Five points per course. (This includes]. such as a one-
 150 day [courses, seminars, basic first aid, etc.)] course,
 151 seminar, or basic first-aid class, earn 5 points per course.

152 [b.]

153 (B) Courses [of twenty] lasting 20 to [forty-five] 45 hours
 154 [duration -- Ten points per course. (This includes short
 155 courses, regional fire schools, etc.)]. such as a short course
 156 or regional fire school, earn 10 points per course.

157 [c.]

158 (C) Courses [over forty-five] lasting more than 45 hours
 159 [duration -- Fifteen points per course. (This includes
 160 University of Maryland]. such as the basic, advanced,

161 section III, and emergency care courses offered by the
 162 University of Maryland, or a fire science course offered by
 163 Montgomery College [and] or Prince George's
 164 Community College['s fire science courses, etc.]), earn 15
 165 points per course.

166 (2) Drills -- [Twenty Points Maximum. One point per] 20 points
 167 maximum: Each drill [(minimum two-hour drill)] lasting at least
 168 2 hours earns 1 point.

169 (3) Sleep-in or Stand-by -- [Twenty Points Maximum.] 20 points
 170 maximum: Sleep-in [-- One] service earns 1 point for each full
 171 night. Stand-by [-- One] service earns 1 point for each [. A
 172 stand-by is defined as an] period of on-duty activity of the fire
 173 department or rescue squad[, lasting] that lasts for [[four]] at least
 174 4 hours [,] and does not [falling] fall under one of the other
 175 categories in this subsection.

176 [(4) Elected Position---Twenty five Points Maximum for Completion
 177 of One-Year Term in an Elected Position. A volunteer firefighter
 178 or rescue squad member elected to serve as a delegate to the
 179 county fire board and/or a member of the board of
 180 directors/trustees of an independent fire department or rescue
 181 squad or to the Montgomery County fire/rescue association will
 182 also be eligible to receive one point per meeting as a result of
 183 attending meetings of the county fire board, the commission, the
 184 association and/or board of directors/trustees. A volunteer who
 185 serves less than a one-year term will be eligible to receive two
 186 points for each complete month of service. No more than twenty-

187 five points per year shall be certified for any combination of
 188 service in elected and appointed positions.]

189 [(5) Appointed Position---Twenty-five (25) Points Maximum for
 190 Completion of One-Year Term in an Appointed Position. A
 191 volunteer firefighter or rescue squad member appointed to a
 192 position in the independent fire departments or rescue squads, or
 193 the Maryland State Firemen's Association shall also be eligible to
 194 receive one (1) point per meeting. A volunteer who serves a
 195 minimum of six (6) months but less than a one-year term shall be
 196 eligible to receive two (2) points for each complete month of
 197 service. Certified documentation is required for the granting of
 198 each point. The Fire and Rescue Commission shall submit to the
 199 County Council annually a list of appointed positions for which a
 200 volunteer may receive points. This list shall be deemed approved
 201 if no action is taken by the county council within thirty (30) days
 202 of the receipt of the list. No more than twenty-five (25) points
 203 per year shall be certified for any combination of service in
 204 elected and appointed positions.]

- 205 (4) (A) Elected and Appointed [[Service]] Position -- 25 points
 206 maximum per calendar year for any combination of service
 207 in eligible elected and appointed [[service]] positions as
 208 follows:
- 209 (1) 25 points for completing a one-year term in an
 210 eligible elected or appointed position: and
 - 211 (2) 2 points for each full month of service in any
 212 eligible elected or appointed [[service]] position
 213 during a term of less than one year.

214 (B) The Fire and Rescue Commission annually must approve a
 215 list of the elected and appointed positions eligible to earn
 216 points. The list must include:

217 (i) local fire and rescue department (LFRD) officer
 218 at the rank of lieutenant or higher;

219 (ii) director, trustee, trial board member, or auxiliary
 220 member of an LFRD;

221 (iii) chair of fund raising or membership for an LFRD;

222 (iv) chaplain of an LFRD;

223 (v) delegate, alternate, or officer for the Montgomery
 224 County Fire Board or the Montgomery County
 225 Volunteer Fire-Rescue Association;

226 (vi) member of a committee of the Montgomery County
 227 Fire and Rescue Commission, the Fire Board, or the
 228 Maryland State Firemen's Association (MSFA):

229 (vii) officer of the MSFA auxiliary; or

230 (viii) officer of an LFRD auxiliary.

231 [(6)]

232 (5) Attendance at Meetings -- [Twenty Points Maximum.

233 Attendance at any] 20 points maximum per year. Attendance

234 earns 1 point for each official [meetings] meeting of [[the

235 department]] [-- One point per meeting] an organization listed in

236 Executive regulations issued under method (3) as affiliated with

237 Montgomery County Fire and Rescue Service.

238 [(7)]

239 (6) Participation in Department or Station Responses[. Thirty] -- 30

240 points maximum for responding on at least the [minimum]

241 number of calls[, as outlined] indicated in the appropriate column
 242 below:

243

Total [number of calls] department/station [responds to annually] call responses per year	0 to [500] 999	[500 to 1000]	1000 to [1500] 7499	[1500 and up] 7500 or more
Responses required to earn 1 point, if not qualified for maximum 30 points	2		4	5
[Minimum numbers of calls volunteer must run annually in order] Responses per year required to receive <u>maximum</u> 30 points [credit]	[25] 50	[50]	[75] 100	[100] 120

244

245 [Annually, the] The fire and rescue commission [will] annually
 246 must determine for each department whether the total annual calls
 247 [are to] will be computed by department or by station.

248 [(8)]

249 (7) Military Service[. A member whose] = 50 points maximum per
 250 year, prorated for a partial year of service, for qualified military
 251 service that interrupts voluntary fire service [is interrupted by].
 252 Qualified service means full-time extended obligatory military
 253 service or [by] a single voluntary enlistment not to exceed four
 254 years in the armed forces of the United States [will be considered
 255 on military leave. During this period of military leave, the
 256 volunteer will receive active volunteer service credit of fifty
 257 points for each full year, prorated for service of less than a full
 258 year].

259 (8) Collateral Duties – 25 points maximum: Each qualified activity
 260 for the volunteer's fire department or rescue squad that lasts at
 261 least 4 hours earns 1 point. The Fire and Rescue Commission
 262 annually must approve a list of the collateral duties under which a

263 volunteer may perform qualified activities, such as apparatus and
 264 building maintenance; fire prevention and education activities;
 265 fund raising activities; and administrative or auxiliary duties.

266 (k) *Definition.* In this Section, "domestic partner" or "partner" means a
 267 person whose relationship with the volunteer would meet the
 268 requirements for a domestic partner under Section 33-22 if the volunteer
 269 were a County employee.


270 **Sec. 2. Emergency Effective Date, Transition, and Retroactivity.**

271 (a) The Council declares that an emergency exists and that this legislation is
 272 necessary for the immediate protection of the public health and safety.
 273 This Act takes effect on the date on which it becomes law and applies
 274 retroactively to January 1, 2001.

275 (b) Any amendment made by this Act that allows credit toward the Length
 276 of Service Awards Program for an activity that did not qualify for credit
 277 before the amendment applies for those activities conducted on or after
 278 January 1, 2001.

279 (c) Within 60 days after this Act takes effect, the Director of Finance must
 280 pay to each eligible beneficiary any retroactive length-of-service,
 281 disability, survivor's, and death benefit to which the beneficiary is
 282 entitled as a result of this Act.

283 *Approved:*

284 
 Blair G. Ewing, President, County Council

March 28, 2001
 Date