

§4; 1998 L.M.C., ch. 4, §1.)

Editor's note—Section 21-20, formerly §21-2, was renumbered, amended and retitled pursuant to 1998 L.M.C., ch. 4, §1.

Sec. 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 (k).
- (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 old, and:
 - (1) (A) was an active volunteer on or after August 15, 1965; or
(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 served 25 years as an active volunteer; and
 - (ii) (a) is at least age 55, if the volunteer completed 25 years as an active volunteer before 1996, or
(b) is any age, if the volunteer completed 25 years as an active volunteer on or after January 1, 2004.
 - (B) A volunteer who qualifies under this paragraph must receive an award payment of:

MONTGOMERY COUNTY CODE
Chapter 21

- (i) \$230 per month for life; and
 - (ii) \$11.50 per month for life for each year of service as an active volunteer over 25 years (up to \$115 per month). The maximum total benefit is \$345 per month.
- (3) Volunteers Who Qualify in 1985 or Later — 15 years of Service.
- (A) Effective January 1, 1985, a volunteer qualifies for a 15-year award payment when the volunteer:
 - (i) has served 15 years as an active volunteer after January 1, 1955; and
 - (ii) is at least age 60.
 - (B) A volunteer who qualifies under this paragraph must receive an award payment of \$9.20 per month for life for each year of service as an active volunteer.
- (4) Volunteers Who Qualify in 1985 or Later — 10 Years of Service.
- (A) Effective January 1, 1985, a volunteer qualifies for a 10-year award payment when the volunteer:
 - (i) has served 10 years as an active volunteer; and
 - (ii) is at least age 65.
 - (B) A volunteer who qualifies under this paragraph must receive an award payment of \$9.20 per month for life for each year of service as an active volunteer.
- (d) *Disability benefit.*
- (1) A volunteer qualifies for a disability benefit if:
 - (A) the volunteer becomes disabled as the direct result of active participation as a local fire and rescue department volunteer;

- (B) the disability prevents the volunteer from pursuing the volunteer's normal occupation; and
 - (C) a state worker's compensation commission finds that the disability is total and permanent, and is a direct result of active participation as a local fire and rescue department volunteer.
- (2) A volunteer who qualifies under this subsection must receive an award payment of \$345 per month for life.
- (3) Length of service benefits under subsection (c) must not be paid to volunteers who are receiving award payments under this subsection.
- (e) *Survivor's benefit.*
- (1) A local fire and rescue department volunteer's surviving spouse or domestic partner qualifies for a survivor's benefit on the volunteer's death if:
 - (A) the surviving spouse or partner submits an application for the benefit; and
 - (B) the volunteer met the:
 - (i) years-of-service requirement for a length of service benefit under subsection (c); or
 - (ii) requirements for a disability benefit under subsection (d).
 - (2) The volunteer's surviving spouse or domestic partner must receive a monthly award payment until the spouse's death or remarriage, or partner's death or establishment of another domestic partnership, equal to 50 percent of the:
 - (A) length of service benefit for which the volunteer met the years-of-service requirement; or
 - (B) volunteer's disability benefit.
- (f) *Death benefit.*
- (1) A local fire and rescue department volunteer's surviving spouse or domestic partner (or estate if no spouse or partner survives) qualifies on the volunteer's death for a \$5,000 death benefit if:

MONTGOMERY COUNTY CODE
Chapter 21

- (A) the surviving spouse or partner (or estate) submits an application for the benefit within one year of the volunteer's death; and
- (B) the volunteer met the:
 - (i) years-of-service requirement for a length of service benefit under subsection (c); or
 - (ii) requirements for a disability benefit under subsection (d).
- (g) *Other benefits.* An active volunteer may participate in the County's tuition assistance program to the extent federal tax laws permit volunteers to do so, and receive discounts at County transit and recreational facilities as if the volunteer were a County employee.
- (h) *Funding.* The County must pay benefits to a volunteer under this section from fire tax funds.
- (i) *Administration.*
 - (1) The County Executive or the Executive's designee must administer this Section under Executive Regulations adopted under method (3).
 - (2) The County must pay benefits under this section from the first day of the first month after the volunteer, surviving spouse or domestic partner, or volunteer's estate qualifies for the benefit, except that benefits must not be paid for any period before the application for the benefit is filed.
 - (3) The Executive or the Executive's designee may audit the records of participating local fire and rescue departments regarding volunteer participation.
 - (4) The Executive or the Executive's designee may correct clerical errors in volunteers' service records made by County staff in the administration of this Section.
- (j) *Certification of volunteers.*
 - (1) Local fire and rescue departments. Each participating local fire and rescue department must:
 - (A) maintain a detailed and accurate record for each local fire and rescue department volunteer, in a form established by the Executive, of any activity that qualifies for credit toward active volunteer status;

MONTGOMERY COUNTY CODE
Chapter 21

§21-21

- (B) by March 31 each year, submit a record of all local fire and rescue department volunteers, certified by the secretary under oath, that identifies each active volunteer for the previous year; and
 - (C) post any list from the Executive or the Executive's designee of active volunteers for at least 30 days after receipt for review by members.
- (2) Appeal. A volunteer may appeal a finding that the volunteer was not an active volunteer within 30 days after a written notice of the finding is mailed to the volunteer. The appeal must satisfy requirements established in regulations issued by the Executive under method (3). The decision of the Executive or the Executive's designee on the appeal is final.
- (k) *Point system.* To qualify as an active volunteer under subsection (a), a volunteer accumulates points under this subsection during each calendar year that are not transferable to another year. An individual must not receive points for any activity performed as a County employee.
- (1) Training Courses — 25 points maximum.
 - (A) Courses lasting less than 20 hours, such as a one-day course, seminar, or basic first-aid class, earn 5 points per course.
 - (B) Courses lasting 20 to 45 hours, such as a short course or regional fire school, earn 10 points per course.
 - (C) Courses lasting more than 45 hours, such as the basic, advanced, section III, and emergency care courses offered by the University of Maryland, or a fire science course offered by Montgomery College or Prince George's Community College, earn 15 points per course.
 - (2) Drills — 20 points maximum: Each drill lasting at least 2 hours earns 1 point.
 - (3) Sleep-in or Stand-by — 20 points maximum. Sleep-in service earns 1 point for each full night. Stand-by service earns 1 point for each period of on-duty activity of the fire department or rescue squad that lasts for at least 4 hours and does not fall under another category in this subsection.
 - (4) (A) Elected and Appointed Position — 25 points maximum per calendar year for any combination of service in eligible and appointed positions as follows:
 - (1) 25 points for completing a one-year term in an eligible elected or appointed position; and

MONTGOMERY COUNTY CODE
Chapter 21

- (2) 2 points for each full month of service in any eligible elected or appointed position during a term of less than one year.
- (B) The Fire and Rescue Commission annually must approve a list of the elected and appointed positions eligible to earn points. The list must include:
 - (i) local fire and rescue department (LFRD) officer at the rank of lieutenant or higher;
 - (ii) director, trustee, trial board member, or auxiliary member of an LFRD;
 - (iii) chair of fund raising or membership for an LFRD;
 - (iv) chaplain of an LFRD;
 - (v) delegate, alternate, or officer for the Fire Board, the Montgomery County Volunteer Fire-Rescue Association, the LFRD representative, or any similar organization;
 - (vi) member of a committee of the Commission, the Fire Board, or the Maryland State Firemen’s Association (MSFA);
 - (vii) officer of the MSFA auxiliary; or
 - (viii) officer of an LFRD auxiliary.
- (5) Attendance at Meetings — 20 points maximum per year: Attendance earns 1 point for each official meeting of an organization listed in Executive regulations issued under method (3) as affiliated with the Fire and Rescue Service.
- (6) Participation in Department or Station Responses — 30 points maximum for responding on at least the number of calls indicated in the appropriate column below:

Total department/station call responses per year	000 to 999	1000 to 7499	7500 or more
Responses required to earn 1 point, if not qualified for maximum 30 points	2	4	5
Responses per year required to receive maximum 30 points	50	100	120

The Commission annually must determine for each LFRD whether the total annual calls must be computed by department or by station.

- (7) Military Service — 50 points maximum per year, prorated for a partial year of service, for qualified military service that interrupts voluntary fire service. Qualified service means full-time extended obligatory military service or a single voluntary enlistment, not to exceed 4 years in the armed forces of the United States.
- (8) Collateral Duties — 25 points maximum: Each qualified activity for the LFRD that lasts at least 4 hours earns 1 point. The Commission annually must approve a list of the collateral duties under which a volunteer may perform qualified activities, such as apparatus and building maintenance; fire prevention and education activities; fund raising activities; and administrative or auxiliary duties.
- (l) *Definition.* In this Section, “domestic partner” or “partner” means a person whose relationship with the volunteer would meet the requirements for a domestic partner under Section 33-22 if the volunteer were a County employee. (1973 L.M.C., ch. 30, §1; 1975 L.M.C., ch. 28, §1; 1976 L.M.C., ch. 30, §§1, 2; 1980 L.M.C., ch. 64, §2; 1985 L.M.C., ch. 30, §1; 1992 L.M.C., ch. 12, §1; 1998 L.M.C., ch. 4, §1; 1998 L.M.C., ch. 4, §1; 2001 L.M.C., ch. 3, § 1; 2004 L.M.C., ch. 5, § 1.)

Editor’s note—2001 L.M.C., ch. 3, § 2, reads:

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

(a) The Council declares that an emergency exists and that this legislation is necessary for the immediate protection of the public health and safety. This Act takes effect on the date on which it becomes law [April 5, 2001] and applies retroactively to January 1, 2001.

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

(c) Within 60 days after this Act takes effect [April 5, 2001], the Director of Finance must pay to each eligible beneficiary any retroactive length-of-service, disability, survivor’s, and death benefit to which the beneficiary is entitled as a result of this Act.

Section 21-21, formerly §21-3, was renumbered, amended and retitled pursuant to 1998 L.M.C., ch. 4, §1.