

Introduced \_\_\_\_\_  
Public Hearing \_\_\_\_\_  
Council Action \_\_\_\_\_  
Executive Action \_\_\_\_\_  
Effective Date \_\_\_\_\_

## County Council of Howard County, Maryland

2020 Legislative Session

Legislative Day No. 12

### Bill No. 46 -2020

Introduced by: The Chairperson at the request of the County Executive

AN ACT authorizing the County Executive to award points under the Length of Service Awards Program for active service by Executive Order based on a declared state of emergency; and generally relating to the Length Of Service Award Program for volunteer firefighting/EMS personnel.

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Introduced and read first time \_\_\_\_\_, 2020. Ordered posted and hearing scheduled.

By order \_\_\_\_\_  
Diane Schwartz Jones, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on \_\_\_\_\_, 2020.

By order \_\_\_\_\_  
Diane Schwartz Jones, Administrator

This Bill was read the third time on \_\_\_\_\_, 2020 and Passed \_\_\_\_, Passed with amendments \_\_\_\_\_, Failed \_\_\_\_\_.

By order \_\_\_\_\_  
Diane Schwartz Jones, Administrator

Sealed with the County Seal and presented to the County Executive for approval this \_\_\_ day of \_\_\_\_\_, 2020 at \_\_\_ a.m./p.m.

By order \_\_\_\_\_  
Diane Schwartz Jones, Administrator

Approved/Vetoed by the County Executive \_\_\_\_\_, 2020

\_\_\_\_\_  
Calvin Ball, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; ~~Strike-out~~ indicates material deleted by amendment; Underlining indicates material added by amendment

1 **Section 1. Be It Enacted** by the County Council of Howard County, Maryland, that the Howard  
2 County Code is amended as follows:

3 By amending the following:

4 Section 17.103 “Payments to volunteer fire corporations”  
5 Subsection (h)

6  
7  
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**Title 17. Public Protection Services.**  
**Subtitle 1. Fire and Rescue Services.**

10 **Section 17.103. Payments to volunteer fire corporations.**

11 (h) *Length of service award program for volunteer firefighting/EMS personnel.*

12 (1) *Definitions.* Words and phrases used in this section shall have their usual meaning, except  
13 as specifically defined in this subsection.

14 (i) *Creditable points* means points which may be credited pursuant to paragraph (9),  
15 "Active Service Standards," of this subsection.

16 (ii) *EMS* means emergency medical services.

17 (iii) *Length of service awards program (LOSAP)* is a program defined by the internal  
18 revenue service that allows the County to award monthly payments after a certain  
19 number of years of certified active service to volunteers.

20 (iv) *Year of certified active service* means a period from January 1 to December 31 during  
21 which 50 creditable points have been accumulated according to the criteria set forth  
22 in this subsection and listed by the Director of Fire and Rescue Services as further  
23 set forth in this subsection.

24 (v) *Volunteer/volunteers* means firefighting/EMS personnel unpaid for their training or  
25 work, who donate their time and services to a volunteer fire corporation listed in  
26 subsection (A) of this section or to the Howard County Department of Fire and  
27 Rescue Services.

28 (2) *Establishment of length of service awards program (LOSAP)* means in recognition of  
29 their extensive volunteer service to the citizens of Howard County, the Howard County  
30 Government shall make a length of service award program (LOSAP) available to  
31 volunteers.

32 (3) *Eligibility* means in order to qualify for a LOSAP payment a volunteer shall have:

- 1 (i) Attained the age of 50;
- 2 (ii) Completed a total of 25 years of certified active service in Howard County; and
- 3 (iii) Submitted a written request for the LOSAP payment to the Director of Fire and
- 4 Rescue Services or the director's designee.

5 (4) *Payments:*

- 6 (i) *Base payment.* Effective January 1, 2015, the LOSAP payment provided to a
- 7 volunteer who has met the conditions for eligibility as specified in paragraph (3) of
- 8 this subsection shall be equal to one percent of the current annual starting salary of a
- 9 trainee in the Department of Fire and Rescue Services per month for life, subject to
- 10 the limitations set forth in paragraph (5) of this subsection.
- 11 (ii) The LOSAP payments shall begin the month following verification of eligibility.
- 12 (iii) For volunteers who continue to meet minimal operational requirements, in addition
- 13 to the base payment provided for in subparagraph (i) of this paragraph, the sum of
- 14 \$10.00 per month shall be added for each full year of certified active service over 25
- 15 years.
- 16 (iv) Increases in the base payment attributable to increases in the starting salary of a
- 17 trainee in the Department of Fire and Rescue Services shall apply to all present and
- 18 future recipients.

19 (5) *Limitations on base payments.*

- 20 (i) Except as provided in subparagraph (v) of this paragraph, the lump sum equivalent
- 21 of the base payment shall not exceed the amount accumulated through an accrual of
- 22 \$3,000.00 per year plus deemed earnings credited at five percent per annum;
- 23 (ii) For purposes of sub-paragraph (i) of this paragraph, equivalency shall be determined
- 24 based on the RP-2000 Combined Healthy Mortality Table (75 percent of the male
- 25 annuity factor and 25 percent of the female annuity factor) and an interest rate of five
- 26 percent per annum, compounded annually.
- 27 (iii) If an increase in the starting salary of a trainee in the Department of Fire and Rescue
- 28 Services causes the lump sum equivalent of the base payment for a test volunteer to
- 29 exceed the limitation described in subparagraph (i) of this paragraph, the increase in
- 30 the starting salary will not be recognized for purposes of determining the base
- 31 payment of any volunteer.

1 (iv) For purposes of subparagraph (iii), a test volunteer is a volunteer whose certified  
2 active service began at age 25, who earned 25 consecutive years of certified active  
3 service between ages 25 and 50, and who begins receiving the base payment at age  
4 50.

5 (v) If section 457(e)(11)(B)(ii) of the Internal Revenue Code is amended in a manner  
6 that increases the limitation on accruals for length of service award programs, the  
7 new limitation shall be substituted for the phrase "an accrual of \$3,000 per year" in  
8 subparagraph (i) of this paragraph, without the requirement of a specific amendment.

9 (6) *Benefits.* If a qualified volunteer dies after January 1, 2015:

10 (i) A burial benefit of \$5,000.00 shall be paid to:

11 A. The beneficiary or beneficiaries designated by the volunteer to receive such  
12 benefit and such designation may be changed from time to time by the volunteer  
13 by filing a new designation; or

14 B. If there is no designated beneficiary, the burial benefit shall be provided in  
15 accordance with section 1.448a(b) of the Howard County Code.

16 (ii) A survivor benefit equivalent to the total of six months LOSAP payment shall be  
17 paid to:

18 A. The beneficiary or beneficiaries designated by the volunteer to receive such  
19 benefit and such designation may be changed from time to time by the volunteer  
20 by filing a new designation; or

21 B. If there is no designated beneficiary, the survivor benefit shall be provided in  
22 accordance with section 1.448a(b) of the Howard County Code.

23 (7) *Funding* means LOSAP payments shall be paid from the fire and rescue tax fund.

24 (8) *Administration:*

25 (i) The President and Chief of each Volunteer Fire Corporation and the designee for  
26 volunteers of the Howard County Department of Fire and Rescue Services shall  
27 submit to the Director of Fire and Rescue Services or the Director's designee, each  
28 month, a list of those volunteers who have qualified for points during the previous  
29 month, a summary of the points earned in each category during the previous month  
30 and the total points earned in each category year to date. The list shall be certified as  
31 an accurate report of the points earned by each volunteer on the list by the President

1 and Chief of the Volunteer Fire Corporation and by the designee for volunteers of  
2 the Howard County Department of Fire and Rescue Services.

3 (ii) From the information furnished by the Volunteer Fire Corporations insofar as their  
4 volunteers are concerned, and from accumulated information insofar as volunteers  
5 of the Howard County Department of Fire and Rescue Services are concerned, the  
6 Director of Fire and Rescue Services shall provide to the President and Chief of each  
7 volunteer corporation a yearly report indicating the number of points credited to each  
8 individual during the previous year no later than January 31 of each year.

9 (iii) A volunteer may appeal the number of points credited to him/her by filing a written  
10 appeal with the Director of Fire and Rescue Services by March 31. The appeal shall  
11 contain sufficient detail to permit the Director of Fire and Rescue Services to rule on  
12 the matter. The Director of Fire and Rescue Services shall issue a written decision  
13 within 60 days of receiving the appeal. A volunteer may appeal the decision of the  
14 Director of Fire and Rescue Services to the Board of Appeals in accordance with its  
15 rules and procedures.

16 (9) *Active service standards:*

17 (i) To receive credit for a year of active service, a volunteer must have accumulated at  
18 least 50 creditable points during the year.

19 (ii) Points shall be credited for the period from January 1 through December 31 and shall  
20 not be transferrable from one year to the next.

21 (iii) Volunteers who also serve as career or contingent firefighting/EMS personnel of the  
22 Howard County Department of Fire and Rescue Services shall not be credited with  
23 points for activities performed during County-assigned work periods.

24 (iv) EXCEPT FOR POINTS AWARDED BY EXECUTIVE ORDER BASED ON A DECLARED  
25 FEDERAL, STATE OF MARYLAND OR HOWARD COUNTY STATE OF EMERGENCY UNDER  
26 ITEM (VI) OF THIS PARAGRAPH, POINTS [[Points]] must be earned from a minimum  
27 of two of the categories contained in subparagraph (v) of this paragraph.

28 (v) Points shall be credited as follows:

29 a. *Training course.* Twenty-five points maximum per year:

- 1                   1. Five points per course for courses under 20 hours' duration, including one-
- 2                   day courses, seminars, cardio-pulmonary resuscitation and similar training
- 3                   courses.
- 4                   2. Ten points per course for courses of 20 to 45 hours' duration, including
- 5                   regional fire schools and similar courses.
- 6                   3. Fifteen points per course for courses of over 45 hours' duration, including
- 7                   University of Maryland fire-related courses, emergency medical care
- 8                   courses, fire science courses of any accredited college or university and
- 9                   similar courses.
- 10                b. *Drills.* Twenty points maximum per year. One point for each minimum two-hour
- 11                drill.
- 12                c. *Sleep-in or standby.* Thirty points maximum per year.
- 13                   1. One point for each full night sleep-in.
- 14                   2. One point for each standby which is an on-duty activity which consumes at
- 15                   least four hours and does not fall into any other category.
- 16                d. *Elected or appointed position.* Fifty points maximum per year. Points will be
- 17                awarded on a monthly basis for the time served. Points may not be concurrently
- 18                credited for this category and under subparagraph e. below for attending
- 19                meetings within Howard County. Points will be awarded in only one of the
- 20                categories below. However, individuals serving in more than one category may
- 21                be awarded 12 additional points (one point per month) for each other
- 22                Office/Committee position held.

Office	Maximum Annual	Points per Month
Chief, President, Treasurer, Secretary	50	4.16
All other elected corporate, County or State association offices	25	2.08
Committees	25	2.08
Uniformed service	50	4.16

- 1 e. *Attendance at meetings.* Twenty points maximum per year. One point per  
2 meeting.
- 3 f. *Responses.* Forty points maximum per year. One-half point for each response,  
4 regardless of its nature.
- 5 g. *Uniformed service.* A maximum of four years creditable service may be acquired  
6 for military service as provided in this item. Up to 50 points per year shall be  
7 credited if volunteer service is interrupted by uniformed service, provided the  
8 volunteer:
- 9 I. Is an active member in good standing;
  - 10 II. Has at least one year of prior volunteer service;
  - 11 III. Provides official orders or proof of service; and
  - 12 IV. Is discharged or released from uniformed service under honorable  
13 conditions.
- 14 h. *Permanent disability.* Fifty points per year shall be credited to any volunteer  
15 who is found to be permanently and totally disabled by an administrative body  
16 or court of competent jurisdiction authorized to make such a determination in  
17 the line of duty as a volunteer.

18 (VI) THE COUNTY EXECUTIVE MAY AWARD POINTS BY EXECUTIVE ORDER ONLY BECAUSE  
19 OF A STATE OF EMERGENCY DECLARED BY THE FEDERAL GOVERNMENT, STATE OF  
20 MARYLAND, OR THE HOWARD COUNTY GOVERNMENT.

21  
22 ***Section 2. And Be It Further Enacted*** by the County Council of Howard County, Maryland that  
23 *this Act shall become effective 61 days after its enactment.*