

Introduced 7/7/2014
Public Hearing 7/21/2014
Council Action 7/25/2014
Executive Action 7/30/2014
Effective Date 9/29/2014

County Council of Howard County, Maryland

2014 Legislative Session

Legislative Day No. 8

Bill No. 39 -2014

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

AN ACT amending the Length of Service Award Program for volunteer firefighting/EMS personnel; amending the payment amount; providing for burial benefits and survivor benefits; amending certain reporting requirements; amending certain deadlines; clarifying the points received for military service; making certain technical corrections; providing for the application of this act; and generally relating to the Length of Service Award Program.

Introduced and read first time July 7, 2014. Ordered posted and hearing scheduled.

By order Sheila M. Tolliver
Sheila M. Tolliver, 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 July 14, 2014.

By order Sheila M. Tolliver
Sheila M. Tolliver, Administrator

This Bill was read the third time on July 25, 2014 and Passed ☒ Passed with amendments ☐ Failed ☐

By order Sheila M. Tolliver
Sheila M. Tolliver, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 28th day of July, 2014 at 12:30 pm a.m./p.m.

By order Sheila M. Tolliver
Sheila M. Tolliver, Administrator

Approved Vetoed by the County Executive July 30, 2014

Ken Ulman
Ken Ulman, 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
2 *Howard County Code is amended as follows:*

3
4 *By amending:*

5 *Title 17, Public Protection Services*

6 *Section 17.103 "Payments to volunteer fire corporations"*

7 *Subsection (h)*
8

9 **Title 17. Public Protection Services.**

10 **Subtitle 1. Fire and Rescue Services.**
11

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

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

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

16 (i) *Creditable points* means points which may be credited pursuant to
17 paragraph ([7]9), "Active Service Standards," of this subsection.

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

19 (iii) *Length of service awards program (LOSAP)* is a program DEFINED
20 BY THE INTERNAL REVENUE SERVICE THAT ALLOWS THE COUNTY
21 TO AWARD [[awarding]] monthly payments after a certain number
22 of years of certified active service to volunteers.

23 (iv) *Year of certified active service* means a period from [[July 1]]
24 JANUARY 1 to [[June 30]] DECEMBER 31 during which 50 creditable
25 points have been accumulated according to the criteria set forth in
26 this subsection and listed by the Director of Fire and Rescue
27 Services as further set forth in this subsection.

28 (v) *Volunteer/volunteers* means firefighting/EMS personnel unpaid for
29 their training or work, who donate their time and services to a
30 volunteer fire corporation listed in subsection [(i)](A) of this

1 section or to the Howard County Department of Fire and Rescue
2 Services.

3 (2) *Establishment of length of service awards program (LOSAP)* means in
4 recognition of their extensive volunteer service to the citizens of Howard
5 County, the Howard County Government shall make a length of service
6 award program (LOSAP) available to volunteers.

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

9 (i) Attained the age of 50;

10 (ii) Completed A TOTAL OF 25 years of certified active service IN
11 HOWARD COUNTY; and

12 (iii) Submitted [[an application]] A WRITTEN REQUEST for the LOSAP
13 payment to the Director of Fire and Rescue Services OR THE
14 DIRECTOR'S DESIGNEE.

15 (4) *[[Benefits]]PAYMENTS:*

16 (i) *BASE PAYMENT.* EFFECTIVE JANUARY 1, 2015, [[The]] the LOSAP
17 payment provided TO A VOLUNTEER WHO HAS MET THE CONDITIONS
18 FOR ELIGIBILITY AS SPECIFIED IN PARAGRAPH (3) OF THIS
19 SUBSECTION [[for herein]] shall be [[\$250.00]] EQUAL TO ONE
20 PERCENT OF THE CURRENT ANNUAL STARTING SALARY OF A TRAINEE IN
21 THE DEPARTMENT OF FIRE AND RESCUE SERVICES per month for
22 [[life]] LIFE, SUBJECT TO THE LIMITATIONS SET FORTH IN
23 PARAGRAPH (5) OF THIS SUBSECTION.

24 (ii) The LOSAP payments shall begin the month following verification
25 of eligibility.

26 (iii) FOR VOLUNTEERS WHO CONTINUE TO MEET MINIMAL OPERATIONAL
27 REQUIREMENTS, IN [[In]] addition to the [[\$250.00]] BASE PAYMENT
28 provided for in subparagraph (i) of this paragraph, the sum of
29 \$10.00 per month shall be added for each full year of certified
30 active service over 25 years.

(iv) [[General increases in the LOSAP payment shall apply to all present and future recipients.]] INCREASES IN THE BASE PAYMENT ATTRIBUTABLE TO INCREASES IN THE STARTING SALARY OF A TRAINEE IN THE DEPARTMENT OF FIRE AND RESCUE SERVICES SHALL APPLY TO ALL PRESENT AND FUTURE RECIPIENTS.

(5) *LIMITATIONS ON BASE PAYMENTS.*

(I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (V) OF THIS PARAGRAPH, THE LUMP SUM EQUIVALENT OF THE BASE PAYMENT SHALL NOT EXCEED THE AMOUNT ACCUMULATED THROUGH AN ACCRUAL OF \$3,000.00 PER YEAR PLUS DEEMED EARNINGS CREDITED AT FIVE PERCENT (5%) PER ANNUM;

(II) FOR PURPOSES OF SUB-PARAGRAPH (I) OF THIS PARAGRAPH, EQUIVALENCY SHALL BE DETERMINED BASED ON THE RP-2000 COMBINED HEALTHY MORTALITY TABLE (75% OF THE MALE ANNUITY FACTOR AND 25% OF THE FEMALE ANNUITY FACTOR) AND AN INTEREST RATE OF 5% PER ANNUM, COMPOUNDED ANNUALLY.

(III) IF AN INCREASE IN THE STARTING SALARY OF A TRAINEE IN THE DEPARTMENT OF FIRE AND RESCUE SERVICES CAUSES THE LUMP SUM EQUIVALENT OF THE BASE PAYMENT FOR A TEST VOLUNTEER TO EXCEED THE LIMITATION DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE INCREASE IN THE STARTING SALARY WILL NOT BE RECOGNIZED FOR PURPOSES OF DETERMINING THE BASE PAYMENT OF ANY VOLUNTEER.

(IV) FOR PURPOSES OF SUBPARAGRAPH (III), A TEST VOLUNTEER IS A VOLUNTEER WHOSE CERTIFIED ACTIVE SERVICE BEGAN AT AGE 25, WHO EARNED 25 CONSECUTIVE YEARS OF CERTIFIED ACTIVE SERVICE BETWEEN AGES 25 AND 50, AND WHO BEGINS RECEIVING THE BASE PAYMENT AT AGE 50.

(V) IF SECTION 457(E)(11)(B)(II) OF THE INTERNAL REVENUE CODE IS AMENDED IN A MANNER THAT INCREASES THE LIMITATION ON ACCRUALS FOR LENGTH OF SERVICE AWARD PROGRAMS, THE NEW

1 LIMITATION SHALL BE SUBSTITUTED FOR THE PHRASE "AN ACCRUAL
2 OF \$3,000 PER YEAR" IN SUBPARAGRAPH (I) OF THIS PARAGRAPH,
3 WITHOUT THE REQUIREMENT OF A SPECIFIC AMENDMENT.

4 (6) *BENEFITS. IF A QUALIFIED VOLUNTEER DIES AFTER JANUARY 1, 2015:*

5 (I) A BURIAL BENEFIT OF \$5,000.00 SHALL BE PAID TO:

6 A. THE BENEFICIARY OR BENEFICIARIES DESIGNATED BY THE
7 VOLUNTEER TO RECEIVE SUCH BENEFIT AND SUCH DESIGNATION
8 MAY BE CHANGED FROM TIME TO TIME BY THE VOLUNTEER BY
9 FILING A NEW DESIGNATION; OR

10 B. IF THERE IS NO DESIGNATED BENEFICIARY, THE BURIAL BENEFIT
11 SHALL BE PROVIDED IN ACCORDANCE WITH SECTION
12 ~~1.448(c)~~1.448A(B) OF THE HOWARD COUNTY CODE.

13 (II) A SURVIVOR BENEFIT EQUIVALENT TO THE TOTAL OF SIX (6) MONTHS
14 LOSAP PAYMENT SHALL BE PAID TO:

15 A. THE BENEFICIARY OR BENEFICIARIES DESIGNATED BY THE
16 VOLUNTEER TO RECEIVE SUCH BENEFIT AND SUCH DESIGNATION
17 MAY BE CHANGED FROM TIME TO TIME BY THE VOLUNTEER BY
18 FILING A NEW DESIGNATION; OR

19 B. IF THERE IS NO DESIGNATED BENEFICIARY, THE SURVIVOR
20 BENEFIT SHALL BE PROVIDED IN ACCORDANCE WITH SECTION
21 ~~1.448(c)~~ 1.448A(B) OF THE HOWARD COUNTY CODE.

22 ~~[(5)]~~(7) *Funding* means LOSAP payments shall be paid from the fire and rescue
23 ~~[[district]]~~ tax FUND ~~[[proceeds for eligible recipients who volunteered in~~
24 ~~that district]]~~.

25 ~~[(6)]~~(8) *Administration:*

26 (i) The President and Chief of each Volunteer Fire Corporation and
27 the designee for volunteers of the Howard County Department of
28 Fire and Rescue Services shall submit to the Director of Fire and
29 Rescue Services OR THE DIRECTOR'S DESIGNEE, each month, a list
30 of those volunteers who have qualified for points during the
31 previous month, A SUMMARY OF THE POINTS EARNED IN EACH
32 CATEGORY DURING THE PREVIOUS MONTH and ~~[[a summary of the]]~~

1 THE TOTAL points earned IN EACH CATEGORY YEAR TO DATE
2 [[during that month]]. The list [[shall be on forms furnished by the
3 Director of Fire and Rescue Services and]] shall be certified as AN
4 accurate REPORT OF THE POINTS EARNED BY EACH VOLUNTEER ON
5 THE LIST by the President and Chief of the Volunteer Fire
6 Corporation and by the designee for volunteers of the Howard
7 County Department of Fire and Rescue Services.

8 (ii) From the information furnished by the Volunteer Fire Corporations
9 insofar as their volunteers are concerned, and from accumulated
10 information insofar as volunteers of the Howard County
11 Department of Fire and Rescue Services are concerned, the
12 Director of Fire and Rescue Services shall [[compile]] PROVIDE TO
13 THE PRESIDENT AND CHIEF OF EACH VOLUNTEER CORPORATION a
14 [[list]] YEARLY REPORT indicating the number of points credited to
15 each individual during the previous year no later than [[August
16 15]] JANUARY 31 of each year [[, the Director of Fire and Rescue
17 Services shall post the list at each fire station for 30 days]].

18 (iii) A volunteer may appeal the number of points credited to him/her
19 by filing a written appeal with the Director of Fire and Rescue
20 Services by MARCH 31 [[September 15 immediately following the
21 posting of the list]]. The appeal shall contain sufficient detail to
22 permit the Director of Fire and Rescue Services to rule on the
23 matter. The Director of Fire and Rescue Services shall issue a
24 written decision within 60 days of receiving the appeal. A
25 volunteer may appeal the decision of the Director of Fire and
26 Rescue Services to the Board of Appeals in accordance with its
27 rules and procedures.

28 [[(7)]](9) *Active service standards:*

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

- 1 (ii) Points shall be credited for the period from [[July 1]] JANUARY 1
2 through [[June 30]] DECEMBER 31 and shall not be transferrable
3 from one year to the next.
- 4 (iii) Volunteers who also serve as career OR CONTINGENT
5 firefighting/EMS personnel of the Howard County Department of
6 Fire and Rescue Services shall not be credited with points for
7 activities performed during County-assigned work periods.
- 8 (IV) POINTS MUST BE EARNED FROM A MINIMUM OF TWO OF THE
9 CATEGORIES CONTAINED IN SUBPARAGRAPH (V) OF THIS
10 PARAGRAPH.
- 11 ([[iv]]v)Points shall be credited as follows:
- 12 a. *Training course.* Twenty-five points maximum per year:
- 13 1. Five points per course for courses under 20 hours'
14 duration, including one-day courses, seminars,
15 cardio-pulmonary resuscitation and similar training
16 courses.
- 17 2. Ten points per course for courses of 20 to 45 hours'
18 duration, including [[short courses,]] regional fire
19 schools and similar courses.
- 20 3. Fifteen points per course for courses of over 45
21 hours' duration, including University of Maryland
22 fire-related courses, emergency medical care
23 courses, fire science courses of any accredited
24 college or university and similar courses.
- 25 b. *Drills.* Twenty points maximum per year. One point for
26 each minimum two-hour drill.
- 27 c. *Sleep-in or standby.* Thirty points maximum per year.
- 28 1. One point for each full night sleep-in.
- 29 2. One point for each standby which is an on-duty
30 activity which consumes at least four hours and
31 does not fall into any other category.

d. *Elected or appointed position.* Fifty points maximum per year. Points will be awarded on a monthly basis for the time served. Points may not be concurrently credited for this category and under subparagraph e. below for attending meetings within Howard County. Points will be awarded in only one of the categories below. However, individuals serving in more than one category may be awarded 12 additional points (one point per month) for each other 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
Fire and rescue services board representative	25	2.08
Committees	25	2.08
UNIFORMED SERVICE	50	4.16

e. *Attendance at meetings.* Twenty points maximum per year. One point per meeting.

f. *Responses.* Forty points maximum per year. One-half point for each response, regardless of its nature.

g. *[[Military]] UNIFORMED service.* A MAXIMUM OF FOUR YEARS CREDITABLE SERVICE MAY BE ACQUIRED FOR MILITARY SERVICE AS PROVIDED IN THIS ITEM. UP TO FIFTY *[[Fifty]]* points per year shall be credited if volunteer.

1 service is interrupted by [[full-time]] UNIFORMED SERVICE
2 [[extended obligatory military service or by a single
3 voluntary enlistment which does not exceed four years in
4 the armed forces of the United States]], PROVIDED THE
5 VOLUNTEER:

- 6 I. IS AN ACTIVE MEMBER IN GOOD STANDING;
- 7 II. HAS AT LEAST ONE YEAR OF PRIOR VOLUNTEER
8 SERVICE;
- 9 III. PROVIDES OFFICIAL ORDERS OR PROOF OF SERVICE; AND
- 10 IV. IS DISCHARGED OR RELEASED FROM UNIFORMED
11 SERVICE UNDER HONORABLE CONDITIONS.

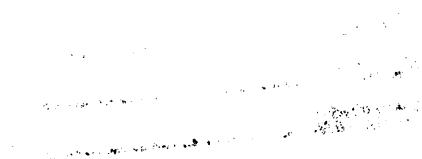
- 12 h. *Permanent disability.* Fifty points per year shall be credited
13 to any volunteer who is FOUND TO BE permanently AND
14 TOTALLY disabled BY AN ADMINISTRATIVE BODY OR COURT
15 OF COMPETENT JURISDICTION AUTHORIZED TO MAKE SUCH A
16 DETERMINATION in the line of duty as a volunteer.

17 [[(8) *Retroactivity and establishment of prior service:*

- 18 (i) Pensions in existence on the effective date of this section shall
19 continue in force.
- 20 (ii) A list posted in each fire station on or about March 1, 1982,
21 established the number of years of active service of each volunteer
22 as of December 31, 1981.]]

23
24 ***Section 2. And Be It Further Enacted*** by the County Council of Howard County,
25 Maryland, that LOSAP payments shall be computed through December 31, 2014 in
26 accordance with Section 17.103 as it was in effect on July 7, 2014.

27
28 ***Section 3. And Be It Further Enacted*** by the County Council of Howard County,
29 Maryland, that this Act shall become effective 61 days after its enactment.



Amendment 1 to Council Bill No. 39-2014

BY: The Chairperson at the
request of the County Executive

Legislative Day No.
Date: July 25, 2014

Amendment No. 1

(This amendment corrects a cross reference. The cross reference should be to provisions governing the designation of a beneficiary that is specific to the Police and Fire Employees' Retirement Plan. As filed, the reference is to the Employee's retirement plan.)

- 1 On page 4, in lines 11 and 21, in each instance, strike "1.448(C)" and substitute "1.448A(B)".

ADOPTED 7/25/2014
FAILED _____
SIGNATURE Shirley Sullivan

12/20/05
01/15/06
12/20/05
01/15/06

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