

**COUNTY COUNCIL
OF
TALBOT COUNTY, MARYLAND**

2017 Legislative Session, Legislative Day No. : April 25, 2017

Bill No.: 1357

Expiration Date: June 29, 2017

Introduced by: Mr. Bartlett, Mr. Callahan, Mr. Pack, Ms Williams

A BILL TO AMEND CHAPTER 182 OF THE TALBOT COUNTY CODE (VOLUNTEER EMERGENCY SERVICES LONGEVITY AWARD PROGRAM) TO ELIMINATE THE REQUIREMENT THAT A VOLUNTEER MEMBER WITH AT LEAST TWENTY-FIVE (25) YEARS OF CERTIFIED ACTIVE SERVICE MUST ATTAIN THE AGE OF SIXTY-TWO (62) YEARS OLD IN ORDER TO QUALIFY FOR THE FIVE THOUSAND DOLLAR (\$5,000) DEATH BENEFIT AUTHORIZED BY CODE § 182-3 C.; TO ADD A DEFINITIONS SECTION TO CHAPTER 182; AND, TO MAKE OTHER NON-SUBSTANTIVE CHANGES FOR CLARITY AND EASE OF REFERENCE

By the Council: April 25, 2017

Introduced, read first time, ordered posted, and public hearing scheduled on Tuesday, May 23, 2017 at 5:15 p.m. at the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

By Order 
Susan W. Moran, Secretary

A BILL TO AMEND CHAPTER 182 OF THE TALBOT COUNTY CODE (VOLUNTEER EMERGENCY SERVICES LONGEVITY AWARD PROGRAM) TO ELIMINATE THE REQUIREMENT THAT A VOLUNTEER MEMBER WITH AT LEAST TWENTY-FIVE (25) YEARS OF CERTIFIED ACTIVE SERVICE MUST ATTAIN THE AGE OF SIXTY-TWO (62) YEARS OLD IN ORDER TO QUALIFY FOR THE FIVE THOUSAND DOLLAR (\$5,000) DEATH BENEFIT AUTHORIZED BY CODE § 182-3 C.; TO ADD A DEFINITIONS SECTION TO CHAPTER 182; AND, TO MAKE OTHER NON-SUBSTANTIVE CHANGES FOR CLARITY AND EASE OF REFERENCE

WHEREAS, the Talbot County Council adopted the Volunteer Emergency Services Longevity Program (“LOSAP” or the “Program”) in 2002 in recognition of the critical role volunteers play in providing essential emergency services to County residents and to promote volunteer recruitment and retention; and,

WHEREAS, LOSAP provides certain benefits to active volunteer members of County fire departments and ambulance corps who have completed 25 years of active service, including a monthly benefit and a \$5,000 death benefit, which become available when a volunteer attains the age of sixty-two years old; and,

WHEREAS, when the County Council originally adopted the Program, the Council indicated that it would be appropriate to revisit the Program in future years and to explore the possibility of expanding certain benefits; and,

WHEREAS, the County Council has studied the fiscal implications of expanding the \$5,000 death benefit provided in Code § 182-3 C. to cover any active volunteer member who completes 25 years of certified service regardless of whether the individual attains the age of sixty-two years old; and,

WHEREAS, in recognition of the continued efforts of the County’s emergency services volunteers, the Council desires to amend the Program to extend the \$5,000 death benefit in Code § 182-3 C. as provided herein.

KEY

Boldface..... Heading or defined term

Underlining.....Added by bill

~~Strikethrough~~.....Deleted by bill

Double underlining.....Added by amendment

~~**Double strikethrough**~~.....Deleted by amendment

* * *Existing text unaffected.

SECTION ONE: BE IT ENACTED by the Talbot County Council of Talbot County, Maryland, that Chapter 182 of the Talbot County Code (Volunteer Emergency Services Longevity Award Program) shall be and is hereby amended as set forth below:

Chapter 182: Volunteer Emergency Services Longevity Award Program

§ 182 Definitions. As used in this chapter, the following definitions apply:

"Active Volunteer Member" means a person who has accumulated a minimum of 50 points per calendar year, in accordance with the point system set forth in this chapter.

"Director" means the Director of Emergency Services for Talbot County.

§ 182-1 Program established; eligibility

- A. There is hereby established a Volunteer Emergency Services Longevity Award Program for qualified active volunteer members of the County volunteer fire departments/ or companies or ambulance corps ~~and/or~~ any volunteer fire company receiving contributions from the County. ~~For the purposes of this section, an "active volunteer member" is defined as a person who has accumulated a minimum of 50 points per calendar year, in accordance with the point system set forth in this chapter.~~
- B. Any person who has served as a member of a County volunteer fire ~~department/~~ company ~~department or company~~ or ambulance corps ~~and/or~~ volunteer fire ~~companies~~ company receiving contributions from the County shall be eligible to receive benefits hereinafter set forth, provided that:
- (1) The person is certified, in accordance with the provisions of this chapter, to have served as an active volunteer subsequent to January 1, 2002; provided, however, that a person in active service prior to January 1, 2002, shall receive credit for prior years of service as certified by the department for which said service was performed and approved by the Director ~~of Emergency Medical Services.~~
 - (2) Any person who completes 25 years of certified service and has not attained the age of 62 ~~may~~ shall be qualified. ~~He~~ They will become eligible for monthly benefits upon reaching the age of 62, provided that ~~he is~~ they are certified as having performed qualified service for each of the 25 years of prior service claimed. After January 1, 2002, a person must accumulate the proper number of points needed to qualify. After a person is qualified and certified, failure to remain active or to maintain membership in a fire ~~department/company~~ department or company or ambulance corps will not disqualify or otherwise affect any person from receiving benefits at the age of 62.
- C. Paid members of the fire ~~department/company~~ department or company or ambulance corps shall not be eligible to earn point credits for any time or activities for which they are otherwise compensated. No credit shall be given for volunteer service other than for service to Talbot County fire departments/ or companies or ambulance corps.

§ 182-2 Service benefits; administration; payment of benefits

- A. After March 30, 2002, any person who has reached the age of 62 and who has completed a minimum of 25 years of certified active volunteer service with any County volunteer fire department or company or ambulance corps shall receive monthly benefits in the amount of \$100 per month for life or in such an amount as set in the County budget.
- B. The Director ~~of Emergency Medical Services~~ shall administer the program. Payments shall be administered by the Director of Finance and shall be made directly to the volunteer entitled to such benefits.
- C. Benefits shall be paid quarterly, with payments being made on or after the last day of each quarter.

§ 182-3 Disability and death benefits

- A. In the event that any active volunteer becomes disabled during the course of service described in the applicable provisions of Title 9, Labor and Employment Article, Annotated Code of Maryland, as amended from time to time, and such disability prevents the volunteer from pursuing ~~his~~their normal occupation and the disability is of a permanent nature as determined and certified by the State Workers' Compensation Commission, the volunteer is entitled to receive full service benefits as above described and any such benefits as ~~he~~ they may be entitled to, regardless of ~~his~~ their age or length of service. These benefits shall begin on the first day of the first month following the establishment of the determination of the permanent disability and shall remain in effect as long as the permanent disability exists. This subsection shall not be applicable to any volunteer not insured either by the County or any other department or company or ambulance corps ~~workmen's~~ workers' compensation insurance carrier.
- B. In the event that any volunteer is fatally injured or dies as a result of performing the services described in the Labor and Employment Article, § 9-234, Annotated Code of Maryland, as amended from time to time, ~~his~~ their spouse shall be entitled to full service benefits as above provided. These benefits shall commence on the first day of the first month after the death and shall terminate upon death or remarriage of the spouse.
- C. In the event that a qualified volunteer fireman or member of the ambulance corps ~~who is receiving service benefits~~ dies, a death benefit of \$5,000 shall be payable to such person or entity as the deceased may have designated in writing to the Director ~~of Emergency Medical Services~~ prior to death. In the event that no designation was made, said amount shall be paid to the estate of the deceased. Claims shall be presented to the Director ~~of Emergency Medical Services~~ and shall be documented by a death certificate ~~and/or~~ or such other evidence as the Director may require.

§ 182-4 Periodic adjustments

Periodically, the Director ~~of Emergency Medical Services~~ and the Director of Finance shall review the benefits prescribed in this chapter, and such review may result in a recommendation to increase or decrease these benefits. Revised benefits, subject to approval of the County Council through the budget process, shall be effective on the first pay period in the new fiscal year.

§ 182-5 Records; certification of eligibility; appeals

- A. It is the responsibility of each participating volunteer fire ~~department/company~~department or company or ambulance corps to maintain detailed and accurate records for each volunteer member on forms prescribed by the Talbot County Volunteer Fire and Rescue Association as approved by the Director ~~of Emergency Medical Services~~ and Director of Finance.
- B. Beginning June 1, 2002, and each June 30 thereafter, the Board of Directors of each volunteer fire ~~department/company~~department or company or ambulance corps shall furnish the Director ~~of Emergency Medical Services~~ with a statement under oath certifying all volunteers of the department or corps who have qualified for credit for the previous years. Each statement shall contain all members' ages and previous credits earned and other information as shall be required by the Director ~~of Emergency Medical Services~~, the Director of Finance, or the County Manager.
- C. Upon receipt of this statement, the Director ~~of Emergency Medical Services~~ shall review the list of each department or corps. After the Director approves the certified list, he shall forward a copy of each approved list to the respective fire ~~department/company~~department or company or ambulance corps ~~concerned~~ by August 1 of each year. These lists shall be posted in a conspicuous place within each fire ~~department/company~~department or company or ambulance corps building for a period of not less than 30 calendar days. The posting date and the date of expiration of the 60 calendar days for a right of appeal shall be noted on all approved lists.
- D. A person whose name does not appear on the certified list or who is denied credit for services prior to January 1, 2002, has the right of appeal within 60 calendar days of the posting.
- E. The request for an appeal hearing shall be in writing and addressed to the Director ~~of Emergency Medical Services~~, who shall make the final decision. The Director ~~of Emergency Medical Services~~ shall conduct the hearing within 60 calendar days after the posting expires but not less than 10 calendar days after notifying the appellant of the date.
- F. Fifteen calendar days after all appeal hearings, if necessary, but no later than January 1, the Director ~~of Emergency Medical Services~~ shall submit to the Director of Finance of the County a statement under oath certifying all volunteers of the fire ~~department/company~~department or company or ambulance corps who have qualified during the current year and those eligible for benefits under this chapter on forms prescribed by the County.
- G. It shall be the responsibility of the Director ~~of Emergency Medical Services~~ to submit a statement under oath of any benefits to be paid, including prompt notification of termination.
- H. Any volunteer eligible for benefits under this chapter may elect to receive the benefits; however, if ~~he is~~ they are receiving benefits, ~~he~~ they shall not be eligible to receive any other volunteer service benefits offered by another jurisdiction without withdrawing from

the County's program. ~~He~~ No person shall ~~not~~ be ineligible as a result of receiving benefits from any fire department or company or ambulance corps within Talbot County.

- I. The burden shall be upon the eligible volunteer to make a claim for benefits, and no benefits shall be paid for which a claim is not made within 12 months of eligibility for said payment.
- J. A decision by the Director ~~of Emergency Medical Services~~ to deny benefits may be appealed to a committee consisting of the County Personnel Director, County Finance Director and County Manager. The appeal committee shall hold a hearing and receive evidence in the presence of the appellant prior to rendering a decision.

§ 182-6 Point system

In order to qualify for the benefits pursuant to this chapter, points shall be credited to each volunteer in accordance with the following standards:

- A. One point shall be credited for every three hours of attendance in a recognized County-approved training course, provided that not more than 20 points may be credited for all training courses attended per year.
- B. One point shall be credited for each company or County drill attended in its entirety, provided that not more than 25 points may be credited for all drills attended per year.
- C. One point shall be credited for each official company or County meeting pertaining to the County fire services or rescue services attended, provided that not more than 15 points may be credited for all meetings attended per year.
- D. One point shall be credited for each call to which a volunteer responds, provided that not more than 40 of the required points may be credited for all calls responded to per year.
- E. Twenty points shall be credited for completion of a one-year term as an appointed or elected officer in any of the fire or rescue service organizations of the County, or the Volunteer Firemen's Association, provided that not more than one office shall be counted in any calendar year.
- F. One point shall be credited for every three hours of acceptable collateral duties, approved by the Director ~~of Emergency Medical Services~~, such as, but not limited to, apparatus and building maintenance, official standby and fire prevention or fundraising details, provided that not more than 20 points may be credited for all collateral duties performed per year.
- G. A volunteer member who serves or has served full-time military service in the Armed Forces of the United States shall receive credit at the rate of five points for each month served, provided that not more than 50 points can be credited for the calendar year. A maximum of two years of creditable service may be acquired in this manner.
- H. A person shall be eligible to earn points only while said person is a resident of Talbot County. A person need not be a Talbot County resident to receive benefit payments.

§ 182-7 Effect of prior service

- A. In order to provide credit for service prior to January 1, 2002, the fire ~~department/company~~department or company or ambulance corps shall review its past and present membership rosters to determine the number of years of credit to which each member or past member is entitled. In making this analysis, the standards for active service shall be used as guidelines. Approval for service shall be certified by the Board of Directors of each fire ~~department/company~~department or company or ambulance corps and shall be subject to final review and approval by the Director ~~of Emergency Medical Services~~. If a volunteer member has service in more than one County fire ~~department/company~~department or company or ambulance corps in Talbot County, that person shall receive credit for the service in each organization, provided that not more than one year's credits may be granted for each calendar year of volunteer service.
- B. In the event that sufficient records are unavailable to prove service prior to January 1, 2002, the certification may be made by a fire ~~department/company~~department or company or ambulance corps after thorough investigation ~~and~~based on the best information, knowledge and belief of the Board of Directors of the ~~individual~~respective fire ~~department/company~~department or company or ambulance corps, subject to the review and approval of the Director ~~of Emergency Medical Services~~.

§ 182-8 Funding of program

- A. The Volunteer Emergency Service Longevity Award Program pension benefits program shall be funded as may from time to time be provided in the Annual Budget and Appropriation Ordinance of the County Council.
- B. In lieu of direct funding, the County Council may from time to time purchase a benefits program from an insurance or annuity company, financial institution or other private vendor to provide some or all of the benefits described above.

§ 182-9 Fund established

There is hereby created a Volunteer Emergency Services Longevity Award Fund, which may accrue interest and shall continue from year to year.

* * *

SECTION TWO: AND BE IT FURTHER ENACTED, that if any provision of this Ordinance or the application hereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Ordinance which can be given effect without the invalid provision or application, and for this purpose the provisions of this Ordinance are declared severable.

SECTION THREE: AND BE IT FURTHER ENACTED, that the title and a summary of this Bill shall be published once on the first publication date after enactment of the Bill in accordance with County Charter § 213 (c). The title is not a substantive part of this Bill. If the Bill is

amended, the title may be administratively revised if required to conform the title to the content of the Bill as finally enacted.

SECTION FOUR: AND BE IT FURTHER ENACTED, that the Publishers of the Talbot County Code or the Talbot County Office of Law, in consultation with and subject to the approval of the County Manager, shall make non-substantive corrections to codification, style capitalization, punctuation, grammar, spelling, and any internal or external reference or citation to the Code that is incorrect or obsolete, with no further action required by the County Council. All such corrections shall be adequately referenced and described in an editor's note following the section affected.

SECTION FIVE: AND BE IT FURTHER ENACTED, that this ordinance shall apply retroactively to January 1, 2017.

SECTION SIX: AND BE IT FURTHER ENACTED, that this ordinance shall take effect sixty (60) days from the date of its passage.

PUBLIC HEARING

Having been posted and Notice of time, date, and place of hearing, and Title of Bill No. 1357 having been published, a public hearing was held on Tuesday, May 23, 2017 at 5:15 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland.

BY THE COUNCIL

Read the third time.

ENACTED: May 23, 2017

By Order *Susan W. Moran*
Susan W. Moran, Secretary

Williams - Aye (Via Absentee Ballot)
Price - Aye
Bartlett - Aye
Pack - Aye
Callahan - Aye

EFFECTIVE DATE: July 22, 2017