

CHAPTER 401

(House Bill 520)

AN ACT concerning

Calvert County – Length of Service Award Program – Burial Benefits and Rescue Dive Team

FOR the purpose of providing that certain individuals who have served as members of certain Calvert County rescue dive teams are eligible to receive certain benefits under certain circumstances; requiring certain rescue dive teams to maintain certain records for certain volunteer members on certain forms; requiring a certain report to be furnished to certain persons at certain times; requiring the board of directors of certain rescue dive teams to furnish a certain statement under oath to certain persons at certain times; requiring the Calvert County Fire and Rescue Commission to approve a certain certified list; requiring the Commission to forward a copy of a certain approved list to certain rescue dive teams by a certain date each year; providing for certain points to be credited to certain volunteers under certain circumstances; requiring certain rescue dive teams to review certain membership rosters to make a certain determination; requiring a certain approval for service to be certified by the board of directors of certain rescue dive teams under certain circumstances; altering the amount of certain burial benefits under certain circumstances; making a technical correction; providing for the application of this Act; and generally relating to the Calvert County length of service award program.

BY repealing and reenacting, without amendments,
The Public Local Laws of Calvert County
Section 14–101
Article 5 – Public Local Laws of Maryland
(2002 Edition and May 2008 Supplement, as amended)

BY repealing and reenacting, with amendments,
The Public Local Laws of Calvert County
Section 14–102 through 14–104
Article 5 – Public Local Laws of Maryland
(2002 Edition and May 2008 Supplement, as amended)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article 5 – Calvert County

14–101.

(a) (1) In this subtitle the following words have the meanings indicated.

(2) "Active volunteer member" means an individual who has accumulated a minimum of 60 points per calendar year in accordance with the point system set forth in this subtitle.

(3) "Certified volunteer" means an active volunteer member whose service credit is verified through an oath taken by a department.

(4) "Credit" means points used by a department to determine eligibility of an individual to qualify as an active volunteer member.

(5) "Department" means a volunteer fire, rescue, emergency medical services, rescue dive team, or advanced life support unit department or company in Calvert County, or any combination of those departments or companies.

(6) "Point" means a service credit value for activities toward the qualification of an individual as an active volunteer member.

(7) "Qualified volunteer" means an individual who is receiving benefits in accordance with the requirements of § 14-102(b), (c), (d), or (g) of this subtitle.

(b) There is a length of service award program for qualified active volunteer members of the Calvert County volunteer fire, rescue, and emergency medical services departments.

14-102.

(a) Any individual who has served as a member of any Calvert County volunteer fire company [or], Calvert County volunteer rescue squad, **OR CALVERT COUNTY RESCUE DIVE TEAM** is eligible to receive the following benefits, provided that:

(1) The individual is certified in accordance with the provisions of § 14-101 of this subtitle to have served as an active volunteer subsequent to January 1, 1986.

(2) Any individual who discontinued active volunteer service prior to January 1, 1986 may receive credit for the service after being certified in accordance with the provisions of § 14-104(b) of this subtitle.

(b) Beginning January 1, 1992, any individual who has reached the age of 55 and who has completed a minimum of 25 years of certified active volunteer service, with any Calvert County volunteer fire company [or], volunteer rescue squad, **OR RESCUE DIVE TEAM** or any combination of volunteer fire company service [and],

volunteer rescue squad service, **AND RESCUE DIVE TEAM**, shall receive benefits in the amount of \$400 per month, for life. Payments shall begin on the first day of the first month following eligibility and payments shall be made directly to the volunteer entitled to the benefits.

(c) An additional payment of \$4 per month shall be added to the benefits described in Subsection (b) of this section, for each full year of volunteer service in excess of 25 years, providing that a maximum benefit of \$500 per month or equivalent shall be payable to any individual.

(d) In the event that any active volunteer becomes disabled during the course of the volunteer's service as a volunteer fireman [or], rescue squad member, **OR RESCUE DIVE TEAM MEMBER** while actively engaged in providing the services and in the event that the disability prevents the volunteer from pursuing the normal occupation of the volunteer and that the disability is of a permanent nature, as certified by the State Workers' Compensation Commission or other competent medical authority as designated by the Board of County Commissioners of Calvert County, then the volunteer is entitled to receive the benefits prescribed in Subsection (b) and any other benefits the volunteer may be entitled to regardless of age or length of service. These benefits shall begin on the first day of the first month following the establishment of the permanency of the disability.

(e) In the event that any qualified volunteer dies while receiving benefits, then the surviving spouse of the volunteer is entitled to benefits equal to 50 percent of the volunteer's benefits. These benefits shall terminate upon death or remarriage of the spouse.

(f) In the event that a volunteer who has completed 25 years of certified service dies prior to receiving any benefits under this section, the surviving spouse of the volunteer is entitled to benefits equal to 50 percent of the benefits earned by the deceased volunteer. These benefits shall terminate upon death or remarriage.

(g) (1) In the event a qualified volunteer who has completed 25 years of certified service dies, a burial benefit up to [\$3,000] **\$6,000** shall be payable.

(2) In the event a volunteer who is receiving benefits under Subsection (h) of this section dies, a burial benefit up to [\$120] **\$240** for each ~~18~~ year of certified service shall be payable.

(h) In the event that any active volunteer fireman [or], squad member, **OR RESCUE DIVE TEAM MEMBER** (defined as an individual who has at least two years of qualifying service in the five preceding years) attains the age of 70 years and fails to achieve the required 25 years of service, the volunteer is entitled to a monthly benefit of the number of years of certified service completed multiplied by \$8. These benefits shall be payable in the normal manner.

14-103.

(a) It is the responsibility of each participating volunteer fire company [or], rescue squad, **OR RESCUE DIVE TEAM** to maintain detailed and accurate monthly and annual records for each volunteer member on forms prescribed by the executive committee of the Calvert County Volunteer Fire and Rescue Association, Inc., and approved by the Calvert County Fire and Rescue Commission. A monthly report on the approved form for each member earning points during the previous month shall be furnished to the Fire and Rescue Commission and the Board of County Commissioners or the designee of the Board beginning February 1, 1986.

(b) Beginning January 15, 1987 and on January 15 of each year, the board of directors of each volunteer fire company [or], rescue squad, **OR RESCUE DIVE TEAM** shall furnish to the Fire and Rescue Commission and the Board of County Commissioners or the designee of the board a statement under oath certifying all volunteers of the company or squad who have qualified for credit for the previous year. Each statement shall contain all members' ages and previous credits earned and other information as may be required.

(c) After the Calvert County Fire and Rescue Commission approves the certified list of each company the commission shall forward a copy of each approved list to each fire company [or], rescue squad, **OR RESCUE DIVE TEAM** by April 15 of each year. These lists shall be posted in a conspicuous place within each fire company [or], rescue squad, **OR RESCUE DIVE TEAM** building for a period of not less than 30 days.

(d) An individual whose name does not appear on the certified list, or who is denied credit for service prior to January 1, 1986, has the right to appeal within 30 days following the posting of these lists.

(e) The appeal shall be in writing and addressed to the Calvert County Fire and Rescue Commission who shall make a final decision. The individual appealing may request a hearing in lieu of the written appeal. The hearing shall be conducted by the Fire and Rescue Commission within 60 days of the request and not less than 10 days after notifying the appellant of the date.

14-104.

(a) In order to qualify for any benefits, points shall be credited to each volunteer in accordance with the following:

(1) Five points shall be credited for approved training courses of a duration less than 25 hours. Ten points shall be credited for approved training courses of a duration of 25 to 49 hours. Fifteen points shall be credited for approved training courses of a duration of 50 hours or more. Not more than 30 points may be credited for all training each year.

(2) One point shall be credited for each company or county drill of a duration of two hours or more. No more than a total of 20 points may be credited for all drills each year.

(3) One point shall be credited for attendance at any official county or company fire [or], rescue squad, **OR RESCUE DIVE TEAM** meeting. No more than a total of 20 points may be credited for attendance at all meetings each year.

(4) One point shall be credited for each call to which a volunteer responds, providing that not more than 40 points may be credited for all calls responded to each year, including standby at a station.

(5) Twenty points shall be credited for completion of a one year term in an elected or appointed office in any of the fire or rescue service organizations of Calvert County provided that not more than one office shall be counted in any calendar year.

(6) One point shall be credited for each hour of acceptable collateral duties, including fund-raising, apparatus and building maintenance, administrative duties, fire prevention, and CPR instruction. No more than 20 points may be credited for all collateral duties performed each year.

(7) 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 six points for each month served providing that not more than 60 points may be credited for any calendar year. A maximum of four years of creditable service may be acquired in this manner. In order to receive this credit a volunteer member must have received an honorable discharge from the armed forces.

(8) A volunteer member who is prohibited from participating in duties that would otherwise earn points because a pending workers' compensation claim prohibits participation in the duties shall receive credit at the rate of six points for each month during the pendency of the claim providing that the member is subject to an order from the Workers' Compensation Commission declaring that the member is temporarily totally disabled. A maximum of 60 points may be credited for any calendar year.

(9) No member with less than 10 years service may earn points unless the member is a certified emergency medical technician or fire fighter I.

(10) Points must be earned in at least four of seven categories.

(b) In order to provide credit for service prior to January 1, 1986, each company 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 company [or], rescue squad, **OR RESCUE DIVE TEAM** and as provided in § 14–103 of this subtitle. If a volunteer member has service in more than one company or squad that individual shall receive credit for the service in each organization providing not more than one year's credits may be granted for each calendar year of volunteer service.

(c) In the event that sufficient records are unavailable to prove service prior to January 1, 1986, the certification may be made by a company after thorough investigation, and on the best information, knowledge and belief of the board of directors of the individual company.

(d) This program shall be funded from the public general funds of Calvert County.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any member of a Calvert County rescue dive team before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.

Approved by the Governor, May 7, 2009.