

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**

**1998 Legislative Session**

Bill No. CB-1-1998

Chapter No. 1

Proposed and Presented by Chairman (by request - County Executive)

Introduced by Council Members Wilson, Scott, Esteppe, and Bailey

Co-Sponsors \_\_\_\_\_

Date of Introduction December 2, 1997

**BILL**

1 AN ACT concerning

2 Volunteer Firefighter Preference

3 For the purpose of repealing the provisions for a volunteer firefighter preference for applicants  
4 for a position as a full-time career firefighter, emergency medical technician, or paramedic and  
5 providing for salary rate upon appointment above the entry level for such positions for former  
6 volunteer service.

7 BY repealing and reenacting with amendments:

8 SUBTITLE 16. PERSONNEL.

9 Sections 16-127, 16-162 and 16-163,

10 The Prince George's County Code

11 (1995 Edition).

12 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,  
13 Maryland, that Sections 16-127, 16-162 and 16-163 of the Prince George's County Code be and  
14 the same are hereby repealed and reenacted with the following amendments:

15 SUBTITLE 16. PERSONNEL.

16 DIVISION 4. SALARY.

17 **Sec. 16-127. Salary rate upon appointment.**

18 (a) The salary rate for an employee, upon initial appointment to a vacant position in the  
19 classified service, shall be established at an amount equal to the entry level rate in the salary  
20 range applicable to the class to which the position has been allocated by the Personnel Officer.

(b) Notwithstanding the provisions of Subsection (a), above, the Personnel Officer may establish the salary rate for an initially appointed employee at a rate above the entry-level rate in the applicable salary range under the following circumstances:

(1) Where the Personnel Officer has demonstrated an inability to recruit a sufficient number of eligibles to certify for appointment to vacant positions in a particular class of work due to a temporary shortage of employees in said class of work within the County's relevant labor market, the advanced rate shall be established in accordance with the following conditions:

(A) The advanced rate shall be determined on the basis of a wage survey conducted by the Personnel Officer within the County's relevant labor market, and the rate shall be a rate necessary to recruit eligibles to permit certification for appointment;

(B) The advanced rate shall not exceed the maximum rate within the applicable salary range, exclusive of longevity rates; and,

(C) Appointments at the advanced rate shall be terminated upon the cessation of the temporary shortage of employees within the County's relevant labor market; or,

(2) Where an appointing authority recommends an advanced rate in order to appoint an eligible from a certification list at a salary above the entry-level rate; upon such recommendation, the Personnel Officer shall authorize the requested advanced rate if the proposed advanced rate does not exceed the midpoint of the applicable salary range, exclusive of longevity rates, or does not exceed a ten percent (10%) increase over the prospective employee's current salary rate, whichever is higher, and the action is otherwise justifiable.

(3) Where a selected applicant for a vacant position as a full-time career firefighter, emergency medical technician or paramedic has previously served as an active volunteer firefighter with a volunteer fire or rescue squad department or company, has been a legal resident of the State of Maryland for at least two (2) full calendar years at the time of making formal application for competitive examination in order to be considered for initial appointment to the vacant position, and is currently residing within Prince George's County, the selected applicant shall receive the equivalent of one step of salary credit above the entry salary rate for each year of service as a volunteer fire fighter to a maximum of five (5) years upon the presentation of evidence by such individual in such manner and form as prescribed by duly developed, approved and issued personnel procedures, as defined in Section 16-102(a)(32).

**Sec. 16-162. Establishment and maintenance of eligibility registers.**

\* \* \* \* \*

(d) Order of Names on Register.

\* \* \* \* \*

(2) Recruitment Registers. The Personnel Officer shall first arrange the names of all eligibles on any recruitment eligibility register, whether continuous or temporary, in descending order with the name or names of the eligible or eligibles assigned the highest rating placed at the top of any such register. Then, the final order of the names of all eligibles on such register shall be determined in accordance with the following procedures:

(A) Where the eligibles on any such register have been assigned numerical or ordinal ratings, the range of the ratings on such register shall be divided into three (3) separate subranges, as appropriate, based on the nature of the range of ratings. The Personnel Officer shall then arrange the names of all eligibles within each such subrange into the following priority categories:

(i) All disabled veteran eligibles, if any, shall be ordered, by rating, above all other eligibles identified in subparagraphs (ii), (iii), (iv), and (v), [(vi), and (vii),] below;

(ii) [In the case of recruitment for appointment to a vacant position as a full-time career firefighter, emergency medical technician, or paramedic, all nondisabled veteran eligibles, if any, who have formerly served as volunteer firefighters shall be ordered, by rating, above all other eligibles identified in subparagraphs (iii), (iv), (v), (vi), and (vii), below;

(iii)] All [other] nondisabled veteran eligibles, if any, shall be ordered, by rating, above all other eligibles identified in subparagraphs (iii), (iv), and (v), [(vi), and (vii),] below;

[(iv) In the case of recruitment for appointment to a vacant position as a full-time career firefighter, emergency medical technician, or paramedic, all other nonveteran eligibles, if any, who have formerly served as volunteer firefighters shall be ordered, by rating, above all other eligibles identified in subparagraphs (v), (vi), and (vii), below;]

[(v)] (iii) All [other] nonveteran eligibles, if any, who are "displaced homemakers" shall be ordered, by rating, above all other eligibles identified in subparagraphs [(vi)] (iv) and [(vii)] (v), below;

1                    [(vi)] (iv) All other nonveteran eligibles, if any, who have certified on their  
 2 examination applications that they are currently residing within Prince George's County shall be  
 3 ordered, by rating, above all other eligibles identified in subparagraph [(vii)] (v), below; and,

4                    [(vii)] (v) All other nonveteran eligibles, if any, who have certified on their  
 5 examination applications that they are not currently residing within Prince George's County shall  
 6 be ordered, by rating, in the last priority category; or,

7                    (B) Where the eligibles on any such register have been assigned nominal ratings,  
 8 the Personnel Officer shall arrange the names of all eligibles within each nominal rating group  
 9 into the following priority categories:

10                    (i) All disabled veteran eligibles, if any, shall be ordered alphabetically  
 11 above all other eligibles identified in subparagraphs (ii), (iii), (iv), and (v), [(vi), and (vii),]  
 12 below;

13                    (ii) [In the case of recruitment for appointment to a vacant position as a  
 14 full-time career firefighter, emergency medical technician, or paramedic, all nondisabled veteran  
 15 eligibles, if any, who have formerly served as volunteer firefighters shall be ordered  
 16 alphabetically above all other eligibles identified in subparagraphs (iii), (iv), (v), (vi), and (vii),  
 17 below;

18                    (iii)] All [other] nondisabled veteran eligibles, if any, shall be ordered  
 19 alphabetically above all other eligibles identified in subparagraphs (iii), (iv), and (v), [(vi), and  
 20 (vii),] below;

21                    [(iv) In the case of recruitment for appointment to a vacant position as a full-  
 22 time career firefighter, emergency medical technician, or paramedic, all other nonveteran  
 23 eligibles, if any, who have formerly served as volunteer firefighters shall be ordered  
 24 alphabetically above all other eligibles identified in subparagraphs (v), (vi), and (vii), below;

25                    (v)] (iii) All [other] nonveteran eligibles, if any, who are "displaced  
 26 homemakers" shall be ordered alphabetically above all other eligibles identified in subparagraphs  
 27 [(vi)] (iv) and [(vii)] (v), below;

28                    [(vi)] (iv) All other nonveteran eligibles, if any, who have certified on their  
 29 examination applications that they are currently residing within Prince George's County shall be  
 30 ordered alphabetically above all other eligibles identified in subparagraph [(vii)] (v), below; and,

1 [(vii)] (v) All other nonveteran eligibles, if any, who have certified on their  
 2 examination applications that they are not currently residing within Prince George's County shall  
 3 be ordered alphabetically in the last priority category.

4 (3) Joint Promotion/Recruitment Registers. The Personnel Officer shall first arrange  
 5 the names of all eligibles on any joint promotion/recruitment eligibility register, whether  
 6 continuous or temporary, in descending order with the name or names of the eligible or eligibles  
 7 assigned the highest rating placed at the top of any such register. Then, the final order of the  
 8 names of all eligibles on such register shall be determined in accordance with the following  
 9 procedures:

10 (A) Where the eligibles on any such register have been assigned numerical or  
 11 ordinal ratings, the range of the ratings on such register shall be divided into three (3) separate  
 12 subranges, as appropriate, based on the nature of the range of ratings. The Personnel Officer  
 13 shall then arrange the names of all eligibles within each such subrange into the following priority  
 14 categories:

15 (i) All eligibles who are seeking promotion, if any, shall be ordered, by  
 16 rating, above all other eligibles identified in subparagraph (ii), (iii), (iv), (v), and (vi), [(vii), and  
 17 (viii)], below;

18 (ii) All disabled veteran eligibles who are seeking initial appointment, if  
 19 any, shall be ordered, by rating, above all other eligibles identified in subparagraphs (iii), (iv),  
 20 (v), and (vi), [(vii), and (viii),] below;

21 (iii) [All nondisabled veteran eligibles who have formerly served as  
 22 volunteer firefighters and are seeking initial appointment as a full-time career firefighter,  
 23 emergency medical technician, or paramedic, if any, shall be ordered, by rating above all other  
 24 eligibles identified in subparagraphs (iv), (v), (vi), (vii), and (viii), below;

25 (iv)] All [other] nondisabled veteran eligibles who are seeking initial  
 26 appointment, if any, shall be ordered, by rating, above all other eligibles identified in  
 27 subparagraphs (iv), (v), and (vi), [(vii), and (viii),] below;

28 [(v) All other nonveteran eligibles who have formerly served as volunteer  
 29 firefighters and are seeking initial appointment as a full-time career firefighter, emergency  
 30 medical technician, or paramedic, if any, shall be ordered, by rating, above all other eligibles  
 31 identified in subparagraphs (vi), (vii), and (viii), below;

1                    (vi)] (iv) All [other] nonveteran eligibles, if any, who are "displaced  
2 homemakers" shall be ordered, by rating, above all other eligibles identified in subparagraphs  
3 [(vii)] (v) and [(viii)] (vi), below;

4                    [(vii)] (v) All other nonveteran eligibles who are seeking initial  
5 appointment and who have certified on their examination applications that they are currently  
6 residing within Prince George's County, if any, shall be ordered, by rating, above all other  
7 eligibles identified in subparagraph [(viii)] (vi) below; and,

8                    [(viii)] (vi) All other nonveteran eligibles who are seeking initial  
9 appointment and who have certified on their examination applications that they are not currently  
10 residing within Prince George's County, if any, shall be ordered, by rating, in the last priority  
11 category; or,

12                    (B) Where the eligibles on any such register have been assigned nominal ratings,  
13 the Personnel Officer shall arrange the names of all eligibles within each nominal rating group  
14 into the following priority categories:

15                    (i) All eligibles who are seeking promotion, if any, shall be ordered  
16 alphabetically above all other eligibles identified in subparagraphs (ii), (iii), (iv), (v), and (vi),  
17 [(vii), and (viii),] below;

18                    (ii) All disabled veteran eligibles who are seeking initial appointment, if  
19 any, shall be ordered alphabetically above all other eligibles identified in subparagraphs (iii),  
20 (iv), (v), and (vi), [(vii), and (viii),] below;

21                    (iii) [All nondisabled veteran eligibles who have formerly served as  
22 volunteer firefighters and are seeking initial appointment as a full-time career firefighter,  
23 emergency medical technician, or paramedic, if any, shall be ordered alphabetically above all  
24 other eligibles identified in subparagraphs (iv), (v), (vi), (vii), and (viii), below;

25                    (iv)] All nondisabled veteran eligibles who are seeking initial appointment,  
26 if any, shall be ordered alphabetically above all other eligibles identified in subparagraphs (iv),  
27 (v), and (vi), [(vii), and (viii),] below;

28                    [(v) All other nonveteran eligibles who have formerly served as volunteer  
29 firefighters and are seeking initial appointments, as a full-time career firefighter, emergency  
30 medical technician, or paramedic, if any, shall be ordered alphabetically above all other eligibles  
31 identified in subparagraphs (vi), (vii), and (viii), below;

(vi)] (iv) All other nonveteran eligibles, if any, who are "displaced homemakers" shall be ordered alphabetically above all other eligibles identified in subparagraphs [(vii)] (v) and [(viii)] (vi), below;

[(vii)] (v) All other nonveteran eligibles who are seeking initial appointment and who have certified on their examination applications that they are currently residing within Prince George's County, if any, shall be ordered alphabetically above all other eligibles identified in subparagraph [(viii)] (vi) below; and,

[(viii)] (vi) All other nonveteran eligibles who are seeking initial appointment and who have certified on their examination applications that they are not currently residing within Prince George's County, if any, shall be ordered alphabetically in the last priority category.

[(4) Suspension of Volunteer Firefighter Preference Rankings. Whenever the Personnel Officer determines that the ranking of eligibles for appointment to a vacant position as a full-time career firefighter, emergency medical technician, or paramedic will have a disparate effect on a protected class as defined by the guidelines of the Equal Employment Opportunity Commission, upon written certification to the County Executive and the Fire Chief, he shall rank eligibles without regard to the preference for prior service as a volunteer firefighter.]

**Sec. 16-163. Conditions for granting of preferences.**

\* \* \* \* \*

[(d) Volunteer Firefighter's Preference. The preference considerations granted under Section 16-162(d)(2) and (3), above, to volunteer firefighters shall be extended to any individual upon the presentation of evidence by such individual in such manner and form as prescribed by duly developed, approved and issued personnel procedures, as defined in Section 16-102(a)(32), that:

(1) The person has been a legal resident of the State of Maryland for at least two (2) full calendar years at the time of making formal application for competitive examination in order to be considered for initial appointment to a vacant position as a full-time career firefighter, emergency medical technician or paramedic in the classified service and is currently residing within Prince George's County;

(2) The person has a minimum of two years experience as an "active" volunteer firefighter with a volunteer fire or rescue squad department or company within Prince George's

County, as certified by the Prince George's County Fire Chief; and

(3) The person has completed the basic firefighting training course of the Prince George's County Fire Department.]

SECTION 2. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45) calendar days after it becomes law.

Adopted this 17th day of February, 1998.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY: \_\_\_\_\_  
Ronald V. Russell  
Chairman

ATTEST:

\_\_\_\_\_  
Joyce T. Sweeney  
Clerk of the Council

APPROVED:

DATE: \_\_\_\_\_ BY: \_\_\_\_\_  
Wayne K. Curry  
County Executive

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks \*\*\* indicate intervening existing Code provisions that remain unchanged.