

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**  
**2014 Legislative Session**

Bill No. CB-22-2014

Chapter No. 57

Proposed and Presented by Council Member Lehman

Introduced by Council Members Lehman, Franklin, Campos, Davis, Harrison, Olson,  
Patterson, Toles and Turner

Date of Introduction September 23, 2014

**BILL**

1 AN ACT concerning

2 Length of Service Award Program

3 For the purpose of increasing certain benefits under the Length of Service Award Program for  
 4 volunteers and surviving spouses.

5 BY repealing and reenacting with amendments:

6 SUBTITLE 11. FIRE SAFETY.

7 Section 11-328,

8 The Prince George's County Code

9 (2011 Edition; 2013 Supplement).

10 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,  
 11 Maryland, that Section 11-328 of the Prince George's County Code be and the same is hereby  
 12 repealed and reenacted with the following amendments:

13 SUBTITLE 11. FIRE SAFETY.

14 DIVISION 6. VOLUNTEER FIRE COMPANIES.

15 **Sec. 11-328. Length of Service Award Program.**

16 (a) There is hereby established a Length of Service Award program for active volunteer  
 17 members of the Prince George's County Fire/Emergency Medical Services Department.

18 (b) Eligibility. Beginning July 1, 2005, any person who has reached the age of fifty-five  
 19 (55) and who has completed a minimum of twenty-five (25) years of certified active volunteer  
 20 service with any Prince George's County volunteer fire company or volunteer rescue squad or

1 combination thereof shall be eligible to participate in the Length of Service Award Program.  
 2 The requirements for eligibility are:

3 (1) The member must meet the active membership test under the procedures  
 4 established herein.

5 (2) Classification as an "active" member by an individual department bylaws is not  
 6 sufficient to be eligible.

7 (3) Volunteer members of the fire department of the City of Takoma Park shall not be  
 8 eligible to participate in the program.

9 (c) Benefits.

10 (1) Effective July 1, 2005, and thereafter, any volunteer who has completed twenty-  
 11 five (25) years of certified active service within the Prince George's County Fire/Emergency  
 12 Medical Services Department upon reaching age fifty-five (55) shall receive a payment of One  
 13 Hundred Twenty-five Dollars (\$125.00) per month for fiscal year 1988; One Hundred Fifty  
 14 Dollars (\$150.00) per month for fiscal year 1989; One Hundred Seventy-five Dollars (\$175.00)  
 15 per month for fiscal year 1990; Two Hundred Dollars (\$200.00) per month for fiscal year 1991  
 16 through fiscal year 2000; and Two Hundred Twenty-five Dollars (\$225.00) per month for fiscal  
 17 year 2001 and for each fiscal year thereafter until June 30, 2015. Effective July 1, 2015, and  
 18 thereafter, any volunteer currently receiving benefits or that has served twenty-five (25) years  
 19 and attained the age of fifty-five (55) as of July 1, 2015, shall receive a payment of Three  
 20 Hundred Fifty Dollars (\$350) per month for fiscal year 2016; Three Hundred Seventy-Five  
 21 Dollars (\$375) per month for fiscal year 2017; Four Hundred Dollars (\$400) per month for fiscal  
 22 year 2018; and Four Hundred Fifty Dollars (\$450) per month for fiscal year 2019 and for each  
 23 fiscal year thereafter.

24 (2) A payment of [Four] Eight Dollars (\$[4] 8.00) per month shall be added to the  
 25 benefits described above, for each full year of certified service in excess of twenty-five (25)  
 26 years. Payments shall begin on the first day of the month following eligibility. The provisions  
 27 of this Section shall apply to all members currently receiving benefits upon certification of  
 28 additional years.

29 (3) In the event that an active volunteer fireman or rescue squadsman (for purposes of  
 30 this Subsection only herein defined as one who has a minimum of ten (10) years active certified  
 31 service with five (5) years immediately preceding) attains the age of seventy (70), he shall be

entitled to a payment of [Four] Eight Dollars (\$[4] 8.00) per month for each year of certified service. Payments shall begin on the first day following eligibility.

(4) Once a member is receiving benefits under Subsections (c)(1) or (2), that member may annually accrue additional benefits by certified active service.

(5) In the event that:

(A) Any active volunteer is found by the Maryland Workers' Compensation Commission to be permanently disabled in the course of his employment as a volunteer fireman or rescue squadsman, as defined by the State Workers' Compensation Law; and

(B) Such disability is found by a competent medical authority, designated by the County Executive of Prince George's County, to prevent the volunteer from pursuing his or her normal occupation; then

(C) Such volunteer shall receive the benefits prescribed in Subsection (c)(1), as though he had twenty-five (25) years of service and had attained the age of fifty-five (55) years.

These benefits shall begin on the first day of the month following the establishment of entitlement by the medical authority established by the County Executive, and shall be retroactive to the date of injury where such date is clearly established or in the absence thereof, the date of determination of entitlement by the Workers' Compensation Commission. Claims for disability must be filed within one (1) year after the date of injury.

(6) Once a member has received benefits under Subsection (c)(5) he may not accrue additional benefits for subsequent service.

(7) (A) In the event that any qualified volunteer shall die while receiving benefits, then his or her surviving spouse is entitled to benefits equal to fifty percent (50%) of the volunteer's benefits. These benefits shall terminate upon death or remarriage of the spouse.

(B) In the event that a qualified volunteer dies prior to receiving any benefits under this Section, his or her surviving spouse is entitled to benefits equal to fifty percent (50%) of the benefits earned by the deceased volunteer. These benefits shall terminate upon death or remarriage of the spouse. A qualified volunteer is defined as one who has completed twenty-five (25) years of certified service, or is qualified to receive benefits under this Act.

(C) Any surviving spouse receiving benefits pursuant to Subsection (c)(1) on June 30, 1987, shall be entitled to One Hundred Dollars (\$100.00) per month effective January 1, 1992. Effective July 1, 2000, any surviving spouse receiving benefits pursuant to Subsection

(c)(1) on July 1, 2000, shall be entitled to One Hundred Twenty-five Dollars (\$125.00) per month. Effective July 1, 2014, and thereafter, any surviving spouse receiving benefits pursuant to Subsection (c)(1) shall be entitled to Two Hundred Fifty Dollars (\$250) per month.

(8) When a qualified volunteer dies after July 1, 2005, a burial benefit of Five Thousand Dollars (\$5,000.00) shall be paid to the surviving spouse, and if there is no surviving spouse to the estate of the decedent. Effective July 1, 2014, and thereafter, the burial benefit shall be Ten Thousand Dollars (\$10,000). Effective July 1, 2014, and thereafter, the burial benefit shall be Twenty Thousand Dollars (\$20,000) for a qualified volunteer whose death results from an accidental personal injury arising out of and in the course of his volunteer service. A qualified volunteer is defined as one who has completed twenty-five (25) years of service or is qualified to receive benefits under this Section.

\* \* \* \* \*

SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are hereby declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this Act, since the same would have been enacted without the incorporation in this Act of any such invalid or unconstitutional word, phrase, clause, sentence, subparagraph, subsection, or section.

SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45) calendar days after it becomes law.

Adopted this 21st day of October, 2014.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY: \_\_\_\_\_  
Mel Franklin  
Chairman

ATTEST:

\_\_\_\_\_  
Redis C. Floyd  
Clerk of the Council

APPROVED:

DATE: \_\_\_\_\_ BY: \_\_\_\_\_  
Rushern L. Baker, III  
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.