

THE EFFECTIVE DATE OF THIS ORDINANCE IS JULY 18, 2023

ORDINANCE NO. 23-07-007

RE: THE LENGTH OF SERVICE AWARDS PROGRAM –
VOLUNTEER FIRE, RESCUE, AND AMBULANCE COMPANY MEMBERS

By Resolution 84-45 the Board of County Commissioners established the Length of Service Awards Program (LOSAP). The LOSAP provisions were amended by Resolution Nos. 86-02, 87-31, 91-05, 94-22, 99-10, 09-04, and 13-20.

The Annotated Code of Maryland, Public Safety Article, § 7-211, provides that the governing body of Frederick County may implement by enacting an ordinance, a monetary service award plan based on length of service, for members of volunteer fire, rescue, and ambulance companies in Frederick County.

The LOSAP Committee of The Frederick County Volunteer Fire and Rescue Association, Inc. has recommended that certain changes be made to the LOSAP, and the County Executive and the County Council have agreed to make the changes set forth herein.

The changes include: an exception from removal from the program for active-duty military service members due to five (5) years of inactivity, adjustment to certain point categories, creation of an oversight body for guideline changes, definition of the LOSAP trust fund, definition of the LOSAP Trust Administrative Committee, update to administrative processes, clarification of existing language and how benefits will be administered.

NOW, THEREFORE BE IT ORDAINED BY THE COUNTY COUNCIL OF FREDERICK COUNTY, MARYLAND, that:

Resolution No. 13-20 is hereby rescinded and replaced by the following:

Article I. The Length of Service Award Program

A. The Frederick County Volunteer Fire and Rescue Association, Inc. (FCVFRA) with funding and administrative support from Frederick County, implements the Length of Service Award Program (LOSAP) for its members. Under the LOSAP a Company member who qualifies under

the criteria set forth herein, as verified by the individual Companies, the FCFRA LOSAP Committee, and the Frederick County Government, becomes eligible for certain benefits.

B. The LOSAP is funded from general revenue tax sources and is not to be considered a contract between Frederick County and a Member. Funding for the program is subject to appropriation of sufficient funds in the County's Annual Budget and Appropriations Ordinance.

C. Each Company that chooses to participate in the LOSAP will submit a written notice to the County Executive. This notice will state that the Company agrees to participate in the LOSAP and to perform the functions specified in this Ordinance.

Article II. Definitions

A. Company: A volunteer fire, rescue, or ambulance company approved and recognized by Frederick County under §2-8-1 of the Code of Public Local Laws of Frederick County, that operates as a component of the Frederick County fire and rescue system, and maintains in good standing its corporate and operational status.

B. Credited LOSAP Service Year: A year (beginning January 1 and ending December 31) in which a Member has accumulated a minimum of fifty (50) points towards certification in accordance with the LOSAP point system contained in this Ordinance.

C. Eligibility Age: Age 65.

D. Length of Service Awards Program (LOSAP): A program to provide benefits to Members based upon accrual of Credited LOSAP Service Years.

E. LOSAP Committee: A committee of nine (9) individuals appointed by the President of the FCFRA, three (3) who are FCFRA Executive Committee members, and six (6) members from the general membership of the FCFRA.

F. LOSAP Trust Administrative Committee: A committee established to administer the LOSAP Trust, comprised of Frederick County's Director of Finance, Director of Human Resources, and Director of Budget, or their designees.

G. LOSAP Trust: The funding mechanism for the LOSAP.

H. Member: A volunteer who has enrolled in the LOSAP and is certified as a member of a Company recognized by Frederick County and the FCVFRA.

Article III. Initiation of the Program - Historical Background

A. The LOSAP started with a list of names of individuals eligible for participation approved as of January 1, 1985, under Resolution No. 84-45, and credit for service years prior to January 1, 1985, was limited to those names on the initial list. Beginning on January 1, 1988, a Member who was then on the eligibility list could obtain benefits for twenty-five (25) active LOSAP service years in a 35-year period. However, that eligibility list cannot be found and therefore cannot be used to verify any individual member's status. The eligibility list for the year ending 1993 will therefore be used as the base list for eligibility.

B. Between November 1, 1994, and January 31, 1995, any Member whose name was not included in the initial list or whose credit for service years may have been inaccurate based upon the change in eligibility requirements that took place January 1, 1988, could have filed an appeal.

C. The appeal had to be in the form of an affidavit, on the Member's Fire Company letterhead, signed by the Company President, Chief, and LOSAP Chairperson and must have included the reason the name was missed. The affidavit had to be attached to an appeal which had to be filed by January 1, 1995. No appeal filed after that date may be considered by the FCVFRA LOSAP Committee.

D. A member who was denied approval by these officers could have appealed directly to the FCVFRA LOSAP Committee by affidavit and appeal form.

E. Any case in which the FCVFRA LOSAP Committee decided that the name of any person was not included, and the Company verified that the member should have been included, an application was filled out by the member, and the name of that person was placed on the eligibility list by the LOSAP Committee effective as of the member's verified service date.

Article IV. Administration and Responsibilities

- A. The Frederick County Division of Volunteer Fire and Rescue Services (DVFRS) is responsible for the implementation of the LOSAP on behalf of Frederick County.
- B. The DVFRS is authorized to review the payment lists and make adjustments when necessary.
- C. The FCFRA Executive Committee may review and request changes be made to the LOSAP guidelines, and recommend and request changes be made to the Ordinance.
- D. The LOSAP Trust Administrative Committee will manage the LOSAP Trust, which funds payments under the LOSAP.
- E. The FCFRA Executive Committee, the FCFRA LOSAP Committee, and Frederick County have the authority to review and audit LOSAP records of each Company in addition to any other audits required by law.

Article V. Records and Certification of Personnel

- A. It is the responsibility of each Company, periodically throughout the year, to maintain detailed and accurate personnel records of activities for each Company member.
- B. Each Company will submit calendar year activity points forms, for each Company member to the FCFRA LOSAP Committee and the DVFRS no later than January 31 of the following calendar year. In the event a Company fails to submit the LOSAP End of Year Point Forms properly completed, that Company's members may not receive a Credited LOSAP Service Year for the prior calendar year.
- C. All records will be maintained on forms provided by the FCFRA LOSAP Committee. All forms will be kept on file and updated in the records of the DVFRS.
- D. The DVFRS shall maintain a certified listing containing the names of those Members who qualified during the previous calendar year for a Credited LOSAP Service Year.
- E. A Company's LOSAP Chairperson shall advise each new Company member of the LOSAP. Upon approval of membership into a Company, the Company member must complete a Frederick County membership benefits enrollment form and indicate their choice to enroll in or to decline to participate in the LOSAP. Completion of the membership benefits enrollment form declining

participation in the LOSAP by the Company member and submission of the form to the FCVFRA LOSAP Committee or the DVFRS shall constitute a waiver of the offer to participate. In the event a Company member decides to participate in the LOSAP at a later date, the Company member's eligibility for service credit will begin on the date the Company member elects to participate in the LOSAP and not on the Company member's initial service date. Copies of the membership benefits enrollment forms will be kept in the member's personnel file at the DVFRS. All Company members will be provided a copy of their membership enrollment form after it is processed by the DVFRS.

Article VI. Eligibility Requirements

A. A certified member of a Company participating in the LOSAP or member of the Company's recognized Auxiliary, must accrue twenty-five (25) Credited LOSAP Service Years, beginning on the date of the Member's LOSAP enrollment, to be eligible to receive the length of service benefit at or after the eligibility age of sixty-five (65). If a Member completes twenty-five (25) Credited LOSAP Service Years prior to reaching age 65 and continues to be a Company member, the Member will begin to receive the length of service benefit at age 65. A Member who is 65 or older may continue to accrue Credited LOSAP Service Years and receive an increased benefit payment in accordance with section X. A.

B. Company members will be certified on an annual basis by the Company on a form provided by the FCVFRA LOSAP Committee. The findings of this review will then be furnished to the FCVFRA LOSAP Committee or the DVFRS.

C. Advanced Life Support (ALS) Members. A Member that is ALS certified may accumulate points for providing ALS Service. An ALS certified Member may accumulate the required minimum of fifty (50) points per year in the following manner:

- 1) A maximum of twenty (20) points per year may be obtained for ALS Service on the basis of one (1) point per shift or tour of duty; and
- 2) The remaining thirty (30) points must be obtained through other activities as defined under Section VIII.

D. Junior Members. Junior members are eligible, at age 16, to accumulate points and accrue Credited LOSAP Service Years.

E. Auxiliary Members. Members of a Company Auxiliary recognized by the FCVFRA are eligible to receive length of service benefits based upon Credited LOSAP Service Years for volunteer activities.

F. New Members. New Members enrolling in the LOSAP during a calendar year are eligible for a Credited LOSAP Service Year if they accumulate the required fifty (50) points.

G. Inactivity Loss of Eligibility. A Member who does not earn at least one Credited LOSAP Service Year within a period of five (5) consecutive years, will become ineligible for LOSAP benefits, and their name will be removed from the LOSAP benefit eligibility list. The loss of eligibility due to five (5) consecutive years of inactivity will not apply to active-duty military personnel who provide documentation that they remain a member in good standing of a Company and that the inability to earn a Credited LOSAP Service Year is due to assignment out of the local area.

H. Re-enrollment incentive. A Company member who became ineligible due to inactivity may re-enroll in the LOSAP, and upon completion of five (5) consecutive Credited LOSAP Service Years, the member may apply to the FCVFRA LOSAP Committee for reinstatement of the Credited LOSAP Service Years earned prior to becoming ineligible.

Article VII. Appeals

A. If DVFRS records reflect that a Member did not earn a Credited LOSAP Service Year for the prior year, the Member has the right to appeal. The appeal must be submitted in writing on the designated form and filed with DVFRS prior to December 31st of the year following the Service Year.

B. A Member adversely affected by a local, state, or federal emergency declaration or order may file an appeal.

C. The LOSAP Committee shall investigate all appeals. The decision of the LOSAP Committee shall be final.

D. The decisions of the LOSAP Committee shall be in writing and signed by the LOSAP Chairperson and two (2) members of the LOSAP Committee. A copy of the decision will be forwarded to all parties and a copy placed in the member's file at the DVFRS.

Article VIII. The Point System

A Member must accumulate a minimum of fifty (50) points each calendar year to earn a Credited LOSAP Service Year. Points may be accumulated as follows:

A. Company Responses. One (1) point per response up to a maximum of thirty (30) per year. To earn a response point, a Member must have the appropriate operational qualifications for the response, and the Member's name must be included in the incident report.

B. Company, County, State, and National Meetings. One (1) point per meeting up to a maximum of twenty-five (25) points per year.

C. Formal Training. One-half (1/2) point per hour of formal training up to a maximum of twenty (20) points per year. "Formal training" is defined as any training authorized or approved by the chief of a Company.

D. Elected or Appointed Officers. Two and one half (2 1/2) points will be awarded for each calendar quarter of a year served in the following offices or positions: Elected administrative officer, operational officer, or appointed committee chairperson. The office or position must be specified by the State Association, County Association, or individual Company rules, regulations and/or by-laws. Maximum ten (10) points per year.

E. Special Projects. One (1) point per special project or one (1) point for three (3) hours of service benefiting a Company, up to a maximum of forty (40) points per year. "Special projects," as defined by the FCVFRA LOSAP Committee guidelines, may be any activity not covered under subsections A, B, C, or D above.

Article IX. Waivers

Medical Disability. The point system may be waived for a Member during a year by the FCVFRA LOSAP Committee for medical/disability reasons. The Member must submit a signed medical certificate issued by a licensed physician documenting the illness or injury. The FCVFRA LOSAP Committee will review the waiver request and, based on established guidelines, may approve or deny the waiver. If the waiver is approved, the Member will be granted one Credited LOSAP Service Year. A medical disability waiver request must be submitted for each year of disability. A Member may request a medical disability waiver only for the number of years needed to reach a maximum of twenty-five (25) Credited LOSAP Service Years.

Article X. Benefits

A. Length of Service Benefits. Upon reaching the eligibility age of 65 years, a Member who has accrued twenty-five (25) Credited LOSAP Service Years and otherwise meets the requirements of the program will receive a benefit of \$200.00 per month (to be distributed quarterly) until death. After reaching the eligibility age of 65 years, an additional benefit of \$20.00 per month (to be distributed quarterly) will be made to a Member for each additional five (5) years of accrued Credited LOSAP Service Years, up to a maximum total benefit of \$300.00 per month, attainable if fifty (50) credited LOSAP service years have been accrued.

B. Death Benefits.

1. Death benefit after reaching age 65 with 25 or more Credited LOSAP Service Years: In the event a Member who is receiving monthly LOSAP benefits dies before receiving a total of \$15,000 in LOSAP benefit payments, that Member's designated beneficiary(ies) will receive a lump sum payment equal to the difference between the amount of the payments received by the Member until their death and \$15,000.
2. Death benefit after reaching age 65 with less than 25 Credited LOSAP Service Years: A Member that accrued at least five (5) but less than 25 Credited LOSAP Service Years, is on the LOSAP eligibility list, and is 65 or older at the time of death, will receive a prorated benefit based on the number of Credited LOSAP Service Years accrued applied to benefit amount of

\$15,000 for 25 Credited LOSAP Service Years. The lump sum benefit will be paid to the designated beneficiary(ies) of the Member.

3. Death benefit under age 65: A Member that accrued at least five (5) credited LOSAP Service Years, is on the LOSAP eligibility list, and has not reached the age of 65 at the time of death, is eligible for a \$15,000 death benefit payment to their designated beneficiary(ies).

C. LOSAP benefits will be distributed without regard to other benefits due from another local, county, state, or federal program.

D. Education Benefit. A Member is eligible for reimbursement of educational expenses for courses taken through Frederick Community College, in accordance with the provisions of Chapter XII of the Frederick County Personnel Rules to the same extent as County Employees. Educational expense reimbursement will be administered through the DVFRS.

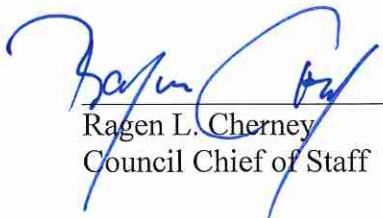
Article XI. Changes to LOSAP Terms

The County Governing body may, by Ordinance, make changes to the terms of the LOSAP as it deems appropriate.

The undersigned hereby certifies that this Ordinance was approved and adopted on the 18TH day of July, 2023.

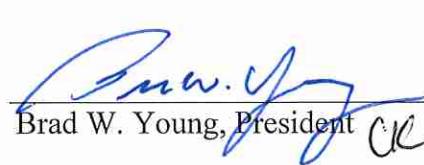
ATTEST:

COUNTY COUNCIL OF
FREDERICK COUNTY, MARYLAND



Ragen L. Cherney
Council Chief of Staff

By:



Brad W. Young, President

Received by the County Executive: July 20, 2023

County Executive Action: ✓ Approve Veto No Action


Jessica Fitzwater, County Executive
Frederick County, Maryland

7/31/23
Date