

NORTH CAROLINA GENERAL ASSEMBLY
1961 SESSION

CHAPTER 427
HOUSE BILL 600

AN ACT TO ESTABLISH A SUPPLEMENTARY PENSION FUND FOR FIREMEN
IN THE CITY OF CONCORD, STATE OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. There is hereby established a supplementary pension fund for the Fire Department of the City of Concord, said fund to be known as the "Concord Firemen's Supplementary Fund", hereinafter referred to as "Supplementary Pension Fund", said fund to be administered by a board of five (5) trustees composed of the Chief of the Fire Department of the City of Concord, two (2) firemen who shall be elected by a majority vote of the chief and members of the fire department, and two (2) members of the Board of Aldermen of the City of Concord who shall be elected by said board upon recommendation of the chief and members of the fire department. The members of said board of trustees shall be elected for a term of one (1) year and shall hold office until their successors are elected and qualified.

Sec. 2. That all funds in the Firemen's Relief Fund of the City of Concord in excess of five hundred dollars (\$500.00) shall be transferred to the "Supplemental Pension Fund" upon ratification of this Act and any monies coming into Firemen's Relief Fund under G. S. 118-5 that will increase said fund to an amount in excess of five hundred dollars (\$500.00) shall be transferred immediately to the "Supplemental Pension Fund" so as to leave in the Firemen's Relief Fund an amount not greater than five hundred dollars (\$500.00) at any time.

Sec. 3. Any person who is a full-time paid member of the Concord Fire Department, as shown by the records of the City of Concord at the time of the ratification of this Act, or any person who shall become such a full-time paid member, shall be eligible for benefits from the "Supplementary Pension Fund", provided that no such person shall be eligible for benefits from the "Supplementary Pension Fund" unless such person has thirty (30) years service in the Concord Fire Department or has been retired as a member of the Concord Fire Department under the Social Security Act, or any retirement system the City of Concord may participate in, or because of a disability. Any disability retirement shall be on a medical board's recommendation. The board of trustees shall designate a medical board composed of three (3) physicians. In special or unusual cases, the board of trustees may employ one (1) or more other physicians, if, in their opinion, the same shall be advisable or necessary. The medical board shall arrange for and make physical examinations and pass upon all medical examinations, all essential statements and certificates by or on behalf of a member in connection with an

application for disability retirement and shall report in writing to the board of trustees its conclusion and recommendations upon the matters referred to it. Upon the application of a member for disability retirement, he may be retired by the board of trustees not less than thirty (30) days nor more than ninety (90) days next following the date of filing application, provided, that the medical board, after a medical examination of such member, shall certify that such member is mentally or physically incapacitated for further performance of duty, that such incapacity is likely to be permanent and that such member should be retired.

Once each year during the first five (5) years following retirement of a member on a disability retirement allowance and once in every three (3) year period thereafter, the board of trustees may, and upon his application, shall require any disability member who has not yet attained the age of sixty (60) years to undergo a medical examination, such examination to be made at the place of residence of said member, or other place mutually agreed upon, by a physician or physicians designated by the board of trustees. Should any disability member who has not yet attained the age of sixty years refuse to submit to at least one medical examination in any such year by a physician or physicians designated by the board of trustees, his allowance may be discontinued until his withdrawal of such refusal; and, should his refusal continue for one (1) year, all his rights in and to his pension may be revoked by the board of trustees.

Should the medical board report and certify to the board of trustees that such disability member is engaged in, or is able to engage in, a gainful occupation paying more than the difference between his retirement allowance and the average annual compensation and should the board of trustees concur in such report, then the amount of his pension shall be reduced to an amount which together with his pension and the amount earnable by him, shall equal the amount of his average annual compensation. Should his earning capacity be later changed, the amount of his pension may be further modified. Should he be restored to full employment in Concord Fire Department, or by other employer, at a salary equal to his compensation at the time of disability, his retirement shall cease. Should it be determined he is physically able to return to full employment in the Concord Fire Department and he is offered full employment in Concord Fire Department before he has attained sixty (60) years of age and he refuses employment, he forfeits all rights to retirement pension. It is further provided that this Act does not modify or alter in any way the Workmen's Compensation Laws of the State of North Carolina.

Sec. 4. Any full-time paid member of said fire department who retires or is retired under the provisions of Section 5 of this Act, shall receive monthly for the remainder of his life from the "Supplementary Pension Fund" an amount equal to two per cent (2%) for each five (5) years of service up to thirty (30) years service; after thirty (30) years or more service, he shall be eligible to receive fourteen per cent (14%) of his average monthly compensation. In no case shall the retirement pension exceed fourteen per cent (14%) of his monthly compensation at the time of retirement.

Sec. 5. The Chief of the Concord Fire Department, as a member of the board of trustees of the "Supplementary Pension Fund", shall be treasurer and custodian of the said fund and shall pay the beneficiaries thereof on the first day of each and every

month any monies in his possession that such beneficiaries may be entitled to under the provisions of this Act.

Sec. 6. The Chief of the Concord Fire Department, as custodian of the "Supplementary Pension Fund", shall be required to give a bond with an indemnity company authorized to do business in the State of North Carolina, as surety in a sum equal to one and one-quarter times the maximum amount estimated by the board of trustees as likely to be in his possession as such custodian at any time within the fiscal year for which the bond is given. The condition of said bond shall be that said custodian shall faithfully receive, keep, disburse and account for, as herein provided, all funds and property coming into his hands as such custodian, and the premiums on said bond shall be paid out of the "Supplementary Pension Fund".

Sec. 7. The said custodian of said "Supplementary Pension Fund" is authorized and directed to invest all monies coming into his possession belonging to said "Supplementary Pension Fund", except so much as the board of trustees from time to time determines is reasonably necessary for the prompt payment of claims and expenses, in such securities as the board of trustees shall select; provided, however, that such securities shall be limited to, and upon the same conditions as those enumerated by the General Statutes of North Carolina, as amended, as to the investment of trust funds and, or, the funds of guardians.

Sec. 8. The board of trustees, as herein provided for, may, in its discretion, take and receive any gift, grant, bequest or devise or any real or personal property or other things of value for, and as, the property of the said "Supplementary Pension Fund" and hold and disburse and invest the same for the use of said fund in accordance with the purpose of this Act and the conditions attached to any such gift, grant, bequest or devise.

Sec. 9. The provisions of Chapter 118 of the General Statutes of North Carolina creating a Firemen's Relief Fund are repealed as to the City of Concord insofar, and only insofar, as said provisions are inconsistent with and contradictory to the provisions of this Act.

Sec. 10. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 11. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 16th day of May, 1961.