

GENERAL ASSEMBLY OF NORTH CAROLINA
1983 SESSION

CHAPTER 464
SENATE BILL 160

AN ACT TO AMEND THE WINSTON-SALEM FIREMEN'S RETIREMENT FUND
ASSOCIATION.

The General Assembly of North Carolina enacts:

Section 1. Chapter 388 of the 1973 Session Laws, as amended by Chapter 15 of the 1977 Session Laws, Chapter 284 of the 1979 Session Laws and Chapter 647 of the 1981 Session Laws, is further amended, as follows:

(1) By adding a new subsection (f) to Section 16, to read:

"(f) If a member has been employed by the City of Winston- Salem continuously for a period of 10 years and has any military service, and is not otherwise treated under Section 26 as being in the employment of the City during the period of such military service, the period of such military service shall nevertheless be added to his period of continuous employment with the City upon such member's paying to the Association an amount equal to twelve dollars (\$12.00) for each month of such military service plus interest at the rate of six percent (6%) per annum, compounded annually. Such military service shall be limited to the initial period of active duty in the armed forces of the United States up to the time the member was first eligible to be separated or released therefrom, and subsequent periods of such active duty as required by the armed forces of the United States up to the date of first eligibility for separation or release therefrom. The member must submit evidence satisfactory to the Trustees of the military service claimed. Such election must be made within one year after the member first becomes eligible to contribute for such military service or January 1, 1985, whichever is later. Credit for military service under this subsection shall not be considered service creditable under another retirement system for purposes of North Carolina General Statute Section 128-26(a)."

(2) By rewriting Section 19 to read:

"Sec. 19. Whenever any member of the Association has been employed by the City of Winston-Salem continuously for a period of at least 30 years, such member may make written application to the Trustees for his normal retirement benefit, and whenever any member of the Association has been employed by the City of Winston-Salem continuously for a period of at least 25 years but not more than 30 years, such member may make written application to the Trustees after July 1, 1983, for his early retirement benefit; provided, however, that such member must retire from the service of the City to receive such benefits. The normal and early retirement benefits of such member shall be a monthly pension for the remainder of his life, as provided hereinbelow. For this purpose and for the purpose of Section 20 hereof, a member shall

be deemed to have been employed by the City of Winston-Salem continuously if such member shall have been employed continuously by any combination of the Fire Department or Police Department (but only such employment by the Police Department as is described in subsection 16(b) and (c) hereof), and the transfer of a member from the employ of one of such organizations to the employ of the other such organization shall not be deemed to be a termination of employment by the City of Winston-Salem. Provided, that if a member has at least 25 years of employment with the City of Winston-Salem, but such service is not continuous solely because of a leave of absence lasting not more than a year and not described in Section 26, such member shall be deemed to have continuous employment with the City during such leave of absence; and provided further, that if a member has less than 25 years of employment with the City but the sum of his years of employment with the City plus any leave of absence lasting not more than one year and not described in Section 26, equals or exceeds 25 years, the period of such leave shall be deemed to be continuous employment with the City if such member contributes to the Association twelve dollars (\$12.00) for each month he was on such leave, plus interest at the rate of six percent (6%) per annum, computed on the amount accrued as of the end of each fiscal year of the Association.

The amount of the monthly pension for each member who is entitled to receive a normal retirement benefit shall be determined in accordance with the following table:

Retirement Date Monthly Pension On or After Before July 1, 1974 \$100 July 1, 1974 January 1, 1977 \$110 January 1, 1977 July 1, 1981 \$135 July 1, 1981 July 1, 1982 \$145 July 1, 1982 July 1, 1983 \$155 July 1, 1983 July 1, 1984 \$165 July 1, 1984 July 1, 1985 \$175 July 1, 1985 \$185 The amount of the monthly pension for each member who is entitled to receive an early retirement benefit shall be the product of (1) and (2), where (1) is the applicable percentage listed in the following table based on his years of continuous employment at his early retirement date, and (2) is the normal retirement benefit such member would have received if he had retired after 30 years of continuous employment with the City:

Years of Employment at Retirement	Percentage of Normal Retirement Benefit
25	85%
26	88%
27	91%
28	94%
29	97%

Payments shall be subject to the provisions of Section 18 of this act."

Sec. 2. None of the provisions of this act shall create an obligation on the part of the Winston-Salem Firemen's Retirement Fund Association to make any payment unless sufficient current assets are available for that purpose.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 8th day of June, 1983.