

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

S

1

SENATE BILL 908

Short Title: Fire and Rescue Separation Allowances. (Public)

Sponsors: Senators Clodfelter; Dorsett, Foriest, Hartsell, Malone, Nesbitt, Queen, Snow,
and Swindell.

Referred to: Pensions & Retirement & Aging.

March 26, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH A SPECIAL SEPARATION ALLOWANCE FOR CAREER
3 FIREFIGHTERS AND CAREER RESCUE SQUAD WORKERS.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Chapter 143 of the General Statutes is amended by adding a new
6 Article to read:

7 "Article 12G.

8 "Separation Allowances for Career Firefighters and Career Rescue Squad Workers.

9 **"§ 143-166.90. Definitions.**

10 As used in this Article:

11 (1) "Beneficiary" means any person in receipt of a retirement allowance or other
12 benefit from the Local Governmental Employees' Retirement System or an
13 equivalent locally sponsored retirement plan.

14 (2) "Career firefighter" means a person (i) who is a full-time paid employee of
15 an employer that participates in the Local Governmental Employees'
16 Retirement System or an equivalent locally sponsored retirement plan and
17 maintains a fire department certified by the North Carolina Department of
18 Insurance, and (ii) who is actively serving in a position with assigned
19 primary duties and responsibilities for the prevention, detection, and
20 suppression of fire.

21 (3) "Career rescue squad worker" means a person (i) who is a full-time paid
22 employee of an employer that participates in the Local Governmental
23 Employees' Retirement System or an equivalent locally sponsored retirement
24 plan and maintains a rescue squad or emergency medical services team
25 certified by the North Carolina Department of Insurance or the Department
26 of Health and Human Services, and (ii) who is actively serving in a position
27 with assigned primary duties and responsibilities for the alleviation of
28 human suffering and assistance to persons who are in difficulty, who are
29 injured, or who become suddenly ill, by providing proper and efficient care
30 or emergency medical services.

31 (4) "Employer" means a county, city, town, or other political subdivision of this
32 State that participates in the Local Governmental Employees' Retirement
33 System or an equivalent locally sponsored retirement plan.

34 **"§ 143-166.91. Special separation allowances for career firefighter and career rescue**
35 **squad workers.**



1 (a) Notwithstanding any other provision of law, every career firefighter and career
2 rescue squad worker who is employed by an employer, and every former career firefighter and
3 career rescue squad worker who was permanently disabled in the line of duty and formerly
4 employed by an employer, who qualify under this section shall receive, beginning in the month
5 in which the firefighter or rescue squad worker retires on a basic service retirement, under the
6 provisions of G.S. 128-27(a), (a1), (a2), or (c), or beginning July 1, 2009, in the case of former
7 career firefighters and career rescue squad workers permanently disabled in the line of duty, an
8 annual separation allowance equal to five hundred seventy-five thousandths percent (0.575%)
9 of the annual equivalent of the base rate of compensation most recently applicable to him or her
10 for each year of creditable service. The allowance shall be paid in equal installments on the
11 payroll frequency used by the employer. In order to qualify for the allowance, the officer shall:

12 (1) Have (i) completed 30 or more years of creditable service or (ii) have
13 attained 55 years of age and completed five or more years of creditable
14 service; and

15 (2) Not have become eligible for unreduced Social Security benefits; and

16 (3) Have completed at least five years of continuous service as a career
17 firefighter or career rescue squad worker as herein defined immediately
18 preceding a service retirement. Any break in the continuous service required
19 by this subsection because of disability retirement benefits shall not
20 adversely affect the qualification of a firefighter or rescue squad worker to
21 receive the allowance, provided the firefighter or rescue squad worker
22 returns to service within 45 days after the disability benefits cease and is
23 otherwise qualified to receive the allowance. However, a firefighter or
24 rescue squad worker who is permanently disabled in the line of duty shall be
25 eligible to receive the allowance beginning in the month after the firefighter
26 or rescue squad worker would have completed 30 years of service but for the
27 disability.

28 (b) As used in this section, "creditable service" means the service for which credit is
29 allowed under the retirement system of which the firefighter or rescue squad worker is a
30 member, provided that at least fifty percent (50%) of the service is as a career firefighter or
31 rescue squad worker as herein defined.

32 (c) Payment to a retired firefighter or rescue squad worker under the provisions of this
33 section shall cease at:

34 (1) The last day of the month following the death of the firefighter or rescue
35 squad worker;

36 (2) The last day of the month in which the firefighter or rescue squad worker
37 becomes eligible for unreduced Social Security benefits; or

38 (3) The first day of reemployment by any employer in any capacity, whether
39 full-time, part-time, temporary, or contractual.

40 (d) This section does not affect the benefits to which an individual may be entitled from
41 State, federal, or private retirement systems. The benefits payable under this section shall not
42 be subject to any increases in salary or retirement allowances that may be granted to local
43 employees by any employer.

44 (e) The governing body for each unit of local government shall be responsible for
45 making determinations of eligibility for its employees for the benefits provided under this
46 section and for making payments to those eligible employees."

47 **SECTION 2.** This act becomes effective July 1, 2010, except that
48 G.S. 143-166.91(f) becomes effective October 1, 2009.