

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021

H.B. 406  
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH30209-MGp-77A

Short Title: Spec. Sep. Allowance/25-Yr Cleveland Cty LEOs. (Local)

Sponsors: Representative Hastings.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT PROVIDING A SPECIAL SEPARATION ALLOWANCE FOR CERTAIN  
3 CLEVELAND COUNTY LAW ENFORCEMENT OFFICERS WHO ATTAIN  
4 TWENTY-FIVE YEARS OF SERVICE.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.(a)** The following definitions apply in this section:

7 (1) Creditable service. – The service for which credit is allowed under the  
8 retirement system of which the officer is a member, provided that at least fifty  
9 percent (50%) of the service is as a law enforcement officer.

10 (2) Law enforcement officer. – As defined by G.S. 128-21(11d) or  
11 G.S. 143-166.50(a)(3).

12 **SECTION 1.(b)** On and after January 1, 2022, and notwithstanding any other  
13 provision of law to the contrary, every sworn law enforcement officer who is employed by  
14 Cleveland County and qualifies under subsection (c) of this section shall receive, beginning in  
15 the month in which the officer retires on a basic service retirement under the provisions of  
16 G.S. 128-27(a), an annual separation allowance according to the following:

17 (1) Upon completion of 25 years of service, an amount equal to seven hundred  
18 twenty-five thousandths percent (0.725%) of the annual equivalent of the base  
19 rate of compensation most recently applicable to the officer for each year of  
20 creditable service.

21 (2) Upon completion of 26 years of service, an amount equal to seven hundred  
22 fifty thousandths percent (0.750%) of the annual equivalent of the base rate of  
23 compensation most recently applicable to the officer for each year of  
24 creditable service.

25 (3) Upon completion of 27 years of service, an amount equal to seven hundred  
26 seventy-five thousandths percent (0.775%) of the annual equivalent of the  
27 base rate of compensation most recently applicable to the officer for each year  
28 of creditable service.

29 (4) Upon completion of 28 years of service, an amount equal to eight hundred  
30 thousandths percent (0.800%) of the annual equivalent of the base rate of  
31 compensation most recently applicable to the officer for each year of  
32 creditable service.

33 (5) Upon completion of 29 years of service, an amount equal to eight hundred  
34 twenty-five thousandths percent (0.825%) of the annual equivalent of the base  
35 rate of compensation most recently applicable to the officer for each year of  
36 creditable service.



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- 1 (6) Upon completion of 30 years of service, an amount equal to eight hundred  
2 fifty thousandths percent (0.850%) of the annual equivalent of the base rate of  
3 compensation most recently applicable to the officer for each year of  
4 creditable service.

5 The allowance authorized by this section shall be paid in equal installments on the  
6 payroll frequency used by the employer.

7 **SECTION 1.(c)** In order to qualify for the allowance, the officer shall meet all of the  
8 following criteria:

- 9 (1) Has completed 25 or more years of creditable service.  
10 (2) Has not attained 62 years of age.  
11 (3) Has completed at least 10 years of continuous service as a law enforcement  
12 officer for Cleveland County immediately preceding a service retirement. Any  
13 break in the continuous service required by this subdivision because of  
14 disability retirement or disability salary continuation benefits shall not  
15 adversely affect an officer's qualification to receive the allowance, provided  
16 the officer returns to service within 45 days after the disability benefits cease  
17 and is otherwise qualified to receive the allowance.  
18 (4) Is not a recipient of the special separation allowance provided under  
19 G.S. 143-166.41 or G.S. 143-166.42.

20 **SECTION 1.(d)** Payment to a retired officer under the provisions of this section shall  
21 cease at the earlier of the following:

- 22 (1) The death of the officer.  
23 (2) The last day of the month in which the officer attains 62 years of age.  
24 (3) The first day of reemployment by a local government employer in any  
25 capacity.

26 **SECTION 1.(e)** Notwithstanding the provisions of subdivision (2) of subsection (d)  
27 of this section, payments to a retired officer shall not cease when a local government employer  
28 employs a retired officer for any of the following:

- 29 (1) In a public safety position in a capacity not requiring participation in the Local  
30 Governmental Employees' Retirement System.  
31 (2) In service to a county board of elections on an election day in a capacity that  
32 complies with G.S. 128-21(19) and does not result in cessation or suspension  
33 of the retiree's benefit from the Local Government Employees' Retirement  
34 System.

35 **SECTION 1.(f)** This section does not affect the benefits to which an individual may  
36 be entitled from State, local, federal, or private retirement systems. The benefits payable under  
37 this section shall not be subject to any increases in salary or retirement allowances that may be  
38 authorized by local government employers or for retired employees of local governments.

39 **SECTION 1.(g)** The governing body of Cleveland County shall determine the  
40 eligibility of employees for the benefits provided in this section.

41 **SECTION 1.(h)** The governing body of Cleveland County shall make the payments  
42 set forth in subsection (b) of this section to those individuals determined to be eligible under  
43 subsections (c) and (g) of this section from funds available.

44 **SECTION 2.** This act applies only to Cleveland County.

45 **SECTION 3.** This act becomes effective January 1, 2022, and applies prospectively  
46 to eligibility determinations made by the governing body of Cleveland County on or after that  
47 date.