

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 366

Short Title: Local Government Retirement Change.

(Public)

Sponsors: Representatives Greenwood; N. J. Crawford and Nesbitt.

Referred to: Pensions and Retirement.

March 28, 1991

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE AMOUNT OF SICK LEAVE CREDITABLE TOWARD RETIREMENT FOR LOCAL GOVERNMENT EMPLOYEES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 128-26(e) reads as rewritten:

"(e) Creditable service at retirement on which the retirement allowance of a member shall be based shall consist of the membership service rendered by him since he last became a member, and also if he has a prior service certificate which is in full force and effect, the amount of the service certified on his prior service certificate; and if he has sick leave standing to his credit upon retirement on or after July 1, 1971, one month of credit for each 20 days or portion thereof not to exceed ~~one month~~ 12 days of credit for each ~~two years~~ year of prior and membership service or fraction thereof, but sick leave shall not be counted in computing creditable service for the purpose of determining eligibility for disability retirement or for a vested deferred allowance.

On and after July 1, 1971, a member whose account was closed on account of absence from service under the provisions of G.S. 128- 24(1a)and who subsequently returns to service for a period of five years, may thereafter repay the amount withdrawn plus regular interest thereon from the date of withdrawal through the year of repayment and thereby increase his creditable service by the amount of creditable service lost when this account was closed.

On and after July 1, 1973, a member whose account in the Teachers' and State Employees' Retirement System was closed on account of absence from service under the provisions of G.S. 135-3(3) and who subsequently became or becomes a member of this System with credit for five years of service, may thereafter repay in a lump sum

1 the amount withdrawn from the Teachers' and State Employees' Retirement System plus
2 regular interest thereon from the date of withdrawal through the year of repayment and
3 thereby increase his creditable service in this System by the amount of creditable
4 service lost when his account was closed.

5 Notwithstanding any other provision of this Chapter, any member who entered
6 service or was restored to service prior to July 1, 1982, and was excluded from
7 membership service solely on account of having attained the age of 62 years, in
8 accordance with former G.S. 128- 24(3a), may purchase membership service credits for
9 such excluded service by making a lump-sum payment equal to the contributions that
10 would have been deducted pursuant to G.S. 128-30(b) had he been a member of the
11 Retirement System, increased by interest calculated at a rate of seven percent (7%) per
12 annum. Creditable service for unused sick leave shall be allowed only for sick leave
13 accrued monthly during employment under a duly adopted sick leave policy and for
14 which the member may be able to take credits and be paid for sick leave without
15 restriction.

16 On and after January 1, 1986, the creditable service of a member who was a member
17 of the Law Enforcement Officers' Retirement System at the time of the transfer of law
18 enforcement officers employed by participating employers from that System to this
19 Retirement System and whose accumulated contributions are transferred from that
20 System to this Retirement System, includes service that was creditable in the Law
21 Enforcement Officers' Retirement System; and membership service with that System is
22 membership service with this Retirement System; provided, notwithstanding any
23 provisions of this Article to the contrary, any inchoate or accrued rights of such a
24 member to purchase creditable service for military service, withdrawn service and prior
25 service under the rules and regulations of the Law Enforcement Officers' Retirement
26 System may not be diminished and may be purchased as creditable service with this
27 Retirement System under the same conditions that would have otherwise applied."

28 Sec. 2. This act becomes effective July 1, 1991, and applies to retirements on
29 or after that date.