

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 802\*

Short Title: Firefighter Classifications.

(Public)

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Sponsors: Senators Rand, Conder, Cooper, Gulley, Hoyle, Martin of Guilford, Warren, Horton, Plyler, Jordan, Hobbs, Odom, Simpson, and Sawyer.

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Referred to: Pensions and Retirement/Insurance/State Personnel

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April 24, 1995

A BILL TO BE ENTITLED

1 AN ACT TO DEFINE A PROFESSIONAL FIREFIGHTER'S EMPLOYEE  
2 RETIREMENT CLASSIFICATION AND BENEFIT ACCRUAL RATE FOR  
3 MEMBERS AND BENEFICIARIES OF THE LOCAL GOVERNMENTAL  
4 EMPLOYEES' RETIREMENT SYSTEM.  
5

6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 128-21 is amended by adding a new subdivision to read:

8 "(17a) 'Professional firefighter' means an individual (i) who is a full-  
9 time, paid employee of a fire department certified by the  
10 North Carolina Department of Insurance, and (ii) who is  
11 actively serving in a position with assigned primary duties  
12 and responsibilities for the prevention, detection, and  
13 suppression of fire."

14 Sec. 2. G.S. 128-27 is amended by adding a new subsection to read:

15 "(b15) Service Retirement Allowance of Professional Firefighters Retiring on or  
16 After July 1, 1995. – Upon retirement from service, in accordance with subsection (a) of  
17 this section, on or after July 1, 1995, a member who is a professional firefighter or an  
18 eligible former professional firefighter shall receive a service retirement allowance  
19 computed in the following manner:

(1) If the member's service retirement date occurs as a professional firefighter, and after the completion of 25 years of creditable professional fire-fighter service, the allowance shall be equal to two and one-half percent (2.5%) of his average final compensation, multiplied by the number of years of his creditable service.

(2) In lieu of the benefits provided in subdivision (1) of this subsection, any member who separates from service prior to the attainment of the age of 60 years, for any reason other than death or retirement for disability as provided in this Article, after completing 15 or more years of creditable service, and who leaves his total accumulated contributions in said System, may elect to retire on an early retirement allowance upon attaining the age of 50 years or at any time thereafter; provided, that such member may so retire only upon written application to the Board of Trustees setting forth at what time, not less than one day nor more than 90 days subsequent to the execution and filing thereof, he desires to be retired. Such early retirement allowance so elected shall be equal to the deferred retirement allowance otherwise payable at the attainment of the age of 60 years reduced by the percentage thereof indicated below.

<u>Age at Retirement</u>		<u>Percentage Reduction</u>
<u>59</u>	<u>4</u>	
<u>58</u>	<u>8</u>	
<u>57</u>	<u>12</u>	
<u>56</u>	<u>16</u>	
<u>55</u>	<u>20</u>	
<u>54</u>	<u>24</u>	
<u>53</u>	<u>28</u>	
<u>52</u>	<u>32</u>	
<u>51</u>	<u>36</u>	
<u>50</u>	<u>40</u>	

(3) If the member's service retirement date occurs as a professional firefighter and upon the completion of 25 years of creditable service but not all of which occurred as a professional firefighter, the member shall be eligible to retire as a professional firefighter under this section, but his retirement allowance shall be computed in subdivision (1) of this subsection only for the years of creditable service as a professional firefighter.

(4) If a member's service retirement date occurs upon the completion of 25 years of creditable service but does not occur as a professional firefighter, the member shall not be eligible to retire as a professional firefighter under this subsection.

1           The member's retirement allowance pertaining to the service as a  
2           professional firefighter nevertheless shall be equal to two and one-half  
3           percent (2.5%) of the member's average final compensation multiplied  
4           by the number of his years of creditable service.

5           (5) In lieu of the benefits provided in subdivisions (1) through (4) of this  
6           subsection, any member who is a professional firefighter at the time of  
7           separation from service prior to the attainment of the age of 50 years,  
8           for any reason other than death or disability as provided in this Article,  
9           after completing 15 or more years of creditable service in this capacity  
10           prior to separation from service, and who leaves his total accumulated  
11           contributions in this System, may elect to retire on a deferred early  
12           retirement allowance upon attaining the age of 50 years or at any time  
13           thereafter; provided, that the member may commence retirement only  
14           upon written application to the Board of Trustees setting forth at what  
15           time, as of the first day of a calendar month, not less than one day nor  
16           more than 90 days subsequent to the execution and filing thereof, he  
17           desires to commence retirement. The deferred early retirement  
18           allowance shall be computed in accordance with the service retirement  
19           provisions of this Article pertaining to professional firefighters.

20           (6) In lieu of the benefits provided in subdivisions (1) through (4) of this  
21           subsection, any member who is a professional firefighter at the time of  
22           separation from service prior to the attainment of the age of 55 years,  
23           for any reason other than death or disability as provided in this Article,  
24           after completing five or more years of creditable service in this capacity  
25           prior to separation from service, and who leaves his total accumulated  
26           contributions in this System, may elect to retire on a deferred early  
27           retirement allowance upon attaining the age of 55 years or at any time  
28           thereafter; provided, that the member may commence retirement only  
29           upon written application to the Board of Trustees setting forth at what  
30           time, as of the first day of a calendar month not less than one day nor  
31           more than 90 days subsequent to the execution and filing thereof, he  
32           desires to commence retirement. The deferred early retirement  
33           allowance shall be computed in accordance with the service retirement  
34           provisions of this Article pertaining to professional firefighters."

35           Sec. 3. This act is effective upon ratification.