

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE DRS85093-LL-125 (3/11)

Short Title: Fire and Rescue Separation Allowances.

(Public)

Sponsors: Senator Hartsell.

Referred to:

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 primary
19 duties and responsibilities for the prevention, detection, and suppression of
20 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 career firefighter or career rescue squad worker retires on a basic service
6 retirement, under the provisions of G.S. 128-27(a), (a1), (a2), or (c), or beginning July 1, 2011,
7 in the case of former career firefighters and career rescue squad workers permanently disabled
8 in the line of duty, an annual separation allowance equal to five hundred seventy-five
9 thousandths percent (0.575%) of the annual equivalent of the base rate of compensation most
10 recently applicable to him or her for each year of creditable service. The allowance shall be
11 paid in equal installments on the payroll frequency used by the employer. In order to qualify for
12 the allowance, the officer shall meet all of the following requirements:

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

16 (2) Not have become eligible for unreduced Social Security benefits.

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

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

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

36 (1) The last day of the month following the death of the career firefighter or
37 career rescue squad worker;

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

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

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

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

49 **SECTION 2.** This act becomes effective July 1, 2011.