

March 26, 2009

S 986. CLARIFY LOCAL SPECIAL SEPARATION ALLOWANCE. Filed 3/25/09. *TO CLARIFY THE LAW REGARDING THE SPECIAL SEPARATION ALLOWANCE PROVIDED TO LAW ENFORCEMENT OFFICERS UNDER THE LOCAL GOVERNMENTAL RETIREMENT SYSTEM.* Rewrites GS 143-166.42 to provide that on and after January 1, 1987, every sworn law enforcement officer as defined by GS 128-21(11b) or 143-166.50(a)(3) employed by a local government employer who qualifies under the section shall receive, beginning in the month in which the officer retires on a basic service retirement under the provisions of GS 128-27(a), an annual separation allowance equal to 0.85% of the annual equivalent of the base rate of compensation most recently applicable to the officer for each year of creditable service. Specifies requirements for qualifying for the allowance. Defines relevant terms and specifies when payments to an officer cease. Provides that the section does not affect benefits to which an individual may be entitled from other retirement systems; benefits payable under this section are not subject to any increases in salary or retirement allowances that may be authorized by local government employers or for retired employees of local governments. The head of each local employer determines the eligibility of employees for benefits and makes the required payments. Provides that any local government that has denied the payment of a special separation allowance to a law enforcement officer for any reason other than those authorized by GS 143-166.42(c) must reinstate payment of that officer's special separation allowance and make any necessary back payments.

Intro. by McKissick.

GS 143

May 7, 2009

S 986. CLARIFY LOCAL SPECIAL SEPARATION ALLOWANCE. Filed 3/25/09. Senate committee substitute makes the following changes to 1st edition. Deletes provision directing any local government employer that has denied the payment of a special separation allowance for any reason other than those set forth in the act to reinstate payment and make any necessary back payments to rectify that denial. Makes additional technical changes.

July 1, 2009

S 986. CLARIFY LOCAL SPECIAL SEPARATION ALLOWANCE. Filed 3/25/09. House committee substitute makes the following changes to 2nd edition. Rewrites new GS 143-166.42(c) to allow a local government employer to employ a retired officer in a public safety position in a capacity not requiring participation in the Local Government Employees' Retirement System without affecting the retiree's benefits under that section. Provides that the act applies prospectively to payments required by the act regardless of whether an officer retires before, on, or after the act's effective date. Also provides that the act does not authorize retroactive payments of any benefit for a period prior to the act's effective date for which the officer's employer has previously determined the officer was not entitled, does not authorize the prospective denial of payment of an annual separation allowance to an officer who was previously determined eligible for the benefit, does not apply to any pending litigation related to special separation allowances, and does not extend payment of an allowance beyond the date when payment ceases under new GS 143-166.42.