

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 445
PROPOSED COMMITTEE SUBSTITUTE H445-PCS40422-BAp-11

Short Title: Special Sep. Allowance/Alamance Cty DOs.

(Local)

Sponsors:

Referred to:

March 26, 2019

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW ALAMANCE COUNTY DETENTION OFFICERS TO RECEIVE A
3 SPECIAL SEPARATION ALLOWANCE.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Article 12D of Chapter 143 of the General Statutes is amended by
6 adding a new section to read:

7 "**§ 143-166.44. Special separation allowances for county detention officers.**

8 (a) The following definitions apply to this section:

9 (1) County detention officer. – Any individual who meets all of the following
10 criteria:

11 a. The individual has been appointed as a detention officer as defined by
12 G.S. 17E-2(3)b. for a minimum of 15 years immediately preceding
13 retirement eligibility.

14 b. The individual's job title and duties are equivalent to a Detention
15 Officer (Munis Job Class 0373), Detention Sergeant (Munis Job Class
16 0365), Detention Corporal (Munis Job Class 0261), Detention
17 Lieutenant (Munis Job Class 02610), Detention Major (Munis Job
18 Class 0040), or Detention Captain (Munis Job Class 0110).

19 c. The individual is not receiving a special separation allowance for law
20 enforcement officers under G.S. 143-166.42.

21 (2) Creditable service. – As defined in G.S. 128-21(8).

22 (b) Every county detention officer who qualifies under this section shall receive,
23 beginning in the month in which the county detention officer retires on a basic service retirement
24 under the provisions of G.S. 128-27(a), an annual separation allowance equal to eighty-five
25 hundredths percent (0.85%) of the annual equivalent of the base rate of compensation most
26 recently applicable to the county detention officer for each year of creditable service. The
27 allowance shall be paid in equal installments on the payroll schedule frequency used by the
28 county. To qualify for this allowance, the county detention officer shall meet all of the following
29 criteria:

30 (1) The county detention officer has either (i) completed 30 or more years of
31 creditable service or (ii) attained 60 years of age and completed 25 or more
32 years of creditable service.

33 (2) The county detention officer is less than 62 years of age.

34 (3) The county detention officer has completed at least 15 consecutive years of
35 active service with the county providing the separation allowance as a
36 full-time county detention officer immediately preceding retirement. Any



1 break in the continuous service required by this subsection due to service in
2 the Uniformed Services, as that term is defined in Section 4303(16) of the
3 Uniformed Services Employment and Reemployment Rights Act, Public Law
4 103-353, shall not adversely affect a county detention officer's qualification
5 to receive the allowance so long as the county detention officer was a county
6 detention officer at the time of the break in service. If the county detention
7 officer does not return immediately after the service in the Uniformed Services
8 to employment as a county detention officer, then the county detention officer
9 shall be deemed to have been in service until the date on which that county
10 detention officer was first eligible to be separated or released from his or her
11 involuntary military service.

12 (4) The county detention officer's date of hire is on or before June 30, 2022.

13 (c) Payment to a retired county detention officer under this section shall cease at the first
14 of the following circumstances:

15 (1) The death of the county detention officer.

16 (2) The last day of the month in which the county detention officer attains 62
17 years of age.

18 (3) The first day of reemployment by a local government employer in any
19 capacity requiring participation in the Local Governmental Employees'
20 Retirement System. If payment is terminated due to reemployment under this
21 subdivision, then it shall not be reinstated even if that employment is
22 discontinued. It shall be the responsibility of the county detention officer
23 receiving the payment to inform the county paying the allowance of any
24 reemployment under this subdivision.

25 (d) This section does not affect the benefits to which an individual may be entitled from
26 State, local, federal, or private retirement systems. The benefits payable under this section shall
27 not be subject to any increases in salary or retirement allowances that may be authorized by local
28 government employers or for retired employees of local governments.

29 (e) The Board of County Commissioners shall determine the eligibility of county
30 detention officers in that county for the benefits provided under this section.

31 (f) The county shall make the payments set forth in subsection (a) of this section to those
32 county detention officers determined to be eligible under subsection (e) of this section from funds
33 available."

34 **SECTION 2.** This act applies to Alamance County only.

35 **SECTION 3.** This act is effective when it becomes law.