

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

FILED SENATE
Mar 4, 2019
S.B. 179
PRINCIPAL CLERK

S

D

SENATE BILL DRS45085-MRp-45A*

Short Title: Parity for First Responders. (Public)

Sponsors: Senators B. Jackson, Britt, and McInnis (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO CREATE A SPECIAL SEPARATION ALLOWANCE FOR STATE AND
3 LOCAL FIREFIGHTERS AND 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 12I.

8 "Special Separation Allowances for State and Local Firefighters and Rescue Squad Workers.

9 **§ 143-166.90. Special separation allowances for State firefighters and rescue squad**
10 **workers.**

11 (a) The following definitions apply in this section:

12 (1) "Creditable service" means the service for which credit is allowed under the
13 retirement system of which the firefighter or rescue squad worker is a member,
14 provided that at least fifty percent (50%) of the service is as a firefighter or
15 rescue squad worker.

16 (2) "Firefighter" shall mean a full-time paid employee of any State department,
17 agency, or institution actively serving in a position with assigned primary
18 duties and responsibilities for the prevention, detection, and suppression of
19 fire.

20 (3) "Rescue squad worker" shall mean a full-time paid employee of any State
21 department, agency, or institution who meets the definition of "emergency
22 medical services personnel" under G.S. 131E-155.

23 (b) Every firefighter or rescue squad worker who qualifies under this section shall
24 receive, beginning in the month in which the firefighter or rescue squad worker retires on a basic
25 service retirement under the provisions of G.S. 135-5(a), an annual separation allowance equal
26 to eighty-five hundredths percent (0.85%) of the annual equivalent of the base rate of
27 compensation most recently applicable to the firefighter or rescue squad worker for each year of
28 creditable service. The allowance shall be paid in equal installments on the payroll frequency
29 used by the employer. To qualify for the allowance, the firefighter or rescue squad worker shall
30 meet all of the following criteria:

31 (1) The firefighter or rescue squad worker has either (i) completed 30 or more
32 years of creditable service or (ii) attained 60 years of age and completed 25 or
33 more years of creditable service.

34 (2) The firefighter or rescue squad worker has not attained 62 years of age.

35 (3) The firefighter or rescue squad worker has completed at least five years of
36 continuous service, rendered on or after July 1, 2019, as a firefighter or rescue



* D R S 4 5 0 8 5 - M R P - 4 5 A *

1 squad worker immediately preceding a service retirement. Any break in the
2 continuous service required by this subdivision because of disability
3 retirement or disability salary continuation benefits shall not adversely affect
4 a firefighter's or rescue squad worker's qualification to receive the allowance,
5 provided the firefighter or rescue squad worker returns to service within 45
6 days after the disability benefits cease and is otherwise qualified to receive the
7 allowance.

8 (c) Payment to a retired firefighter or rescue squad worker under the provisions of this
9 section shall cease upon the earlier of the following:

10 (1) The death of the firefighter or rescue squad worker.

11 (2) The last day of the month in which the firefighter or rescue squad worker
12 attains 62 years of age.

13 (3) The first day of reemployment by any State department, agency, or institution,
14 except that this subdivision does not apply to a firefighter or rescue squad
15 worker returning to State employment in a position exempt from the North
16 Carolina Human Resources Act in an agency other than the agency from
17 which that firefighter or rescue squad worker retired.

18 (d) This section does not affect the benefits to which an individual may be entitled from
19 State, local, federal, or private retirement systems. The benefits payable under this section shall
20 not be subject to any increases in salary or retirement allowances that may be authorized by the
21 General Assembly for employees of the State or retired employees of the State.

22 (e) The head of each State department, agency, or institution shall determine the
23 eligibility of employees for the benefits provided under this section.

24 (f) The Director of the Budget may authorize the transfer of funds within the budgets of
25 each State department, agency, or institution necessary to carry out the purposes of this section.
26 These funds shall be taken from those appropriated to the department, agency, or institution for
27 salaries and related fringe benefits.

28 (g) The head of each State department, agency, or institution shall make the payments set
29 forth in subsection (b) of this section to those persons certified under subsection (e) of this section
30 from funds available in subsection (f) of this section.

31 **§ 143-166.92. Special separation allowances for local firefighters and rescue squad**
32 **workers.**

33 (a) The following definitions apply in this section:

34 (1) "Creditable service" means the service for which credit is allowed under the
35 retirement system of which the firefighter or rescue squad worker is a member,
36 provided that at least fifty percent (50%) of the service is as a firefighter or
37 rescue squad worker.

38 (2) "Firefighter" means a person (i) who is a full-time paid employee of an
39 employer that participates in the Local Governmental Employees' Retirement
40 System, or an equivalent locally sponsored retirement plan, and maintains a
41 fire department certified by the North Carolina Department of Insurance or a
42 County Fire Marshal's Office and (ii) who is actively serving in a position with
43 assigned primary duties and responsibilities for the prevention, detection, and
44 suppression of fire.

45 (3) "Rescue squad worker" means a person (i) who is a full-time paid employee
46 of an employer that participates in the Local Governmental Employees'
47 Retirement System and maintains a rescue squad or emergency medical
48 services team certified by the North Carolina Department of Insurance or the
49 Department of Health and Human Services and (ii) who is actively serving in
50 a position with assigned primary duties and responsibilities for the alleviation
51 of human suffering and assistance to persons who are in difficulty, who are

1 injured, or who become suddenly ill, by providing proper and efficient care or
2 emergency medical services.

3 (b) Every firefighter or rescue squad worker who qualifies under this section shall receive
4 an annual separation allowance beginning in the month in which the firefighter or rescue squad
5 worker retires on a basic service retirement under the provisions of G.S. 128-27(a) or a locally
6 sponsored retirement plan. The annual separation allowance shall be equal to eighty-five
7 hundredths percent (0.85%) of the annual equivalent of the base rate of compensation most
8 recently applicable to the firefighter or rescue squad worker for each year of creditable service.
9 The allowance shall be paid in equal installments on the payroll frequency used by the employer.
10 To qualify for the allowance, the firefighter or rescue squad worker shall meet all of the following
11 criteria:

- 12 (1) The firefighter or rescue squad worker has either (i) completed 30 or more
13 years of creditable service or (ii) attained 60 years of age and completed 25 or
14 more years of creditable service.
- 15 (2) The firefighter or rescue squad worker has not attained 62 years of age.
- 16 (3) The firefighter or rescue squad worker has completed at least five years of
17 continuous service, rendered on or after July 1, 2019, as a firefighter or rescue
18 squad worker immediately preceding a service retirement. Any break in the
19 continuous service required by this subdivision because of disability
20 retirement or disability salary continuation benefits shall not adversely affect
21 a firefighter's or rescue squad worker's qualification to receive the allowance,
22 provided the firefighter or rescue squad worker returns to service within 45
23 days after the disability benefits cease and is otherwise qualified to receive the
24 allowance.

25 (c) Payment to a retired firefighter or rescue squad worker under the provisions of this
26 section shall cease upon the earlier of the following:

- 27 (1) The death of the firefighter or rescue squad worker.
- 28 (2) The last day of the month in which the firefighter or rescue squad worker
29 attains 62 years of age.
- 30 (3) The first day of reemployment by a local government employer in any
31 capacity.

32 Notwithstanding the provisions of subdivision (3) of this subsection, a local government
33 employer may employ retired firefighters and rescue squad workers in a public safety position in
34 a capacity not requiring participation in the Local Governmental Employees' Retirement System
35 or an equivalent locally sponsored retirement plan, and doing so shall not cause payment to cease
36 to those firefighters and rescue squad workers under the provisions of this section.

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

41 (e) The governing body of each local employer shall determine the eligibility of
42 employees for the benefits provided under this section.

43 (f) The governing body of each local employer shall make the payments set forth in
44 subsection (b) of this section to those persons certified under subsection (e) of this section from
45 funds available."

46 **SECTION 2.** This act is effective when it becomes law and applies to firefighters
47 and rescue squad workers retiring on or after July 1, 2024, with at least five years of continuous
48 service that was rendered on or after July 1, 2019.