

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

H.B. 278  
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10104-MRp-45

Short Title: Parity for First Responders. (Public)

Sponsors: Representatives Saine, Hardister, Lewis, and Setzer (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



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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.