

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

H.B. 406
Mar 24, 2021
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH30209-MGp-77A

Short Title: Spec. Sep. Allowance/25-Yr Cleveland Cty LEOs. (Local)

Sponsors: Representative Hastings.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT PROVIDING A SPECIAL SEPARATION ALLOWANCE FOR CERTAIN
3 CLEVELAND COUNTY LAW ENFORCEMENT OFFICERS WHO ATTAIN
4 TWENTY-FIVE YEARS OF SERVICE.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.(a)** The following definitions apply in this section:

7 (1) Creditable service. – The service for which credit is allowed under the
8 retirement system of which the officer is a member, provided that at least fifty
9 percent (50%) of the service is as a law enforcement officer.

10 (2) Law enforcement officer. – As defined by G.S. 128-21(11d) or
11 G.S. 143-166.50(a)(3).

12 **SECTION 1.(b)** On and after January 1, 2022, and notwithstanding any other
13 provision of law to the contrary, every sworn law enforcement officer who is employed by
14 Cleveland County and qualifies under subsection (c) of this section shall receive, beginning in
15 the month in which the officer retires on a basic service retirement under the provisions of
16 G.S. 128-27(a), an annual separation allowance according to the following:

17 (1) Upon completion of 25 years of service, an amount equal to seven hundred
18 twenty-five thousandths percent (0.725%) of the annual equivalent of the base
19 rate of compensation most recently applicable to the officer for each year of
20 creditable service.

21 (2) Upon completion of 26 years of service, an amount equal to seven hundred
22 fifty thousandths percent (0.750%) of the annual equivalent of the base rate of
23 compensation most recently applicable to the officer for each year of
24 creditable service.

25 (3) Upon completion of 27 years of service, an amount equal to seven hundred
26 seventy-five thousandths percent (0.775%) of the annual equivalent of the
27 base rate of compensation most recently applicable to the officer for each year
28 of creditable service.

29 (4) Upon completion of 28 years of service, an amount equal to eight hundred
30 thousandths percent (0.800%) of the annual equivalent of the base rate of
31 compensation most recently applicable to the officer for each year of
32 creditable service.

33 (5) Upon completion of 29 years of service, an amount equal to eight hundred
34 twenty-five thousandths percent (0.825%) of the annual equivalent of the base
35 rate of compensation most recently applicable to the officer for each year of
36 creditable service.



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- 1 (6) Upon completion of 30 years of service, an amount equal to eight hundred
2 fifty thousandths percent (0.850%) of the annual equivalent of the base rate of
3 compensation most recently applicable to the officer for each year of
4 creditable service.

5 The allowance authorized by this section shall be paid in equal installments on the
6 payroll frequency used by the employer.

7 **SECTION 1.(c)** In order to qualify for the allowance, the officer shall meet all of the
8 following criteria:

- 9 (1) Has completed 25 or more years of creditable service.
10 (2) Has not attained 62 years of age.
11 (3) Has completed at least 10 years of continuous service as a law enforcement
12 officer for Cleveland County immediately preceding a service retirement. Any
13 break in the continuous service required by this subdivision because of
14 disability retirement or disability salary continuation benefits shall not
15 adversely affect an officer's qualification to receive the allowance, provided
16 the officer returns to service within 45 days after the disability benefits cease
17 and is otherwise qualified to receive the allowance.
18 (4) Is not a recipient of the special separation allowance provided under
19 G.S. 143-166.41 or G.S. 143-166.42.

20 **SECTION 1.(d)** Payment to a retired officer under the provisions of this section shall
21 cease at the earlier of the following:

- 22 (1) The death of the officer.
23 (2) The last day of the month in which the officer attains 62 years of age.
24 (3) The first day of reemployment by a local government employer in any
25 capacity.

26 **SECTION 1.(e)** Notwithstanding the provisions of subdivision (2) of subsection (d)
27 of this section, payments to a retired officer shall not cease when a local government employer
28 employs a retired officer for any of the following:

- 29 (1) In a public safety position in a capacity not requiring participation in the Local
30 Governmental Employees' Retirement System.
31 (2) In service to a county board of elections on an election day in a capacity that
32 complies with G.S. 128-21(19) and does not result in cessation or suspension
33 of the retiree's benefit from the Local Government Employees' Retirement
34 System.

35 **SECTION 1.(f)** This section does not affect the benefits to which an individual may
36 be entitled from State, local, federal, or private retirement systems. The benefits payable under
37 this section shall not be subject to any increases in salary or retirement allowances that may be
38 authorized by local government employers or for retired employees of local governments.

39 **SECTION 1.(g)** The governing body of Cleveland County shall determine the
40 eligibility of employees for the benefits provided in this section.

41 **SECTION 1.(h)** The governing body of Cleveland County shall make the payments
42 set forth in subsection (b) of this section to those individuals determined to be eligible under
43 subsections (c) and (g) of this section from funds available.

44 **SECTION 2.** This act applies only to Cleveland County.

45 **SECTION 3.** This act becomes effective January 1, 2022, and applies prospectively
46 to eligibility determinations made by the governing body of Cleveland County on or after that
47 date.