## **GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2021**

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## **HOUSE BILL 406** PROPOSED COMMITTEE SUBSTITUTE H406-PCS10266-BAp-10

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

(Local)

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Sponsors:

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	Referred to:				
	March 29, 2021				
1		A BILL TO BE ENTITLED			
2	AN ACT PRO	VIDING 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	SECT	<b>FION 1.(a)</b> 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		<b>FION 1.(b)</b> On and after January 1, 2022, and notwithstanding any other			
13	-	to the contrary, every sworn law enforcement officer who is employed by			
14		y and qualifies under subsection (c) of this section shall receive, beginning in			
15		nich the officer retires on a basic service retirement under the provisions of			
16		in 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	( <b>2</b> )	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 of creditable service.			
28 29	(A)	Upon completion of 28 years of service, an amount equal to eight hundred			
29 30	(4)	thousandths percent (0.800%) of the annual equivalent of the base rate of			
30 31		compensation most recently applicable to the officer for each year of			
32		creditable service.			
32 33	(5)	Upon completion of 29 years of service, an amount equal to eight hundred			
34	$(\mathbf{S})$	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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	General Assemb	Session 2021		
1 2 3	(6)	Upon completion of 30 years of service, an amount equal fifty thousandths percent (0.850%) of the annual equivalent compensation most recently applicable to the officer	of the base rate of	
4	<b>(</b> 1)	creditable service.	. 111	
5		llowance authorized by this section shall be paid in equal in	istallments on the	
6 7		y used by the employer. <b>FION 1.(c)</b> In order to qualify for the allowance, the officer sl	all meet all of the	
8	following criteria		ian meet an or me	
9	(1)	Has completed 25 or more years of creditable service.		
10	(1) $(2)$	Has not attained 62 years of age.		
11	(2) $(3)$	Has completed at least 10 years of continuous service as a	law enforcement	
12		officer for Cleveland County immediately preceding a service		
13		break in the continuous service required by this subdiv		
14		disability retirement or disability salary continuation b		
15		adversely affect an officer's qualification to receive the all		
16		the officer returns to service within 45 days after the disabi	-	
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		<b>FION 1.(d)</b> Payment to a retired officer under the provisions of	f this section shall	
21	cease at the earlie	er of the following:		
22	(1)	The death of the officer.		
23	(2)	The last day of the month in which the officer attains 62 ye	U	
24	(3)	The first day of reemployment by a local government	employer in any	
25		capacity.		
26		<b>FION 1.(e)</b> Notwithstanding the provisions of subdivision (3)		
27		ayments to a retired officer shall not cease when a local gove	ernment employer	
28		l officer for any of the following:		
29 20	(1)	In a public safety position in a capacity not requiring particip	pation in the Local	
30 31	( <b>2</b> )	Governmental Employees' Retirement System. In service to a county board of elections on an election day	in a consolity that	
32	(2)	complies with G.S. 128-21(19) and does not result in cessar		
32 33		of the retiree's benefit from the Local Government Empl	-	
33 34		System.	byees Rethement	
35	SEC	<b>FION 1.(f)</b> This section does not affect the benefits to which	an individual mav	
36	be entitled from State, local, federal, or private retirement systems. The benefits payable under			
37		not be subject to any increases in salary or retirement allow		
38	authorized by local government employers or for retired employees of local governments.			
39	•	<b>FION 1.(g)</b> The governing body of Cleveland County sh		
40		ployees for the benefits provided in this section.		
41	<b>SECTION 1.(h)</b> 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	<b>SECTION 2.</b> This act applies only to Cleveland County.			
45	<b>SECTION 3.</b> This act becomes effective January 1, 2022, and applies prospectively			
46		erminations made by the governing body of Cleveland Coun	ty on or after that	
47	date.			