

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

**H.B 1088**  
**May 10, 2016**  
**HOUSE PRINCIPAL CLERK**

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**HOUSE BILL DRH10503-MR-7A (02/17)**

Short Title: Allow Election Day Service - Retired LEOs. (Public)

Sponsors: Representatives Fraley, Jones, R. Turner, and Bradford (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO ALLOW RETIRED LAW ENFORCEMENT OFFICERS TO BE EMPLOYED BY  
A COUNTY BOARD OF ELECTIONS FOR ELECTION DAY SERVICE WITHOUT  
CAUSING THE SUSPENSION OF THE RETIRED OFFICERS' SPECIAL SEPARATION  
ALLOWANCE.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 143-166.42 reads as rewritten:

**"§ 143-166.42. Special separation allowances for local officers.**

(a) On and after January 1, 1987, every sworn law enforcement officer as defined by G.S. 128-21(11d) or G.S. 143-166.50(a)(3) employed by a local government employer who qualifies under this section shall receive, beginning in the month in which the officer retires on a basic service retirement under the provisions of G.S. 128-27(a), an annual separation allowance equal to eighty-five hundredths percent (0.85%) of the annual equivalent of the base rate of compensation most recently applicable to the officer for each year of creditable service. The allowance shall be paid in equal installments on the payroll frequency used by the employer. To qualify for the allowance, the officer shall:

- (1) Have (i) completed 30 or more years of creditable service or (ii) have attained 55 years of age and completed five or more years of creditable service; and
- (2) Not have attained 62 years of age; and
- (3) Have completed at least five years of continuous service as a law enforcement officer as herein defined immediately preceding a service retirement. Any break in the continuous service required by this subsection because of disability retirement or disability salary continuation benefits shall not adversely affect an officer's qualification to receive the allowance, provided the officer returns to service within 45 days after the disability benefits cease and is otherwise qualified to receive the allowance.

(b) As used in this section, "creditable service" means the service for which credit is allowed under the retirement system of which the officer is a member, provided that at least fifty percent (50%) of the service is as a law enforcement officer as herein defined.

(c) Payment to a retired officer under the provisions of this section shall cease at the first of:

- (1) The death of the officer;
  - (2) The last day of the month in which the officer attains 62 years of age; or
  - (3) The first day of reemployment by a local government employer in any capacity.
- This subdivision shall not apply to the following circumstances, and



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1 employment under these circumstances shall not cause payment to officers  
2 under this section to cease:

3 ~~Notwithstanding the provisions of subdivision (3) of this subsection,~~

4 a. A retired officer employed by a local government employer may  
5 ~~employ retired officers in a public safety position in a capacity not~~  
6 ~~requiring participation in the Local Governmental Employees'~~  
7 ~~Retirement System, and doing so shall not cause payment to cease to~~  
8 ~~those officers under the provisions of this section.~~System.

9 b. A retired officer employed by a county board of elections in connection  
10 with election day service.

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

15 (e) The governing body of each local employer shall determine the eligibility of  
16 employees for the benefits provided herein.

17 (f) The governing body of each local employer shall make the payments set forth in  
18 subsection (a) of this section to those persons certified under subsection (e) of this section from  
19 funds available."

20 **SECTION 2.** This act is effective when it becomes law.