

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

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HOUSE BILL 9\*

Senate Pensions and Retirement and Aging Committee Substitute Adopted 6/13/18

Short Title: Allow Election Day Service - Retired LEOs.

(Public)

Sponsors:

Referred to:

January 26, 2017

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

6 The General Assembly of North Carolina enacts:

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

8 "§ 143-166.42. Special separation allowances for local officers.

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

- 17 (1) Have (i) completed 30 or more years of creditable service or (ii) have attained  
18 55 years of age and completed five or more years of creditable service; and  
19 (2) Not have attained 62 years of age; and  
20 (3) Have completed at least five years of continuous service as a law enforcement  
21 officer as herein defined immediately preceding a service retirement. Any  
22 break in the continuous service required by this subsection because of  
23 disability retirement or disability salary continuation benefits shall not  
24 adversely affect an officer's qualification to receive the allowance, provided  
25 the officer returns to service within 45 days after the disability benefits cease  
26 and is otherwise qualified to receive the allowance.

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

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

- 32 (1) The death of the officer;  
33 (2) The last day of the month in which the officer attains 62 years of age; or  
34 (3) The first day of reemployment by a local government employer in any  
35 capacity.



1       (c1) Notwithstanding the provisions of subdivision (3) of ~~this subsection, subsection (c)~~  
2 of this section, payments to a retired officer shall not cease when a local government employer  
3 ~~may employ~~ employs a retired ~~officers in~~ officer for any of the following:

4           (1) In a public safety position in a capacity not requiring participation in the Local  
5 Government Employees' Retirement System, and doing so shall not cause  
6 payment to cease to those officers under the provisions of this section. ~~System.~~

7           (2) In service to a county board of elections on an election day in a capacity that  
8 complies with G.S. 128-21(19) and does not result in cessation or suspension  
9 of the retiree's benefit from the Local Government Employees' Retirement  
10 System.

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.