

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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HOUSE BILL 445

Short Title: Special Sep. Allowance/Alamance Cty DOs. (Local)

Sponsors: Representatives Riddell and Ross (Primary Sponsors).

*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: State and Local Government, if favorable, Pensions and Retirement, if favorable, Rules, Calendar, and Operations of the House

March 26, 2019

A BILL TO BE ENTITLED

AN ACT TO ALLOW ALAMANCE COUNTY DETENTION OFFICERS TO RECEIVE A SPECIAL SEPARATION ALLOWANCE.

The General Assembly of North Carolina enacts:

**SECTION 1.** Article 12D of Chapter 143 of the General Statutes is amended by adding a new section to read:

**"§ 143-166.44. Special separation allowances for county detention officers.**

(a) The following definitions apply to this section:

(1) County detention officer. – Any individual who meets all of the following criteria:

a. The individual has been appointed as a detention officer as defined by G.S. 17E-2(3)b. for a minimum of 15 years immediately preceding retirement eligibility.

b. The individual's job title and duties are equivalent to a Detention Officer (Munis Job Class 0373), Detention Sergeant (Munis Job Class 0365), Detention Corporal (Munis Job Class 0261), Detention Lieutenant (Munis Job Class 02610), Detention Major (Munis Job Class 0040), or Detention Captain (Munis Job Class 0110).

c. The individual is not receiving a special separation allowance for law enforcement officers under G.S. 143-166.42.

(2) Creditable service. – As defined in G.S. 128-21(8).

(b) Every county detention officer who qualifies under this section shall receive, beginning in the month in which the county detention 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 county detention officer for each year of creditable service. The allowance shall be paid in equal installments on the payroll schedule frequency used by the county. To qualify for this allowance, the county detention officer shall meet all of the following criteria:

(1) The county detention officers has either (i) completed 30 or more years of creditable service or (ii) attained 55 years of age and completed 15 or more years of creditable service.

(2) The county detention officer is less than 62 years of age.



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1           (3)   The county detention officer has completed at least 15 consecutive years of  
2           active service with the county providing the separation allowance as a  
3           full-time county detention officer immediately preceding retirement. Any  
4           break in the continuous service required by this subsection due to service in  
5           the Uniformed Services, as that term is defined in section 4303(16) of the  
6           Uniformed Services Employment and Reemployment Rights Act, Public Law  
7           103-353, shall not adversely affect a county detention officer's qualification  
8           to receive the allowance so long as the county detention officer was a county  
9           detention officer at the time of the break in service. If the county detention  
10           officer does not return immediately after the service in the Uniformed Services  
11           to employment as a county detention officer, then the county detention officer  
12           shall be deemed to have been "in service" until the date on which that county  
13           detention officer was first eligible to be separated or released from his or her  
14           involuntary military service.

15       (c)   Payment to a retired county detention officer under this section shall cease at the first  
16       of the following circumstances:

17           (1)   The death of the county detention officer.

18           (2)   The last day of the month in which the county detention officer attains 62  
19           years of age.

20           (3)   The first day of reemployment by a local government employer in any  
21           capacity requiring participation in the Local Governmental Employees'  
22           Retirement System. If payment is terminated due to reemployment under this  
23           subdivision, then it shall not be reinstated, even if that employment is  
24           discontinued. It shall be the responsibility of the county detention officer  
25           receiving the payment to inform the county paying the allowance of any  
26           reemployment under this subdivision.

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

31       (e)   The Board of County Commissioners shall determine the eligibility of county  
32       detention officers in that county for the benefits provided under this section.

33       (f)   The county shall make the payments set forth in subsection (a) of this section to those  
34       county detention officers determined to be eligible under subsection (e) of this section from funds  
35       available."

36       **SECTION 2.** This act applies to Alamance County only.

37       **SECTION 3.** This act is effective when it becomes law and expires June 30, 2022.