

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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HOUSE BILL 50

Short Title: LEO Special Separation Allowance Options. (Public)

Sponsors: Representatives Pyrtle, Miller, Chesser, and Cotham (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Judiciary 1, if favorable, State and Local Government, if favorable, Pensions and Retirement, if favorable, Rules, Calendar, and Operations of the House

February 5, 2025

A BILL TO BE ENTITLED

AN ACT PROVIDING AN ADDITIONAL SPECIAL SEPARATION ALLOWANCE OPTION FOR STATE AND LOCAL LAW ENFORCEMENT OFFICERS WITH AT LEAST THIRTY YEARS OF CREDITABLE SERVICE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-166.41 reads as rewritten:

"§ 143-166.41. Special separation allowance options for State law enforcement officers.

(a) Annual Special Separation Allowance. – Notwithstanding any other provision of law, every sworn law-enforcement officer as defined by G.S. 135-1(11e) or G.S. 143-166.30(a)(4) employed by a State department, agency, or institution who qualifies under this section shall ~~receive,~~ receive an annual special separation allowance beginning in the month in which ~~he the~~ officer retires on a basic service retirement under the provisions of G.S. 135-5(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 him for each year of creditable service. G.S. 135-5(a). 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.~~ employer from which the officer retired.

(a1) Repealed by Session Laws 2014-88, s. 3(j), effective July 30, 2014.

(b) ~~As used in this section, "creditabile service" means the~~ Definitions. – The following definitions apply in this section:

- (1) Allowance. – The annual special separation allowance for State law enforcement officers provided for under this section.



1 (2) Creditable service. – The service for which credit is allowed under the
2 retirement system of which the officer is a member, provided that at least fifty
3 percent (50%) of the service is as a law enforcement officer ~~as herein defined~~
4 or as a probation/parole officer ~~as defined in G.S. 135-1(17a)~~ officer.

5 (3) Law enforcement officer. – As defined in either G.S. 135-1 or
6 G.S. 143-166.30(a).

7 (4) Officer. – A law enforcement officer.

8 (5) Probation/parole officer. – As defined in G.S. 135-1.

9 (b1) Eligibility for Allowance and Calculation of Allowance Amount. – To be eligible for
10 an allowance under this section, an officer is required to meet one of the following sets of criteria
11 that shall also determine the allowance amount:

12 (1) For officers meeting all of the following criteria, the annual special separation
13 allowance to be paid is equal to eighty-five hundredths percent (0.85%) of the
14 annual base rate of compensation most recently applicable to the officer for
15 each year of that officer's creditable service:

16 a. The officer (i) has completed 30 or more years of creditable service or
17 (ii) is 55 years of age or older and completed five or more years of
18 creditable service.

19 b. The officer is less than 62 years of age.

20 c. The officer has completed at least five years of continuous service as
21 a law enforcement officer immediately preceding the officer's service
22 retirement. Any break in this required continuous service that is a
23 result of disability retirement or disability salary continuation benefits
24 shall not adversely affect an officer's qualification to receive an
25 allowance under this subdivision so long as the officer returned to
26 service within 45 days after the disability benefits had ceased and is
27 otherwise qualified to receive the allowance.

28 (2) For officers meeting all of the following criteria, the annual special separation
29 allowance to be paid is equal to eighty-five hundredths percent (0.85%) of the
30 annual equivalent of the base rate of compensation at the time the officer
31 attained 30 years of service multiplied by 30:

32 a. The officer has completed 30 or more years of creditable service prior
33 to attaining 62 years of age.

34 b. The officer has completed at least five years of continuous service as
35 a law enforcement officer immediately preceding the officer's service
36 retirement. Any break in this required continuous service that is a
37 result of disability retirement or disability salary continuation benefits
38 shall not adversely affect an officer's qualification to receive an
39 allowance under this subdivision so long as the officer returned to
40 service within 45 days after the disability benefits had ceased and is
41 otherwise qualified to receive the allowance.

42 If an officer meets all of the criteria under each subdivision of this subsection, then the
43 employer making the allowance payments shall allow the officer to choose which of the two
44 calculation formulas to use for that officer's allowance. This election by the officer is a one-time,
45 irrevocable election and shall be made prior to the first allowance payment. If no election is made
46 by the officer, then the calculation amount under subdivision (2) of this subsection shall be used.

47 (c) Cessation of Payment. – Payment of the allowance to a retired officer under the
48 provisions of this section shall cease at the first ~~of~~ occurrence of one of the following:

49 (1) The death of the ~~officer~~ officer.

50 (2) The last day of the month in which either of the following applies:

1 a. ~~If the officer is receiving an allowance in an amount determined under~~
2 ~~subdivision (b1)(1) of this section, the officer attains 62 years of age;~~
3 ~~or age.~~

4 b. If the officer is receiving an allowance in an amount determined under
5 subdivision (b1)(2) of this section, there has been a period of receiving
6 the allowance that is equivalent to the total of 62 years minus the age
7 at which the officer first completed 30 years of creditable service.

8 (3) The first day of reemployment by any State department, agency, or institution,
9 except that this subdivision does not apply to an officer returning to State
10 employment in a position exempt from the North Carolina Human Resources
11 Act in an agency other than the agency from which that officer retired.

12 (d) Impact of Other Benefits or Actions. – This section does not affect the benefits to
13 which an individual may be entitled from State, federal, or private retirement systems. The
14 benefits payable under this section shall not be subject to any increases in salary or retirement
15 allowances that may be authorized by the General Assembly for employees of the State or retired
16 employees of the State.

17 (e) Eligibility Determinations. – The head of each State department, agency, or institution
18 shall determine the eligibility of employees for the benefits provided ~~herein~~ under this section.

19 (f) Transfer of Funds. – The Director of the Budget may authorize from time to time the
20 transfer of funds within the budgets of each State department, agency, or institution necessary to
21 carry out the purposes of this ~~Article~~ section. These funds shall be taken from ~~those funds~~
22 appropriated to the department, agency, or institution for salaries and related fringe benefits.

23 (g) Responsibility for Payment. – The head of each State department, agency, or
24 institution shall make the payments set forth in ~~subsection (a)~~ this section to those persons
25 certified under subsection (e) of this section from funds available under subsection ~~(f)~~ (f) of this
26 section."

27 **SECTION 2.** G.S. 143-166.42 reads as rewritten:

28 "**§ 143-166.42. Special separation allowances-allowance options for local law enforcement**
29 **officers.**

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

39 (1) ~~Have (i) completed 30 or more years of creditable service or (ii) have attained~~
40 ~~55 years of age and completed five or more years of creditable service; and~~

41 (2) ~~Not have attained 62 years of age; and~~

42 (3) ~~Have completed at least five years of continuous service as a law enforcement~~
43 ~~officer as herein defined immediately preceding a service retirement. Any~~
44 ~~break in the continuous service required by this subsection because of~~
45 ~~disability retirement or disability salary continuation benefits shall not~~
46 ~~adversely affect an officer's qualification to receive the allowance, provided~~
47 ~~the officer returns to service within 45 days after the disability benefits cease~~
48 ~~and is otherwise qualified to receive the allowance.~~ employer from which the
49 ~~officer retired.~~

50 (b) ~~As used in this section, "creditable service" means the service~~ Definitions. – The
51 following definitions apply in this section:

- 1 (1) Allowance. – The annual special separation allowance for local law
2 enforcement officers provided for under this section.
- 3 (2) Creditable service. – The service for which credit is allowed under the
4 retirement system of which the officer is a member, provided that at least fifty
5 percent (50%) of the service is as a law enforcement officer as herein
6 defined-officer.
- 7 (3) Law enforcement officer. – As defined in G.S. 128-21 or G.S. 143-166.50(a).
8 (4) Officer. – Law enforcement officer.
- 9 (b1) Qualification for Allowance and Calculation of Allowance. – To be eligible for an
10 allowance under this section, an officer is required to meet one of the following sets of criteria,
11 which shall also determine the allowance amount:
- 12 (1) For officers meeting all of the following criteria, the annual special separation
13 allowance to be paid is equal to eighty-five hundredths percent (0.85%) of the
14 annual base rate of compensation most recently applicable to the officer for
15 each year of that officer's creditable service:
- 16 a. The officer (i) has completed 30 or more years of creditable service or
17 (ii) is 55 years of age or older and completed five or more years of
18 creditable service.
- 19 b. The officer is less than 62 years of age.
- 20 c. The officer has completed at least five years of continuous service as
21 a law enforcement officer immediately preceding the officer's service
22 retirement. Any break in this required continuous service that is a
23 result of disability retirement or disability salary continuation benefits
24 shall not adversely affect an officer's qualification to receive an
25 allowance under this subdivision so long as the officer returned to
26 service within 45 days after the disability benefits had ceased and is
27 otherwise qualified to receive the allowance.
- 28 (2) For officers meeting all of the following criteria, the annual special separation
29 allowance to be paid is equal to eighty-five hundredths percent (0.85%) of the
30 annual equivalent of the base rate of compensation at the time the officer
31 attained 30 years of service multiplied by 30:
- 32 a. The officer has completed 30 or more years of creditable service prior
33 to attaining 62 years of age.
- 34 b. The officer has completed at least five years of continuous service as
35 a law enforcement officer immediately preceding the officer's service
36 retirement. Any break in this required continuous service that is a
37 result of disability retirement or disability salary continuation benefits
38 shall not adversely affect an officer's qualification to receive an
39 allowance under this subdivision so long as the officer returned to
40 service within 45 days after the disability benefits had ceased and is
41 otherwise qualified to receive the allowance.
- 42 If an officer meets all of the criteria under each subdivision of this subsection, then the
43 employer making the allowance payments shall allow the officer to choose which of the two
44 calculation formulas to use for that officer's allowance. This election by the officer is a one-time,
45 irrevocable election and shall be made prior to the first allowance payment. If no election is made
46 by the officer, then the calculation amount under subdivision (2) of this subsection shall be used.
- 47 (c) Cessation of Payment. – Payment of the allowance to a retired officer under the
48 provisions of this section shall cease at the first occurrence of one of the following:
- 49 (1) The death of the officer-officer.
- 50 (2) The last day of the month in which either of the following applies:

- 1 a. If the officer is receiving an allowance in an amount determined under
2 subdivision (b1)(1) of this section, the officer attains 62 years of age;
3 or age.
- 4 b. If the officer is receiving an allowance in an amount determined under
5 subdivision (b1)(2) of this section, there has been a period of receiving
6 the allowance that is equivalent to the total of 62 years minus the age
7 at which the officer first completed 30 years of creditable service.
- 8 (3) The first day of reemployment by a local government employer in any
9 capacity.
- 10 (c1) Exceptions to the Cessation of Payments. – Notwithstanding the provisions of
11 subdivision (3) of subsection (c) of this section, payments to a retired officer shall not cease when
12 a local government employer employs a retired officer ~~for any of the following:~~ in any of the
13 following manners:
- 14 (1) In a public safety position in a capacity not requiring participation in the Local
15 Governmental Employees' Retirement System.
- 16 (2) In service to a county board of elections on an election day or during the hours
17 for early voting under Part 5 of Article 14A of Chapter 163 of the General
18 Statutes in a capacity that complies with G.S. 128-21(19) and does not result
19 in cessation or suspension of the retiree's benefit from the Local Government
20 Employees' Retirement System.
- 21 (d) Impact of Other Benefits or Actions. – This section does not affect the benefits to
22 which an individual may be entitled from State, local, federal, or private retirement systems. The
23 benefits payable under this section shall not be subject to any increases in salary or retirement
24 allowances that may be authorized by local government employers or for retired employees of
25 local governments.
- 26 (e) Eligibility Determinations. – The governing body of each local employer shall
27 determine the eligibility of employees for the benefits provided ~~herein~~ under this section.
- 28 (f) Responsibility for Payment. – The governing body of each local employer shall make
29 the payments set forth in ~~subsection (a) of this section~~ to those persons certified under subsection
30 (e) of this section from funds available."
- 31 **SECTION 3.** This act becomes effective July 1, 2025, and applies to law
32 enforcement officers retiring on or after that date.