

2025 Regular Session

HOUSE BILL NO. 31

BY REPRESENTATIVE HILFERTY

RETIREMENT/LOCAL: Provides relative to retirement for all hires in the Firefighters' Pension and Relief Fund in the city of New Orleans

1 AN ACT

2 To amend and reenact R.S. 11:3384 and 3386, relative to the New Orleans Firefighters'
3 Pension and Relief Fund; to provide for eligibility for retirement benefits; to provide
4 for accrual rates; to provide service credit requirements; to provide for survivor
5 benefits; to provide for contributions; to provide for withdrawals from service prior
6 to retirement; and to provide for related matters.

7 Notice of intention to introduce this Act has been published
8 as provided by Article III, Section 13 and Article X, Section
9 29(C) of the Constitution of Louisiana.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 11:3384 and 3386 are hereby amended and reenacted to read as
12 follows:

13 §3384. Firefighters employed after December 31, 1967; computation of benefits

14 A.(1) Notwithstanding R.S. 11:3381, any firefighter who ~~enters the employ~~
15 of begins employment with the fire department after December 31, 1967, and on or
16 before December 31, 2014, who has reached the age of fifty years and who has not
17 less than twelve years of service in the fire department, and who is a contributing
18 member of this system, may retire upon his written application to the board setting
19 forth at what time he desires to be retired, provided that, at the time so specified for
20 his retirement, he shall have met the requirements as provided in this Section.

1 (2) Any firefighter who ~~enters the employ of~~ begins employment with the
2 fire department on or after January 1, 2015, and before August 15, 2016, who has
3 reached the age of fifty-two years, who has not less than twelve years of service in
4 the fire department, and who is a contributing member of this system may retire upon
5 his written application to the board setting forth at what time he desires to be retired,
6 if at the time so specified for his retirement he meets the requirements as provided
7 in this Section.

8 (3) Any firefighter who ~~enters the employ of~~ begins employment with the
9 fire department on or after August 15, 2016, who has reached retirement age as
10 defined in 42 U.S.C. 416(l)(1), hereinafter in this Part referred to as full retirement
11 age, less ten years, who has not less than twelve years of service in the fire
12 department, and who is a contributing member of this system may retire upon his
13 written application to the board setting forth at what time he desires to be retired, if
14 at the time so specified for his retirement he meets the requirements provided in this
15 Section.

16 B.(1) If a firefighter is employed by the fire department on or before
17 December 31, 2014, and has worked one or more hours of service after December
18 31, 1995, he shall receive a retirement benefit equal to two and one-half percent of
19 his average compensation based on the five highest consecutive years of
20 employment, multiplied by the number of years of creditable service. If the member
21 continues to remain a member of the system beyond twelve years of service and such
22 member attains the age of fifty, the retirement benefit for each year or portion of a
23 year beyond twelve years of service and after age fifty shall be an amount equal to
24 three and one-third percent of the average annual compensation for each year or
25 portion of a year. If the member continues service beyond thirty years, the
26 retirement benefit for each year or portion of a year beyond twelve years of service
27 shall be an amount equal to three and one-third percent of the average annual
28 compensation for each year or portion of a year. ~~However, the~~ The retirement
29 benefit shall not exceed a total of three and one-third percent each year. The service

1 benefits of such firefighter shall not exceed one hundred percent of the average
2 compensation earned during any five highest average consecutive years of service
3 preceding retirement.

4 (2) A firefighter who ~~enters the employ of~~ begins employment with the fire
5 department on or after January 1, 2015, and before August 15, 2016, shall receive a
6 retirement benefit equal to two and three-quarters percent of his average
7 compensation, based on the five highest consecutive years of employment,
8 multiplied by the number of years of creditable service. The service benefits of such
9 firefighters shall not exceed one hundred percent of the average compensation earned
10 during any five highest average consecutive years of service preceding retirement.

11 (3) A firefighter who ~~enters the employ of~~ begins employment with the fire
12 department on or after August 15, 2016, shall receive a retirement benefit equal to
13 two and one-half percent of his average compensation, based on the five highest
14 consecutive years of employment, multiplied by the number of years of creditable
15 service. The service benefits of such firefighters shall not exceed one hundred
16 percent of the average compensation earned during any five highest average
17 consecutive years of service preceding retirement.

18 C. A firefighter who has not worked an hour of service after December 31,
19 1995, shall receive a retirement allowance equal to two and one-half percent of his
20 average salary based on the highest five consecutive years multiplied by the number
21 of years of creditable service, not to exceed seventy-five percent, ~~and further~~
22 ~~provided that in~~ In the case of those employees who remain in service beyond twelve
23 years and who have reached the age of fifty-five years, the percentage shall be three
24 percent for all years over twelve, with a maximum benefit of eighty percent.

25 D.(1) Any member who entered service after December 31, 1967, and on or
26 before December 31, 2014, whose withdrawal from service occurs prior to the
27 attainment of age fifty years and who shall at such time have completed at least
28 twelve years of creditable service, shall remain a member of the retirement ~~system~~;

1 ~~and in system.~~ In such case said member shall receive a service retirement beginning
2 when he attains the age of fifty years.

3 (2) Any member who ~~enters the employ of~~ begins employment with the fire
4 department on or after January 1, 2015, and before August 15, 2016, whose
5 withdrawal from service occurs prior to the attainment of fifty-two years of age and
6 who shall at such time have completed at least twelve years of creditable service
7 shall remain a member of the retirement system, and in such case the member shall
8 receive a service retirement beginning when he attains fifty-two years of age.

9 (3)~~(a)~~ Any member who enters the employ of the fire department on or after
10 August 15, 2016, whose withdrawal from service occurs prior to the attainment of
11 the full retirement age, less ten years and who at that time has completed at least
12 twelve years of creditable service shall remain a member of the retirement system
13 and receive a service retirement calculated as provided in Paragraph (B)(3) of this
14 Section beginning when he attains the full retirement age, less ten years.

15 ~~(b)~~ (4) If a member with twelve years of creditable service dies after
16 withdrawal from service but prior to attaining the full retirement age, less ten years,
17 his widow, child or children, or estate, as applicable, shall receive his accumulated
18 contributions in a lump sum with interest credited thereto. If a member receiving
19 benefits pursuant to ~~Subparagraph (a) of this Paragraph~~ Paragraph (3) of this
20 Subsection dies, his spouse and children shall receive a benefit as provided in R.S.
21 11:3386(B)(2).

22 E. Any employee of the fire department who was employed before January
23 1, 1968, and who is a contributing member of this system, may elect to come under
24 the provisions of this Part which applies to members of the fire department employed
25 after December 31, 1967, ~~provided that such~~ 1967. The election shall be submitted
26 in writing to the board of trustees, and provided further that such member shall not
27 be eligible for any benefits under this new system for at least four years after June
28 26, 1967, unless he will have attained the age of fifty years; in such event the

1 employee shall be refunded that portion of his contributions to the old system which
2 were derived from overtime earnings.

3 F. On account of each member ~~who comes~~ under the provisions of this
4 Section ~~applying to persons~~ employed after December 31, 1967, either because of
5 date of employment or due to election as provided herein, there shall be paid
6 annually by the city and credited to the pension accumulation account a certain
7 percentage of the earnable compensation of each member, to be known as the
8 "normal contributions", and an additional percentage of this earnable compensation
9 to be known as the "accrued liability contribution". The percentage rates of such
10 contribution shall be fixed on the basis of the liabilities of the retirement system as
11 shown by actuarial valuation.

12 G. All ~~such~~ contributions shall, in addition to the contributions made by the
13 member, be invested in accordance with the laws set forth in this Part and shall be
14 maintained in a fund separate from all other funds held for any other purpose. All
15 retirements of members employed after December 31, 1967, or members who elect
16 to come under the provisions of this Part shall be paid from this fund. The only
17 withdrawals from the fund described in this Part are those withdrawals made
18 necessary to pay the benefits granted herein.

19 H. Should the employee employed after December 31, 1967, die before
20 having ~~served~~ twelve years of service credit, and not be on a disability pension or
21 retirement, his named beneficiary will be entitled to benefits under R.S.
22 11:3378(A)(1) and (2) and (B), provided there is no refund of his contributions.

23 * * *

24 §3386. Vested rights and benefits

25 A.(1) Any member employed by the fire department on or before December
26 31, 2014, whose withdrawal from service occurs prior to the attainment of age fifty
27 years and who shall at such time have completed at least twelve years but less than
28 twenty of creditable service shall remain a member of the pension and relief fund,
29 and, in such a case, the member shall receive a service retirement benefit beginning

1 when he attains the age of fifty years, provided the member has not withdrawn his
2 accumulated contributions. The retirement benefit to be paid shall be two and
3 one-half percent of average compensation during the best year of service preceding
4 the date of withdrawal from service for each year of credited service.

5 (2) If the member dies after withdrawal from service but prior to attaining
6 age fifty but having twelve years credited service, his widow and/or children and/or
7 survivors shall be entitled to receive his accumulated contributions in a lump sum
8 with interest credited thereto. If the member receiving benefits under this Subsection
9 dies, his surviving widow shall receive the minimum benefit as set forth in R.S.
10 11:3383. If the member receiving benefits under this Subsection dies leaving a
11 widow and children under the age of eighteen, then the widow and children under
12 eighteen years of age shall receive the minimum benefit as set forth in R.S. 11:3383
13 equally divided between them. When the children of the member attain the age of
14 eighteen or become married while receiving benefits under this ~~Subsection~~
15 Paragraph, the benefits they are receiving shall be paid to the widow of the member.

16 B.(1) Any member who ~~enters the employ of~~ begins employment with the
17 fire department on or after January 1, 2015, and before August 15, 2016, whose
18 withdrawal from service occurs prior to the attainment of fifty-two years of age and
19 who shall at such time have completed at least twelve years but less than twenty
20 years of creditable service shall remain a member of the pension and relief fund, and,
21 in such a case, said member shall receive a service retirement benefit beginning
22 when he attains fifty-two years of age, provided such member has not withdrawn his
23 accumulated contributions. The retirement benefit to be paid shall be two and one-
24 half percent of average compensation during the best year of service preceding the
25 date of withdrawal from service for each year of credited service. If the member dies
26 after withdrawal from service but prior to attaining age fifty-two but having twelve
27 years credited service, his widow, child or children, or estate, as applicable, shall be
28 entitled to receive his accumulated contributions in a lump sum with interest credited
29 thereto.

1 (2) If the member receiving benefits under this Subsection or R.S.
2 11:3384(D)(3)(a) dies, his surviving widow shall receive the minimum benefit as set
3 forth in R.S. 11:3383. If the member receiving benefits under this Subsection or R.S.
4 11:3384(D)(3)(a) dies ~~leaving~~ and leaves a widow and children under the age of
5 eighteen, then the widow and children under eighteen years of age shall receive the
6 minimum benefit as set forth in R.S. 11:3383 equally divided between them. When
7 the children of the member attain the age of eighteen or become married while
8 receiving benefits under this Subsection, the benefits they are receiving shall be paid
9 to the widow of the member.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 31 Original

2025 Regular Session

Hilferty

Abstract: Provides relative to retirement for all hires in the New Orleans Firefighters' Pension and Relief Fund.

Present law provides with respect to retirement eligibility and benefits in the New Orleans Firefighters' Pension and Relief Fund.

Retirement Eligibility

Present law provides for the following with respect to retirement eligibility: 12 years of service credit and the following:

- (1) Person hired between Dec. 31, 1967–Dec. 31, 2014: attained age 50.
- (2) Person hired between Jan. 1, 2015–Aug. 15, 2016: attained age 52.
- (3) Persons hired after Aug. 15, 2016: attained retirement age as defined in present federal law regarding social security.

Accrual Rate

Present law provides for the following with respect to accrual rate:

- (1) Person hired between Dec. 31, 1967–Dec. 31, 2014:
 - (a) At 12 years of service: 2.5%.
 - (b) Between 12 years and 30 years of service: 2.5% for the first 12 years + 3.33% for each additional year.
 - (c) 30 years or more years of service: 3.33% for all service credit.

- (2) Person hired between Jan. 1, 2015–Aug. 15, 2016: 2.75%.
- (3) Person hired after Aug. 15, 2016: 2.5%.

Withdrawal

Present law provides a member may withdraw from service and remain a member of the system and receive a retirement benefit provided that he has 12 years of service credit and the following:

- (1) Person hired between Dec. 31, 1967–Dec. 31, 2014: attained age 50.
- (2) Person hired between Jan. 1, 2015–Aug. 15, 2016: attained age 52.
- (3) Person hired after Aug. 15, 2016: attained retirement age as defined in present federal law regarding social security.

Proposed law makes technical corrections throughout present law.

(Amends R.S. 11:3384 and 3386)