

Regular Session, 2013

SENATE BILL NO. 259 (Substitute of Senate Bill No. 7 by Senator Peacock)

BY SENATOR PEACOCK

FIREFIGHTERS RETIREMENT. Provides benefits for members hired on or after January 1, 2014. (7/1/13)

AN ACT

To amend and reenact R.S. 11:2252(4), 2256(A), and 2257(K)(3) relative to statewide retirement systems; to provide relative to the Firefighters' Retirement System; to provide for definitions; to provide for eligibility, benefits, and accrual and contribution rates; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 11:2252(4), 2256(A), and 2257(K)(3) are hereby amended and reenacted to read as follows:

§2252. Definitions

The following words and phrases, as used in this Chapter, unless a different meaning is plainly required by context, shall have the following meanings:

* * *

(4)(a) "Average final compensation", **for a member whose first employment making him eligible for membership in the system began on or before December 31, 2013,** shall mean the average annual earned compensation of an employee for any period of thirty-six successive or joined months of service as an employee during which the said earned compensation was the highest. In case of

1 interruption of employment, the thirty-six month period shall be computed by joining
2 employment periods immediately preceding and succeeding the interruption. The
3 earnings to be considered for the thirteenth through the twenty-fourth months shall
4 not exceed one hundred fifteen percent of the earnings ~~for~~ of the first through the
5 twelfth months. The earnings to be considered for the final twelve months shall not
6 exceed one hundred fifteen percent of the earnings of the thirteenth through the
7 twenty-fourth months.

8 **(b) "Average final compensation", for a member whose first employment**
9 **making him eligible for membership in the system began on or after January**
10 **1, 2014, shall mean the average annual earned compensation of an employee for**
11 **any period of sixty successive or joined months of service as an employee during**
12 **which the said earned compensation was the highest. In case of interruption of**
13 **employment, the sixty-month period shall be computed by joining employment**
14 **periods immediately preceding and succeeding the interruption. The earnings**
15 **to be considered for the thirteenth through the twenty-fourth month shall not**
16 **exceed one hundred fifteen percent of the earnings of the first through the**
17 **twelfth month. The earnings to be considered for the twenty-fifth through the**
18 **thirty-sixth month shall not exceed one hundred fifteen percent of the earnings**
19 **of the thirteenth through the twenty-fourth month. The earnings to be**
20 **considered for the thirty-seventh through the forty-eighth month shall not**
21 **exceed one hundred fifteen percent of the earnings of the twenty-fifth through**
22 **the thirty-sixth month. The earnings to be considered for the final twelve**
23 **months shall not exceed one hundred fifteen percent of the earnings of the**
24 **thirty-seventh through the forty-eighth month.**

25 * * *

26 §2256. Benefits; refund of contributions, application, and payment

27 A.(1)~~(a)~~ Any member of this system **whose first employment making him**
28 **eligible for membership in the system began on or before December 31, 2013,**
29 who has completed at least twenty-five years of creditable service, who has been a

1 member of this system for at least one year, regardless of age, **shall be eligible to**
2 **retire from service.**

3 (b) ~~any~~ **Any** member who has completed at least twenty years of creditable
4 service, who has been a member of this system for at least one year, and who has
5 attained the age of fifty years, or any member who has completed at least twelve
6 years of service, who has been a member of this system for at least one year, and
7 who has attained the age of fifty-five shall be entitled to retire from service.

8 (2) Any member who has completed twenty or more years of creditable
9 service, and at least one year of which shall be as a member of this system, and who
10 leaves employment covered by this system before attaining age fifty shall be entitled
11 to a retirement benefit beginning at age fifty. Any member who has completed
12 twelve years of creditable service, and at least one year of which shall be as a
13 member of this system, and who leaves employment covered by this system before
14 attaining age fifty-five shall be entitled to a retirement benefit beginning at age
15 fifty-five.

16 (3) Any member who has completed twenty or more years of creditable
17 service and who leaves employment covered by this system before attaining age fifty
18 or any member who has completed twelve or more years of creditable service and
19 who leaves employment covered by this system before attaining age fifty-five may
20 select, at any time prior to thirty days before the date that benefits are scheduled to
21 commence to the member, any optional retirement allowance as provided for in R.S.
22 11:2259; within the same time period allowed above, the member may change the
23 option selected or the beneficiary of the option selected. However, in the event of the
24 death of the member after the selection of the option but prior to the commencement
25 of benefits, the optional benefit will become payable to the option beneficiary, at the
26 time the member would have otherwise begun to receive benefits. In the event that
27 the member selects neither the maximum regular retirement benefit nor an optional
28 retirement allowance within the time period allowed above, Option 2 will be
29 automatically assumed to have been selected and the member's designated

beneficiary shall be the beneficiary of the option. However, in the event that a member has no designated beneficiary, the accumulated contributions of the member shall be refunded to his estate immediately upon receipt of proof of death.

(4) ~~(a)~~ Upon such retirement, the member **whose first employment making him eligible for membership in the system began on or before December 31, 2013,** shall be paid an annual retirement allowance equal to three and one-third percent of his average final compensation multiplied by his total years of creditable service. However, the annual retirement allowance shall not exceed one hundred percent of his average final compensation. The member shall not be paid any amount in excess of the maximum amount permitted under Section 415 of the Internal Revenue Code of 1986, as amended. The foregoing sentence shall not prohibit payments to a member from an excess benefit plan established pursuant to Section 415(m) of the Internal Revenue Code of 1986, as amended, as provided in ~~Section 2272 of this Chapter~~ **R.S. 11:2272.**

(b) Upon such retirement, the member whose first employment making him eligible for membership in the system began on or after January 1, 2014, shall be paid an annual retirement allowance equal to three percent of his average final compensation multiplied by his total years of creditable service. Any member who retires or enters the deferred retirement option plan with thirty or more years of creditable service shall be paid an annual retirement allowance equal to three and one-third percent of his average final compensation multiplied by his total years of creditable service. However, the annual retirement allowance shall not exceed one hundred percent of his average final compensation. The member shall not be paid any amount in excess of the maximum amount permitted under Section 415 of the Internal Revenue Code of 1986, as amended. The foregoing sentence shall not prohibit payments to a member from an excess benefit plan established pursuant to Section 415(m) of the Internal Revenue Code of 1986, as amended, as provided in R.S. 11:2272.

(5) Upon returning to work as a full-time employee covered by this system,

retirement benefits shall cease and the employee and employer shall contribute to the system towards creditable service. The member may not change the option which was selected under the first retirement computation.

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§2257. Deferred retirement option plan

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K.(1)

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(3) Upon termination of employment, he shall receive an additional retirement benefit based on his additional service rendered since termination of participation in the fund, using the normal method of computation of benefit, subject to the following:

(a) If his period of additional service is less than ~~thirty-six months~~ **his average final compensation period**, the average compensation figure used to calculate the additional benefit shall be that used to calculate his original benefit.

(b) If his period of additional service is ~~thirty-six or more months~~ **equal to or longer than his average final compensation period**, the average compensation figure used to calculate the additional benefit shall be based on his compensation during the period of additional service.

* * *

Section 2. This Act shall become effective July 1, 2013; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on July 1, 2013, or on the day following such approval by the legislature, whichever is later.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Margaret M. Corley.

DIGEST

Peacock (SB 259)

Present law defines "average final compensation" for members as the average of their 36 highest paid months of employment. Proposed law retains present law for current employees and for employees hired on or before December 31, 2014.

Proposed law defines "average compensation" for persons hired on or after January 1, 2014, as the average of their highest paid 60 months of employment.

Present law and proposed law both contain restrictions on "spiking" salaries of employees so that, year over year, a member's salary cannot increase over 15 percent over the prior year's salary.

Present law establishes retirement eligibility for FRS:

- (1) 25 years of service or more at any age.
- (2) 20 years of service or more at age 50.
- (3) 12 years of service or more at age 55.

Proposed law retains present law for current employees and employees hired on or before December 31, 2014.

Proposed law establishes retirement eligibility for FRS employees hired on or after January 1, 2014:

- (1) 20 years of service or more at age 50.
- (2) 12 years of service or more at age 55.

Present law provides a 3 a % accrual rate for members in FRS.

Proposed law retains present law for current employees and for employees hired on or before December 31, 2014.

Proposed law provides a 3% accrual rate for employees in FRS, hired on or after January 1, 2014; however, for any employee who earns 30 years of service credit, proposed law provides a 3 a % accrual rate for all years.

Proposed law requires that any additional benefit earned for continued employment after participation in a deferred retirement option plan (DROP) shall be calculated using the same period as that member's original final average compensation period.

Effective July 1, 2013.

(Amends R.S. 11:2252(4), 2256(A), and 2257(K)(3))