

Regular Session, 2013

ACT No. 296

HOUSE BILL NO. 42

BY REPRESENTATIVE ARNOLD

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AN ACT

To amend and reenact R.S. 11:3384(B) and (C) and 3385.1(K)(7)(a) and (g), relative to the Firefighters' Pension and Relief Fund in the city of New Orleans; to provide for final average compensation; to provide an effective date; and to provide for related matters.

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

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 11:3384(B) and (C) and 3385.1(K)(7)(a) and (g) are hereby amended and reenacted to read as follows:

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

* * *

B. If the firefighter has worked one or more hours of service after December 31, 1995, he shall receive a retirement benefit equal to two and one-half percent of his average compensation based on the ~~four~~ five highest consecutive years of employment, multiplied by the number of years of creditable service. If the member continues to remain a member of the system beyond twelve years of service and such member attains the age of fifty, the retirement benefit for each year or portion of a year beyond twelve years of service and after age fifty; shall be an amount equal to three and one-third percent of the average annual compensation for each year or portion of a year. If the member continues service beyond thirty years, the

1 retirement benefit for each year or portion of a year beyond twelve years of service
 2 shall be an amount equal to three and one-third percent of the average annual
 3 compensation for each year or portion of a year. However, the retirement benefit
 4 shall not exceed a total of three and one-third percent each year. The service benefits
 5 of such firefighter shall not exceed one hundred percent of the average compensation
 6 earned during any ~~three~~ five highest average consecutive years of service preceding
 7 retirement.

8 C. A firefighter who has not worked an hour of service after December 31,
 9 1995, shall receive a retirement allowance equal to two and one-half percent of his
 10 average salary based on the highest ~~four~~ five consecutive years multiplied by the
 11 number of years of creditable service, not to exceed seventy-five percent and further
 12 provided that in the case of those employees who remain in service beyond twelve
 13 years and who have reached the age of fifty-five years, the percentage shall be three
 14 percent for all years over twelve, with a maximum benefit of eighty percent.

15 * * *

16 §3385.1. Deferred Retirement Option Plan

17 * * *

18 K.

19 * * *

20 (7) Upon termination of employment, the retiree shall receive an additional
 21 retirement benefit based solely on any additional service rendered since termination
 22 of participation in the Deferred Retirement Option Plan, using the normal method of
 23 computation of the benefits, subject to the following:

24 (a) If the member was first employed after December 31, 1967, and his
 25 period of additional service is less than ~~forty-eight months~~ his average compensation
 26 period at the commencement of participation in the Deferred Retirement Option
 27 Plan, the average compensation figure used to calculate the additional benefit shall
 28 be that used to calculate his original benefit. If his period of additional service is
 29 ~~forty-eight or more months~~ equal to or longer than his average compensation period
 30 at the commencement of participation in the Deferred Retirement Option Plan, the

1 average compensation figure used to calculate the additional benefit shall be based
2 on his compensation during the period of additional service.

3 * * *

4 (g)(i) In no event shall the additional benefit exceed an amount which, when
5 combined with the original benefit, equals one hundred percent of the average of any
6 three highest consecutive years of compensation earned by a member electing to
7 retire under the old system, ~~or~~ both during participation and after leaving the
8 Deferred Retirement Option Plan.

9 (ii) In no event shall the additional benefit exceed an amount which, when
10 combined with the original benefit, equals one hundred percent of the average of any
11 four highest consecutive years of compensation earned by a member retiring under
12 the new system with an average compensation period of four years, both during
13 participation and after leaving the Deferred Retirement Option Plan.

14 (iii) For any member whose average compensation period is longer than four
15 years, in no event shall the additional benefit exceed an amount which, when
16 combined with the original benefit, equals one hundred percent of the average of the
17 highest consecutive months of compensation for any period equal to the average
18 compensation period applicable when the member entered the Deferred Retirement
19 Option Plan, both during participation and after leaving the Deferred Retirement
20 Option Plan.

21 * * *

22 Section 2. For those members retiring or entering the Deferred Retirement Option
23 Plan or participating in the Deferred Retirement Option Plan on a retroactive basis on or
24 after July 1, 2013, and on or before June 30, 2014, the period used to calculate monthly
25 average compensation shall be forty-eight months plus the number of whole months since
26 July 1, 2013.

1 Section 3. This Act shall become effective July 1, 2013; if vetoed by the governor
2 and subsequently approved by the legislature, this Act shall become effective on July 1,
3 2013, or on the day following such approval by the legislature, whichever is later.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____