

2024 Regular Session

HOUSE BILL NO. 33

BY REPRESENTATIVE MANDIE LANDRY

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(A) and (B) and 3386(A) and to repeal R.S. 11: 3384(D)
3 and 3386(B), relative to the New Orleans Firefighters' Pension and Relief Fund; to
4 provide for eligibility for retirement benefits; to provide for accrual rates; to provide
5 for withdrawals from service prior to retirement; and to provide for related matters.

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

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 11:3384 (A) and (B) and 3386(A) are hereby amended and reenacted
11 to read as follows:

12 §3384. Firefighters employed after December 31, 1967; computation of benefits
13 A.~~(†)~~ Notwithstanding R.S. 11:3381, any firefighter who enters the employ
14 of the fire department after December 31, 1967, ~~and on or before December 31,~~
15 ~~2014~~, who has reached the age of fifty years and who has not less than twelve years
16 of service in the fire department, and who is a contributing member of this system,
17 may retire upon his written application to the board setting forth at what time he
18 desires to be retired, provided that, at the time so specified for his retirement, he shall
19 have met the requirements as provided in this Section.

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

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

14 B.(1) If a firefighter employed by the fire department after December 31,
15 1967, on or before December 31, 2014, has worked one or more hours of service
16 after December 31, 1995, he shall receive a retirement benefit equal to two and one-
17 half percent of his average compensation based on the five highest consecutive years
18 of employment, multiplied by the number of years of creditable service. If the
19 member continues to remain a member of the system beyond twelve years of service,
20 ~~and such member attains the age of fifty,~~ the retirement benefit for each year or
21 portion of a year beyond twelve years of service ~~and after age fifty~~ shall be an
22 amount equal to three and one-third percent of the average annual compensation for
23 each year or portion of a year. If the member continues service beyond thirty years,
24 the retirement benefit for each year or portion of a year ~~beyond twelve years of~~
25 ~~service~~ shall be an amount equal to three and one-third percent of the average annual
26 compensation for each year or portion of a year. However, the retirement benefit
27 shall not exceed a total of three and one-third percent each year. The service benefits
28 of such firefighter shall not exceed one hundred percent of the average compensation

1 earned during any five highest average consecutive years of service preceding
2 retirement.

3 ~~(2) A firefighter who enters the employ of the fire department on or after~~
4 ~~January 1, 2015, and before August 15, 2016, shall receive a retirement benefit equal~~
5 ~~to two and three-quarters percent of his average compensation, based on the five~~
6 ~~highest consecutive years of employment, multiplied by the number of years of~~
7 ~~creditable service. The service benefits of such firefighters shall not exceed one~~
8 ~~hundred percent of the average compensation earned during any five highest average~~
9 ~~consecutive years of service preceding retirement. Notwithstanding any provision~~
10 ~~of law to the contrary, the provisions of Paragraph (1) of this Subsection are~~
11 ~~applicable to all service credit earned by a firefighter who entered the fire department~~
12 ~~on or after January 1, 2015.~~

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

20 * * *

21 §3386. Vested rights and benefits

22 A.(1) Any member employed by the fire department ~~on or before December~~
23 ~~31, 2014, after December 1, 1967,~~ whose withdrawal from service occurs prior to the
24 attainment of age fifty years and who shall at such time have completed at least
25 twelve years but less than twenty of creditable service shall remain a member of the
26 pension and relief fund, and, in such a case, the member shall receive a service
27 retirement benefit beginning when he attains the age of fifty years, provided the
28 member has not withdrawn his accumulated contributions. The retirement benefit
29 to be paid shall be two and one-half percent of average compensation during the best

- (3) Persons hired after Aug. 15, 2016: attained retirement age as defined in present federal law regarding social security.

Proposed law repeals (2) and (3) above and makes 50 the retirement eligibility age for all employees.

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%.

Proposed law repeals (2) and (3) above and makes (1) applicable to all employees.

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 repeals (2) and (3) above and provides that all such employees begin to receive a benefit at age 50.

(Amends R.S. 11:3384(A) and (B) and 3386(A); Repeals R.S. 11:3384(D) and 3386(B))