

NORTH CAROLINA GENERAL ASSEMBLY
1967 SESSION

CHAPTER 606
SENATE BILL 363

AN ACT TO AMEND CHAPTER 102 OF THE SESSION LAWS OF 1957, AS
AMENDED, ESTABLISHING A SUPPLEMENTARY PENSION FUND FOR
FIREMEN IN THE CITY OF ALBEMARLE, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. Chapter 102 of the Session Laws of 1957, as amended, is further amended as follows:

(a) By striking out Section 3 of said Chapter, and inserting in lieu thereof the following:

"Section 3. Any person who is a full-time paid member of the Albemarle Fire Department, or a volunteer member, as shown by the records of the City of Albemarle on December 31, 1962, or any person who shall become such a full-time paid member or volunteer member shall be eligible for benefits from the supplementary pension fund; provided that no such person shall be eligible for benefits from the supplementary pension fund unless or until such person has 30 years of service in the Albemarle Fire Department, or has been retired as a member of the Albemarle Fire Department under the Social Security Act or any retirement system the City of Albemarle may participate in, or has been retired because of a disability. Any disability retirement shall be on a medical board's recommendation. The board of trustees shall designate a medical board composed of three physicians. If required, other physicians may be employed in special cases. The medical board shall arrange for and make physical examinations and pass upon all medical examinations, all essential statements and certificates by or on behalf of a member in connection with an application for disability retirement and shall report in writing to the board of trustees its conclusions and recommendations upon all matters referred to it. Upon the application of a member for disability retirement he may be retired by the board of trustees not less than 30 days nor more than 90 days next following the date of filing application; provided that the medical board after a medical examination of such member shall certify that such member is mentally or physically incapacitated for further performance of duty, that such incapacity is likely to be permanent, and that such member should be retired. Once each year during the first five years following retirement of a member on a disability retirement allowance and once in every three-year period thereafter the board of trustees may, and upon his application shall, require any disabled member who has not yet attained the age of 60 years to undergo a medical examination, such examination to be made at the place of residence of said member or other place mutually agreed upon, by a physician or physicians

designated by the board of trustees. Should any disabled member who has not yet attained the age of 60 years refuse to submit to at least one medical examination in any such year by a physician or physicians designated by the board of trustees, his allowance may be discontinued until his withdrawal of such refusal, and should his refusal continue for one year all his rights in and to his pension may be revoked by the board of trustees. Should the medical board report and certify to the board of trustees that such disabled member is engaged in or is able to engage in a gainful occupation paying more than the difference between his retirement allowance and his monthly compensation at time of disability, and should the board of trustees concur in such report, then the amount of his pension shall be reduced to an amount which together with his pension and the amount earnable by him, shall equal the amount of his monthly compensation. Should his earning capacity be later changed, the amount of his pension may be further modified. Should he be restored to full employment in the Albemarle Fire Department, or by any other employer, at a salary equal to his compensation at the time of disability, his retirement shall cease. Should it be determined that he is physically able to return to full-time employment in the Albemarle Fire Department or to other full-time employment, and he is offered full-time employment in the Albemarle Fire Department or by another employer before he has attained 60 years of age, and he refuses such employment, he forfeits all rights to retirement pension. It is further provided that this Act does not modify or alter in any way the Workmen's Compensation Laws of the State of North Carolina."

(b) By inserting after the first sentence in Section 4 the following:

"The monthly payment due shall begin in the month following the month during which the full-time paid member or volunteer member of the Albemarle Fire Department becomes eligible to receive benefits, but in no event shall any payment be made to any full-time paid member or volunteer member unless or until such person becomes eligible under Section 3 of this Act."

Sec. 2. All laws and clauses of laws in conflict with this Act hereby are repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1967.