

1 20 NCAC 02N .0106 is amended as published in 36:23 NCR, page 1856, as follows:

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3
4 **SUBCHAPTER 2N FIREFIGHTERS' FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND**

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6
7 **SECTION .0100 - ORGANIZATION OF THE FUND**

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9 **20 NCAC 02N .0106 OFFICE OF THE DIRECTOR**

10 The Office of the Director is located ~~at in the Longleaf Building,~~ 3200 Atlantic Avenue, Raleigh, North Carolina and
11 the mailing address is Retirement Systems Division, Department of State Treasurer, 3200 Atlantic Avenue, Raleigh,
12 North Carolina 27604. Office hours are from 8 a.m. to 5 p.m., Mondays - Fridays, except legal holidays.

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14 *History Note: Authority G.S. 58-86-10;*
15 *Eff. June 1, 1988;*
16 *Recodified from 3 NCAC 3 Eff. May 1, 1993;*
17 *Amended Eff. October 1, 1993;*
18 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 21,*
19 *2018;*
20 *Amended Eff. September 1, ~~2019~~2019;*
21 *Amended Eff. January 1, 2023.*
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1 20 NCAC 02N .0108 is readopted as published in 36:23 NCR, page 1856, as follows:

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3 **20 NCAC 02N .0108 DIVISIONAL RULES**

4 The following rules are hereby incorporated by reference including subsequent amendments to the rules:

5 (1) Rules .0101; Organization, Authority; .0102, Exercise of Authority; .0103, Delegation of Authority
6 to Director; of 20 NCAC 2A.

7 (2) Sections .0200, Rule-Making Procedures; .0300, Declaratory Rulings; .0400, Contested Case
8 Procedures; of 20 NCAC 2A.

9 (3) Rule .0504, Direct Deposit of Monthly Benefits; of 20 NCAC 2A.

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11 *History Note: Authority G.S. 58-86-10; 150B-21.6;*

12 *Eff. October 1, ~~1993~~ 1993;*

13 *Readopted Eff. January 1, 2023.*

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1 20 NCAC 02N .0208 is readopted as published in 36:23 NCR, page 1856, as follows:

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20 NCAC 02N .0208 APPLYING FOR MEMBERSHIP

(a) Only eligible ~~firefighters~~~~firemen~~ or eligible rescue squad workers may join the pension fund. In order to join the pension fund they must complete the application for membership and return it to the office of the ~~director~~Director.

(b) Applications for membership may be obtained from the office of the ~~director~~Director at the address shown in Rule .0106 of this Subchapter. The application asks for general information, including the applicant's name, address, social security number, fire department or rescue squad, and his or her ~~length of service~~first employment date with that department or squad.

~~(c) After receipt of a completed application, the director shall determine if the applicant is an eligible fireman or an eligible rescue squad worker. The director shall notify the applicant in writing of the determination.~~

~~(d)~~(c) If the ~~director~~ determines that the applicant is eligible to join the pension fund and after~~After~~ the ~~director~~Director has received the monthly payment required by G.S. 58-86-35 or 58-86-40, the ~~director~~Director shall enroll the applicant in the pension fundfund, and issue the applicant a membership identification card which contains the member's register number.

*History Note: Authority G.S. 58-86-10; 58-86-35; 58-86-40;
Eff. June 1, 1988;
Recodified from 3 NCAC 3 Eff. May 1, 1993;
Amended Eff. December 1, ~~1993~~1993;
Readopted Eff. January 1, 2023.*

1 20 NCAC 02N .0215 is readopted as published in 36:23 NCR, page 1857, as follows:

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3 **20 NCAC 02N .0215 MILITARY SERVICE**

4 (a) Any member who enters the armed forces may take a military leave of absence as provided by Paragraph (b) of
5 this Rule, continue to receive service credit as provided by Paragraph (c) of this Rule, or withdraw from the pension
6 fund and seek a ~~refund~~refund, under Rule .0216 of this Section.

7 (b) To take a military leave of absence a member must provide written notice to the office of the ~~director~~Director that
8 the member he or she is taking such leave. The member shall specify in the notice the branch of the armed forces the
9 member is entering and the expected dates of entry and discharge. The notice must be delivered to the office of the
10 ~~director~~Director no later than six months after the member ceases service as an eligible firefighter fireman—or an
11 eligible rescue squad worker, whichever is applicable, or the member will be deemed to have withdrawn from the
12 pension fund. No member may remain on military leave of absence for more than one normal draft or enlistment
13 period, whichever is applicable. Any member who has taken a military leave of absence must commence service as
14 either an eligible firefighter fireman—or an eligible rescue squad worker within six months after the expiration of a
15 normal draft or enlistment period, whichever is applicable or within six months after the member's discharge if that
16 occurs earlier, or the member will be deemed to have withdrawn from the pension fund. ~~The provisions of Rule~~
17 ~~.0214(c) of this Section are applicable to members on military leaves of absence.~~

18 (c) Any member who enters the armed forces may continue to receive service credit if the member he notifies the
19 office of the ~~director~~Director in writing of the member's his or her intent to do so, and if ~~he or she~~ the member
20 continues to make monthly payments required by G.S. 58-86-35 or 58-86-40. Credit for time served in the armed
21 forces is limited to one normal draft or enlistment period, whichever is applicable.

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23 *History Note: Authority G.S. 58-86-10;*
24 *Eff. June 1, 1988;*
25 *Recodified from 3 NCAC 3 Eff. May 1, 1993;*
26 *Amended Eff. December 1, ~~1993~~ 1993;*
27 *Readopted Eff. January 1, 2023.*
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1 20 NCAC 02N .0218 is repealed through readoption as published in 36:23 NCR, page 1857, as follows:

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3 **20 NCAC 02N .0218 RETIREMENT BENEFITS**

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5 *History Note: Authority G.S. 58-86-10; 58-86-55;*

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Eff. June 1, 1988;

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Recodified from 3 NCAC 3 Eff. May 1, 1993;

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Amended Eff. December 1, ~~1993~~1993;

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Repealed Eff. January 1, 2023.

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1 20 NCAC 02N .0219 is readopted with changes, as published in 36:23 NCR, page 1857, as follows:

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3 **20 NCAC 02N .0219 REFUNDS OF DECEASED MEMBERS' PAYMENTS**

4 In order to receive the lump sum payment for deceased members provided by G.S. 58-86-60(2) and (3) the person or
5 persons entitled to such payment must file with the office of the ~~director~~Director a death certificate and a letter
6 requesting the payment. The amount of the payment will be determined in accordance with G.S. 58-86-60 ~~and~~and,
7 accordingly, no interest will be paid on the monthly payments.

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9 *History Note: Authority G.S. 58-86-10; 58-86-60;*

10 *Eff. June 1, 1988;*

11 *Recodified from 3 NCAC 3 Eff. May 1, 1993;*

12 *Amended Eff. December 1, ~~1993~~1993;*

13 *Readopted Eff. January 1, 2023.*

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