

1 20 NCAC 02N .0106 is amended as published in 36:23 NCR, page 1856, with changes, 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
11 and the mailing and physical address of the Office of the Director of the Retirement Systems Division is Retirement
12 Systems Division, Department of State Treasurer, 3200 Atlantic Avenue, Raleigh, North Carolina 27604. Office hours
13 are from 8 a.m. to 5 p.m., Mondays - Fridays, except legal State holidays.

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15 *History Note: Authority G.S. 58-86-10;*
16 *Eff. June 1, 1988;*
17 *Recodified from 3 NCAC 3 Eff. May 1, 1993;*
18 *Amended Eff. October 1, 1993;*
19 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 21,*
20 *2018;*
21 *Amended Eff. September 1, ~~2019~~2019;*
22 *Amended Eff.*
23

1 20 NCAC 02N .0108 is readopted as published in 36:23 NCR, page 1856, with changes, 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 20 NCAC 02A .0101, .0102, and .0103; ~~.0101, Organization, Authority; .0102, Exercise of~~
6 ~~Authority; .0103, Delegation of Authority to Director; of 20 NCAC 2A.~~

7 (2) Sections 20 NCAC 02A .0200, .0300, and .0400; and ~~.0200, Rule Making Procedures; .0300,~~
8 ~~Declaratory Rulings; .0400, Contested Case Procedures; of 20 NCAC 2A.~~

9 (3) Rule 20 NCAC 02A .0504, ~~.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.*

14

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

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4 **20 NCAC 02N .0208 APPLYING FOR MEMBERSHIP**

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

7 (b) Applications for membership may be obtained from the office of the ~~director~~Director at the address shown in Rule
8 .0106 of this Subchapter. The application asks for general information, including the applicant's name, address, social
9 security number, date of birth, phone number, email address, gender, fire department or rescue squad, ~~and~~ his or her
10 ~~length of service~~first employment date with that department or ~~squad~~squad, and requires a signature by an authorized
11 representative of the fire department or rescue squad.

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

14 ~~(d)(c) If the director determines that the applicant is eligible to join the pension fund and after~~After the
15 ~~director~~Director has received and approved the application and received the monthly payment required by G.S.
16 58-86-35 or 58-86-40, the ~~director~~Director shall enroll the applicant in the pension ~~fund~~fund, ~~and issue the applicant~~
17 ~~a membership identification card which contains the member's register number.~~

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19 *History Note: Authority G.S. 58-86-10; 58-86-35; 58-86-40;*
20 *Eff. June 1, 1988;*
21 *Recodified from 3 NCAC 3 Eff. May 1, 1993;*
22 *Amended Eff. December 1, ~~1993~~1993;*
23 *Readopted Eff.*
24

1 20 NCAC 02N .0215 is readopted as published in 36:23 NCR, page 1857, with changes, 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 shall must provide written notice to the office of the ~~director~~Director
8 that the member he or she is taking such leave. The member shall specify in the notice the branch of the armed forces
9 the member is entering and the expected dates of entry and discharge. The member shall deliver the notice must be
10 delivered to the office of the ~~director~~Director no later than six months after the member ceases service as an eligible
11 ~~firefighter fireman~~ or an eligible rescue squad worker, whichever is applicable, or the member will be deemed to have
12 withdrawn from the pension fund. No member may remain on military leave of absence for more than one normal
13 draft or enlistment period, whichever is applicable. Any member who has taken a military leave of absence must shall
14 commence service as either an eligible ~~firefighter fireman~~ or an eligible rescue squad worker within six months after
15 the expiration of a normal draft or enlistment period, whichever is applicable, applicable or within six months after
16 the member's discharge if that occurs earlier, or else the member will be deemed to have withdrawn from the pension
17 fund. ~~The provisions of Rule .0214(c) of this Section are applicable to members on military leaves of absence.~~

18 (c) Any member who enters the armed forces shall may continue to receive service credit if the member he notifies
19 the office of the ~~director~~Director in writing of the member's his or her intent to do so [se,] 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.*
28

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;

9

Repealed Eff.

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1 20 NCAC 02N .0219 is readopted with changes, as published in 36:23 NCR, page 1857, with changes, 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)~~ ~~(3)~~ the person
5 or persons entitled to such payment shall ~~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.*

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