

**SUBCHAPTER 02N – FIREFIGHTERS' AND RESCUE SQUAD WORKERS' PENSION FUND**

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

<b>20 NCAC 02N .0101</b>	<b>LOCATION</b>
<b>20 NCAC 02N .0102</b>	<b>GENERAL PURPOSE</b>
<b>20 NCAC 02N .0103</b>	<b>ADMINISTRATION AND FUNCTION</b>
<b>20 NCAC 02N .0104</b>	<b>BOARD OF TRUSTEES MEMBERSHIP</b>

*History Note:* Authority G.S. 118-21; 118-19; 143A-27;  
Eff. February 1, 1976;  
Repealed Eff. June 1, 1988;  
Recodified from 3 NCAC 3 Eff. May 1, 1993.

**20 NCAC 02N .0105 DEFINITIONS**

*History Note:* Authority G.S. 58-86-10;  
Eff. June 1, 1988;  
Recodified from 3 NCAC 3 Eff. May 1, 1993;  
Amended Eff. October 1, 1993;  
Expired Eff. November 1, 2018 pursuant to G.S. 150B-21.3A.

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

The mailing and physical address of the Office of the Director of the Retirement Systems Division is Retirement Systems Division, Department of State Treasurer, 3200 Atlantic Avenue, Raleigh, North Carolina 27604. Office hours are from 8 a.m. to 5 p.m., Mondays - Fridays, except State holidays.

*History Note:* Authority G.S. 58-86-10;  
Eff. June 1, 1988;  
Recodified from 3 NCAC 3 Eff. May 1, 1993;  
Amended Eff. October 1, 1993;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 21, 2018;  
Amended Eff. March 1, 2023; September 1, 2019.

**20 NCAC 02N .0107 BOARD OF TRUSTEES**

*History Note:* Authority G.S. 58-86-10;  
Eff. June 1, 1988;  
Recodified from 3 NCAC 3 Eff. May 1, 1993;  
Amended Eff. October 1, 1993;  
Expired Eff. November 1, 2018 pursuant to G.S. 150B-21.3A.

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

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

- (1) Rules 20 NCAC 02A .0101, .0102, and .0103;
- (2) Sections 20 NCAC 02A .0200, .0300, and .0400; and
- (3) Rule 20 NCAC 02A .0504.

*History Note:* Authority G.S. 58-86-10; 150B-21.6;  
Eff. October 1, 1993;  
Readopted Eff. March 1, 2023.

**SECTION .0200 - GENERAL PROVISIONS**

<b>20 NCAC 02N .0201</b>	<b>DEFINITIONS</b>
<b>20 NCAC 02N .0202</b>	<b>SECRETARY'S BOND</b>
<b>20 NCAC 02N .0203</b>	<b>PROCUREMENT OF FORMS</b>
<b>20 NCAC 02N .0204</b>	<b>ANNUAL FIREMEN CERTIFICATION</b>
<b>20 NCAC 02N .0205</b>	<b>COMMUNICATION WITH BOARD CHAIRMAN</b>

*History Note:* Authority G.S. 118-20; 118-21; 118-23;  
 Eff. February 1, 1976;  
 Repealed Eff. June 1, 1988;  
 Recodified from 3 NCAC 3 Eff. May 1, 1993.

<b>20 NCAC 02N .0206</b>	<b>ELIGIBLE FIREMEN</b>
<b>20 NCAC 02N .0207</b>	<b>ELIGIBLE RESCUE SQUAD WORKERS</b>

*History Note:* Authority G.S. 58-86-10; 58-86-25; 58-86-30;  
 Eff. June 1, 1988;  
 Recodified from 3 NCAC 3 Eff. May 1, 1993;  
 Amended Eff. December 1, 1993;  
 Expired Eff. November 1, 2018 pursuant to G.S. 150B-21.3A.

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

- (a) Only eligible firefighters 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.
- (b) Applications for membership may be obtained from the office of the 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, date of birth, phone number, email address, gender, fire department or rescue squad, his or her first employment date with that department or squad, and requires a signature by an authorized representative of the fire department or rescue squad.
- (c) After the Director has received and approved the application and received the monthly payment required by G.S. 58-86-35 or 58-86-40, the Director shall enroll the applicant in the pension fund.

*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;  
 Readopted Eff. March 1, 2023.

<b>20 NCAC 02N .0209</b>	<b>PRIOR SERVICE CREDIT</b>
<b>20 NCAC 02N .0210</b>	<b>ANNUAL CERTIFICATION OF FIREMEN</b>
<b>20 NCAC 02N .0211</b>	<b>ANNUAL CERTIFICATION OF RESCUE SQUAD WORKERS</b>
<b>20 NCAC 02N .0212</b>	<b>MONTHLY PAYMENTS</b>
<b>20 NCAC 02N .0213</b>	<b>DELINQUENT MONTHLY PAYMENTS</b>
<b>20 NCAC 02N .0214</b>	<b>LEAVES OF ABSENCE</b>

*History Note:* Authority G.S. 58-86-10; 58-86-30; 58-86-35; 58-86-40; 58-86-45; 58-86-75; 58-86-85;  
 Eff. June 1, 1988;  
 Recodified from 03 NCAC 03 Eff. May 1, 1993;  
 Amended Eff. December 1, 1993; October 1, 1993;  
 Expired Eff. November 1, 2018 pursuant to G.S. 150B-21.3A.

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

- (a) Any member who enters the armed forces may take a military leave of absence as provided by Paragraph (b) of this Rule, continue to receive service credit as provided by Paragraph (c) of this Rule, or withdraw from the pension fund and seek a refund.
- (b) To take a military leave of absence a member shall provide written notice to the office of the Director that the member is taking such leave. The member shall specify in the notice the branch of the armed forces the member is

entering and the expected dates of entry and discharge. The member shall deliver the notice to the office of the Director no later than six months after the member ceases service as an eligible firefighter or an eligible rescue squad worker, whichever is applicable, or the member will be deemed to have withdrawn from the pension fund. No member may remain on military leave of absence for more than one normal draft or enlistment period, whichever is applicable. Any member who has taken a military leave of absence shall commence service as either an eligible firefighter or an eligible rescue squad worker within six months after the expiration of a normal draft or enlistment period, whichever is applicable, or within six months after the member's discharge if that occurs earlier, or else the member will be deemed to have withdrawn from the pension fund.

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

*History Note:* Authority G.S. 58-86-10;  
Eff. June 1, 1988;  
Recodified from 03 NCAC 03 Eff. May 1, 1993;  
Amended Eff. December 1, 1993;  
Readopted Eff. March 1, 2023.

**20 NCAC 02N .0216 REFUNDS**  
**20 NCAC 02N .0217 APPLICATIONS FOR DISABILITY BENEFITS**

*History Note:* Authority G.S. 58-86-10; 58-86-60;  
Eff. June 1, 1988;  
Recodified from 03 NCAC 03 Eff. May 1, 1993;  
Amended Eff. December 1, 1993;  
Expired Eff. November 1, 2018 pursuant to G.S. 150B-21.3A.

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

*History Note:* Authority G.S. 58-86-10; 58-86-55;  
Eff. June 1, 1988;  
Recodified from 3 NCAC 3 Eff. May 1, 1993;  
Amended Eff. December 1, 1993;  
Repealed Eff. March 1, 2023.

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

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

*History Note:* Authority G.S. 58-86-10; 58-86-60;  
Eff. June 1, 1988;  
Recodified from 3 NCAC 3 Eff. May 1, 1993;  
Amended Eff. December 1, 1993;  
Readopted Eff. March 1, 2023.

**SECTION .0300 - ADMINISTRATIVE RULEMAKING PROCEDURES**

**20 NCAC 02N .0301 PETITIONS FOR RULEMAKING**  
**20 NCAC 02N .0302 NOTICE OF RULEMAKING**  
**20 NCAC 02N .0303 RULEMAKING HEARINGS**  
**20 NCAC 02N .0304 DECLARATORY RULINGS**

*History Note:* Authority G.S. 118-21; 150A-11; 150A-12; 150A-16; 150A-17;  
Eff. February 1, 1976;  
Repealed Eff. June 1, 1988;  
Recodified from 3 NCAC 3 Eff. May 1, 1993.

<b>20 NCAC 02N .0305</b>	<b>PETITIONS FOR RULE-MAKING</b>
<b>20 NCAC 02N .0306</b>	<b>DECISION ON PETITION</b>
<b>20 NCAC 02N .0307</b>	<b>NOTICE OF RULE-MAKING</b>
<b>20 NCAC 02N .0308</b>	<b>ARGUMENTS</b>
<b>20 NCAC 02N .0309</b>	<b>REQUEST FOR ORAL PRESENTATIONS</b>
<b>20 NCAC 02N .0310</b>	<b>WRITTEN STATEMENT</b>
<b>20 NCAC 02N .0311</b>	<b>REQUEST FOR STATEMENT OF FINAL DECISION</b>
<b>20 NCAC 02N .0312</b>	<b>RECORD OF RULE-MAKING</b>
<b>20 NCAC 02N .0313</b>	<b>DECLARATORY RULINGS</b>

*History Note:* Authority G.S. 118-35; 150B-11(1); 150B-12; 150B-12(e); 150B-16; 150B-17;  
Eff. June 1, 1988;  
Recodified from 3 NCAC 3 Eff. May 1, 1993;  
Repealed Eff. October 1, 1993.

#### **SECTION .0400 - ADMINISTRATIVE ADJUDICATORY PROCEDURES**

<b>20 NCAC 02N .0401</b>	<b>GENERAL RULE FOR A HEARING</b>
<b>20 NCAC 02N .0402</b>	<b>SPECIFIC RULE FOR A HEARING</b>
<b>20 NCAC 02N .0403</b>	<b>REQUEST FOR A HEARING</b>
<b>20 NCAC 02N .0404</b>	<b>GRANTING HEARING REQUEST</b>
<b>20 NCAC 02N .0405</b>	<b>WAIVER OF RIGHT TO A HEARING</b>
<b>20 NCAC 02N .0406</b>	<b>NOTICE OF A HEARING</b>
<b>20 NCAC 02N .0407</b>	<b>INTERVENTION IN THE HEARING</b>
<b>20 NCAC 02N .0408</b>	<b>WHO SHALL HEAR CONTESTED CASES</b>
<b>20 NCAC 02N .0409</b>	<b>PLACE OF THE HEARING</b>
<b>20 NCAC 02N .0410</b>	<b>HEARING OFFICERS</b>
<b>20 NCAC 02N .0411</b>	<b>FAILURE TO APPEAR AT THE HEARING</b>
<b>20 NCAC 02N .0412</b>	<b>WRITTEN ANSWERS TO A HEARING NOTICE</b>
<b>20 NCAC 02N .0413</b>	<b>PRE-HEARING CONFERENCE</b>
<b>20 NCAC 02N .0414</b>	<b>SIMPLIFICATION OF ISSUES</b>
<b>20 NCAC 02N .0415</b>	<b>SUBPOENAS</b>

*History Note:* Authority G.S. 118-21; 150A-2(2); 150A-23; 150A-24; 150A-25(a); 150A-27;  
150A-31; 150A-32; 150A-33(2); 150A-33(5); 150A-37; 1A-1, Rule 24;  
Eff. February 1, 1976;  
Repealed Eff. June 1, 1988;  
Recodified from 3 NCAC 3 Eff. May 1, 1993.

#### **SECTION .0500 - PENSION FUND REGULATIONS**

<b>20 NCAC 02N .0501</b>	<b>MEMBERSHIP ELIGIBILITY</b>
<b>20 NCAC 02N .0502</b>	<b>MEMBERSHIP STATUS IN THE FUND</b>
<b>20 NCAC 02N .0503</b>	<b>PAYMENT OF CONTRIBUTIONS IN ADVANCE</b>
<b>20 NCAC 02N .0504</b>	<b>PAYMENT OF MONTHLY CONTRIBUTIONS</b>
<b>20 NCAC 02N .0505</b>	<b>DELINQUENT CONTRIBUTIONS</b>
<b>20 NCAC 02N .0506</b>	<b>REFUND OF CONTRIBUTIONS</b>
<b>20 NCAC 02N .0507</b>	<b>SERVICE CREDIT TIME</b>
<b>20 NCAC 02N .0508</b>	<b>RETIREMENT AND RECEIPT OF BENEFITS</b>

*History Note:* Authority G.S. 118-21; 118-23; 118-24; 118-25; 118-26; 118-29;  
Eff. February 1, 1976;  
Repealed Eff. June 1, 1988;  
Recodified from 3 NCAC 3 Eff. May 1, 1993.