

353G.09 RETIREMENT BENEFIT ELIGIBILITY.

Subdivision 1. **Entitlement.** (a) A member of the retirement plan is entitled to a service pension from the retirement plan if the member:

- (1) has separated from active service with the fire department for at least 30 days;
- (2) has attained the age of at least 50 years;
- (3) has satisfied the minimum service requirement in paragraph (b); and
- (4) applies in a manner prescribed by the executive director for the service pension.

(b) A member satisfies the minimum service requirement if the member meets at least one of the following requirements:

(1) the member is at least 40 percent vested based on years of service as a member of the retirement plan;

(2) the member is at least 40 percent vested based on years of service with the fire department and the total number of years of service as a member of the former affiliated relief association plus years of service as a member of the retirement plan is at least five; or

(3) the member has completed at least the minimum number of years of service as a member of the retirement plan specified in the retirement benefit plan document attributable to the applicable fire department if the person is a member of the monthly benefit retirement division.

Subd. 2. **Vesting schedule; nonforfeitable portion of service pension.** (a) Except as provided in paragraphs (c) and (d), an active member of the lump-sum retirement division is entitled to a service pension equal to the nonforfeitable percentage of the applicable service pension amount, taking into account years of service as a member of the retirement plan plus years of service as a member of the former affiliated relief association, if any, as follows:

Completed years of service credit	Nonforfeitable percentage of the service pension
less than 5	0 percent
5	40 percent
6	44 percent
7	48 percent
8	52 percent
9	56 percent
10	60 percent
11	64 percent
12	68 percent
13	72 percent

14	76 percent
15	80 percent
16	84 percent
17	88 percent
18	92 percent
19	96 percent

(b) If an active member of the monthly benefit retirement division has completed less than 20 years of service credit as a member of the monthly benefit retirement division of the plan, the person's entitlement to a service pension must be governed by the retirement benefit plan document attributable to the applicable fire department.

(c) A person described in paragraph (d) is entitled to the vested portion of the service pension as determined by applying the vesting schedule selected in the request for coverage under section 353G.05, subdivision 1a, taking into account years of service as a member of the retirement plan plus years of service as a member of the former affiliated relief association, if any.

(d) A person is described in this paragraph if the person becomes a member of the lump-sum retirement division in connection with the transfer of coverage from a relief association to the retirement plan on or after January 1, 2023, or in connection with a municipality or independent nonprofit firefighting corporation joining the retirement plan on or after January 1, 2023.

Subd. 3. MS 2020 [Repealed, 2022 c 65 art 4 s 26]

[See Note.]

Subd. 4. **Deferred service pensions from former volunteer firefighter relief association.** A person who (1) had the status of deferred member with a former volunteer firefighter relief association as of the date immediately before the election of the retirement coverage change, and (2) is eligible for a service pension under the former relief association's bylaws is entitled to receive a service pension from the retirement plan. Eligibility for and calculation of the service pension are determined under the former relief association's bylaws as of the date the person terminated firefighting services and under chapter 424A.

History: 2009 c 169 art 9 s 18; 2010 c 359 art 6 s 5; 2015 c 68 art 7 s 1; art 8 s 18; 2020 c 108 art 7 s 5,6; 2022 c 65 art 4 s 7,8

NOTE: The repeal of subdivision 3 is effective January 1, 2023. The text may be viewed at MS 2021 in the statutes archives.