353G.09 RETIREMENT BENEFIT ELIGIBILITY.

Subdivision 1. **Entitlement.** (a) A member is entitled to a retirement benefit as defined in subdivision 1a from the fire department's account in the plan if the member:

(1) has separated from service with the fire department for at least 30 days;

(2) has attained the normal retirement age;

(3) has satisfied the minimum service requirement in paragraph (b) or (c), as applicable; and

(4) applies in a manner prescribed by the executive director.

(b) If the member is a member of the lump-sum division or the defined contribution plan, the member satisfies the minimum service requirement if the member is at least 40 percent vested as determined under subdivision 2.

(c) If the member is a member of the monthly division, the member satisfies the minimum service requirement if the member has completed at least the minimum number of years of service specified in the retirement benefit plan document applicable to the member.

Subd. 1a. **Retirement benefit.** (a) A volunteer firefighter who is entitled to a retirement benefit under subdivision 1 must receive a retirement benefit under paragraph (b), (c), or (d), as applicable.

(b) The retirement benefit of a member of the lump-sum division is equal to the number of years of service credit certified under section 353G.07 for the member, multiplied by the benefit level applicable to the member under section 353G.11, multiplied by the member's vested percentage under subdivision 2.

(c) The retirement benefit of a member of the monthly division is equal to the number of years of service credit certified under section 353G.07 for the member, multiplied by the benefit level applicable to the member under section 353G.11, multiplied by the member's vested percentage under subdivision 2.

(d) The retirement benefit of a member of the defined contribution plan is equal to the balance in the member's account in the plan as of the end of the month after the month in which the executive director receives the application for a distribution of the retirement benefit multiplied by the member's vested percentage under subdivision 2.

Subd. 2. **Vested percentage.** A member of the plan has a nonforfeitable right to a retirement benefit, up to the percent vested. The member's vested percentage is determined under paragraph (a), (b), or (c), as applicable.

(a) If the member is a member of the lump-sum division and employed in a fire department that joined the plan before January 1, 2023, the member's vested percentage is equal to the percentage that corresponds to the number of years of vesting service credit, as follows:

Completed years of service credit	Vested percentage
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 the member is a member of the lump-sum division or the defined contribution plan and employed in a fire department that joins the plan on or after January 1, 2023, the member's vested percentage is equal to the percentage determined by applying the vesting schedule selected in the request for coverage under section 353G.05, subdivision 1c, taking into account years of vesting service credit.

(c) If the member is a member of the monthly division and has completed 20 years of service as a member of the plan, the member is 100 percent vested. If the member has completed less than 20 years of service as a member of the plan, the member's vested percentage is equal to the percentage determined under the retirement benefit plan document applicable to the member.

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

Subd. 4. **Deferred service pensions from former firefighter relief association.** A person who (1) had the status of deferred member with a former 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 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; 2023 c 47 art 10 s 5-7,9; 2024 c 102 art 2 s 31; art 3 s 33-35,45; 2025 c 20 s 256; 2026 c 106 art 15 s 26*