

424A.012 RETURN TO ACTIVE FIREFIGHTING SERVICE.

Subdivision 1. **Return to active firefighting without prior receipt of pension or benefit.** (a) This subdivision governs the service pension calculation requirements of a firefighter who returns to active service after a break in service and who has not previously been paid a service pension or disability benefit from the relief association. This subdivision applies to all breaks in service, except that the resumption service requirements of this subdivision do not apply to leaves of absence made available by federal or state statute.

(b) If a firefighter who has a break in service of any duration resumes performing active firefighting with the fire department associated with the relief association and if permitted in the bylaws of the relief association, the firefighter may again become an active member of the relief association, subject to the requirements of this subdivision and the service pension calculation requirements under this section.

(c) A firefighter who has been granted an approved leave of absence not exceeding one year by the fire department or the relief association is exempt from any minimum period of resumption service requirement established under paragraph (f).

(d) A firefighter who has a break in service not exceeding one year but has not been granted an approved leave of absence may be made exempt from any minimum period of resumption service requirement established under paragraph (f).

(e) A firefighter may qualify to receive a service pension from the relief association for the original and resumption service periods if the firefighter:

(1) is a former firefighter who has not been paid a service pension or disability benefit;

(2) returns to active relief association membership under paragraph (b); and

(3) meets the service requirements of section 424A.016, subdivision 3, or 424A.02, subdivision 2, as applicable, and as defined in the bylaws in effect on the date of the firefighter's separation from active service, based on the original and resumption years of service credit.

(f) A defined benefit relief association may define in the relief association's bylaws a minimum period of resumption service requirement that applies to firefighters who return to active membership and who have not been paid a service pension or disability benefit for their original period of service. The service pension benefit level used to calculate any service pension payable for both the original and resumption service periods is:

(1) the service pension benefit level in effect on the date of the firefighter's separation from active resumption service if a minimum period of resumption service requirement is defined in the bylaws and is completed prior to a firefighter's cessation of resumption service or if no resumption service is defined in the bylaws; or

(2) the service pension benefit level in effect on the date of the firefighter's termination of original service if a minimum period of resumption service requirement is defined in the bylaws but is not completed prior to a firefighter's cessation of resumption service.

(g) Any service pension payable under this subdivision is less any amounts previously forfeited under section 424A.016, subdivision 4, or 424A.02, subdivision 3, paragraph (c), as applicable.

Subd. 2. **Return to active firefighting after receipt of pension or benefit.** (a) This subdivision governs the service pension calculation requirements of a firefighter who resumes performing active firefighting service with the fire department associated with the relief association after being paid a service pension or

disability benefit from the relief association. The firefighter must wait at least 60 days following receipt of the pension or benefit before resuming active firefighting service with the fire department and, if permitted in the bylaws of the relief association, active membership in the relief association.

(b) A firefighter may qualify to receive a service pension from the relief association for the resumption service period if the firefighter:

(1) is a former firefighter who has been paid a service pension or disability benefit or is receiving a monthly benefit service pension;

(2) returns to active relief association membership; and

(3) meets the service requirements defined in the relief association's bylaws in effect on the date of the firefighter's separation from active service and, as applicable:

(i) paragraph (g);

(ii) section 424A.016, subdivision 3; or

(iii) section 424A.02, subdivision 2.

(c) For defined benefit relief associations, the service pension for the resumption service period must be calculated by applying the service pension benefit level in effect on the date of the firefighter's termination of resumption service for all years of the resumption service.

(d) For defined contribution relief associations, the service pension for the resumption service period must be calculated to include allocations credited to the firefighter's individual account during the resumption period of service and deductions for administrative expenses, if applicable.

(e) If provided in the bylaws, a firefighter who returns to active relief association membership may continue to collect a monthly service pension from the relief association, notwithstanding the requirement under section 424A.02, subdivision 1, that the firefighter has separated from active service.

(f) If a firefighter receiving a monthly benefit service pension returns to active monthly benefit relief association membership under paragraph (b):

(1) the firefighter's monthly service pension payments are suspended as of the first day of the month next following the date on which the firefighter returns to active membership if the relief association bylaws prohibit the firefighter from collecting a monthly service pension;

(2) the firefighter is entitled to an additional monthly benefit service pension upon a subsequent cessation of duties calculated based on the resumption service credit and the service pension accrual amount in effect on the date of the termination of the resumption service; and

(3) if the monthly service pension payments were suspended under clause (1), the suspended initial service pension resumes as of the first of the month next following the termination of the resumption service.

(g) A relief association may define in the relief association's bylaws vesting requirements that apply solely to former firefighters who have been paid a service pension or disability benefit and subsequently return to active relief association membership. If a relief association elects to define vesting requirements that are applicable solely to these former firefighters, the requirements may be different than the requirements for all other relief association members and need not comply with the service requirements of section

424A.016, subdivision 3, or 424A.02, subdivision 2, as applicable, but cannot require more than 20 years of active service for full vesting.

(h) No firefighter may be paid a service pension more than once for the same period of service.

History: 2026 c 106 art 7 s 7