

## LUFKIN FIREMEN'S RELIEF AND RETIREMENT FUND

Notification to Firemen's Pension Commissioner,  
Mr. Hal H. Hood, of Benefit and Eligibility  
Requirement Changes Permitted Under Section 7F  
of the Firemen's Relief and Retirement Law

The participating members of the Lufkin Firemen's Relief and Retirement Fund held a secret ballot as required under Section 7F of the Law on August 19, 1981. Thirty-six (36) members voted in favor of the changes described below. The number voting in favor represents a majority of the fifty-six (56) participating members of the fund.

The following changes are applicable to all members of the firefighter's pension fund on the effective date of the change and to those who enter the Department thereafter.

### I. ACTIVE PAID FIREFIGHTERS

A. BASIS FOR DETERMINING RETIREMENT BENEFIT - The amount of income payable upon retirement will depend upon the firefighter's age when he retires and upon his number of years of "Service" and his "Final 60-Month Average Salary" as described below.

1. "Service" will be equal to the firefighter's number of years of continuous employment. For the period prior to August 1, 1978, the number of years of continuous employment will be determined from the records of the Fire Department of the City of Lufkin, Texas. The number of years of continuous employment after August 1, 1978 will include the period of uninterrupted employment after that date with the Fire Department of the City of Lufkin, Texas or with any predecessor department provided that funds are transferred in accordance with the provisions of the Texas Firemen's Relief and Retirement Law, as amended. If a firefighter's service is terminated after August 1, 1978, he will be treated in the same manner as a new employee if he is later reemployed. Absence from the active service of the Department by reason of leave of absence will not terminate a firefighter's service provided he returns to active employment prior to the expiration of his leave except that if he withdraws his contributions from the Firemen's Relief and Retirement Fund, City of Lufkin, Texas he will be treated in the same manner as though his service had been terminated even though he returns to active employment prior to the expiration of his leave.

Periods of leave of absence, determined by the policy of the City of Lufkin, shall be deemed continuous employment.

2. "Final 60-Month Average Salary" will be equal to the average of the firefighter's total pay (including regular, longevity and overtime pay) for the last 60 calendar months of service with the department. Pay received during a period of sick leave as regular and longevity pay will be considered as pay for service and included in total pay for the last 60 calendar months. A distribution for unused sick leave upon termination will not be considered as pay for service and will be excluded from total pay for the last 60 calendar months.

If at the time of death or disability, the firefighter has less than 60 months of service, his average salary will be computed as though he had been employed for the previous 60 months. For the period prior to his employment the firefighter is deemed to have held the same rank at which he entered the department. His pay, based upon the rank mentioned above, is assumed to be the amount he would have received if he had been employed by the fire department during that period.

#### B. SERVICE RETIREMENT BENEFIT

1. Eligibility for Service Retirement Benefit - A firefighter will be eligible for a service retirement benefit after he meets both of the following requirements:
  - a. attainment of age 55 and
  - b. completion of 20 years of service.
2. Amount of Service Retirement Benefit - A firefighter who qualifies for a service retirement benefit will receive a monthly retirement income equal to the sum of:
  - a. a standard monthly benefit equal to 59.50% of his "Final 60-Month Average Salary" defined in (A) above;  
plus
  - b. an additional service benefit in an amount equal to \$45.00 per month for each whole year of service in excess of 20 years of service. A partial year of service will be given partial credit based on number of months completed in excess of whole years.

#### C. DISABILITY RETIREMENT BENEFIT

1. Eligibility for Disability Retirement Benefit - An active firefighter will qualify for a disability benefit if he becomes disabled from any cause whatsoever for either physical or mental reasons before he meets the requirements to qualify for a service retirement benefit as described

in (B) (1) above. The firefighter need only be disabled to the extent of being unable to perform the duties of his occupation to be entitled to benefits for the first 1 and 1/2 years. Thereafter, he must be unable to perform the duties of any occupation for which he is reasonably suited by education, training and experience.

2. Amount of Disability Retirement Benefit - The disability benefit will commence after the firefighter's regular salary has ceased as the result of his disability and will continue thereafter as long as the firefighter remains alive and is eligible under (C) (1) above. It will equal the sum of:

a. a standard monthly benefit equal to 59.50% of his "Final 60-Month Average Salary" as computed through the last full month in which the firefighter received a salary as defined in (A) above;

plus

b. an additional service benefit in an amount equal to \$45.00 per month for each whole year of service in excess of 20 years of service. A partial year of service will be given partial credit based on number of months completed in excess of whole years.

3. Recovery From Disability - If a disabled firefighter, who had less than 20 years of service at date of disability retirement ceases to be eligible under (C) (1) above and does not return to the employ of the fire department, an amount equal to the excess, if any, of the firefighter's own contributions (without interest) over the amount of payments which have been made on his behalf will be paid to him in a lump sum payment. A disabled firefighter, who had 20 or more years of service at date of disability retirement will become eligible for the vested termination benefits described in (D) below if he ceases to be eligible for disability benefits under (C) (1) above and does not return to the employ of the fire department.

#### D. VESTED TERMINATION BENEFITS

1. If a firefighter has completed at least 20 years of service but has not attained the age of 55 at the time of termination of his service, he will be entitled to receive a deferred retirement income commencing at the end of the month in which he attains age 55 in an amount equal to the retirement benefit in (I) (B) above, determined as if he retired on the day he terminated employment. This benefit is payable only to firefighters who terminate employment on or after October 1, 1981. To be entitled to receive this vested termination benefit, the firefighter is not required to make additional contributions between his date of termination of employment and the date he begins receiving benefits.

2. If a firefighter terminated employment before October 1, 1981, after having completed 20 years of service but prior to attaining age 55, he is entitled to the following benefit commencing at the end of the month in which he attains age 55:

a. a standard monthly benefit equal to 55% of his "Final 60-Month Average Salary" defined in (A) above;

plus

b. an additional service benefit in an amount equal to \$25.50 per month for each whole year of service in excess of the 20 years of service. A partial year of service will be given partial credit based on number of months completed in excess of whole years.

#### E. DEATH BENEFITS

1. The firefighter's widow will receive a monthly benefit for as long as she is alive and does not remarry under the conditions and in the amounts described below:

a. if the firefighter's death occurred while he was an employee of the fire department, a standard death benefit equal to 39.67% of his "Final 60-Month Average Salary" defined in (A) above;

b. if the firefighter's death occurred after service retirement and service retirement was effective after October 1, 1981, a standard death benefit equal to 39.67% of his "Final 60-Month Average Salary" defined in (A) above;

c. if the firefighter's death occurred after disability retirement and disability retirement was effective after October 1, 1981, a standard death benefit equal to 39.67% of his "Final 60-Month Average Salary" defined in (A) above;

or

d. if the firefighter's death occurred after termination of employment with 20 or more years of service and termination of employment was effective after October 1, 1981, a standard death benefit equal to 39.67% of his "Final 60-Month Average Salary" defined in (A) above;

plus

e. an additional death benefit equal to two-thirds of any additional service benefit that the firefighter was receiving or was entitled to receive had he retired on his date of death.

In order for a retired or terminated firefighter's widow to qualify for the benefit above, she must have been married to the firefighter before his retirement or termination of service.

2. Children's benefits upon the death of a firefighter who began receiving service or disability retirement benefits or who terminated employment with 20 or more years of service prior to October 1, 1981 are:
  - a. each unmarried child will receive a monthly benefit of 7.33% of the firefighter's "Final 60-Month Average Salary" until age 18;
  - b. if the widow dies or remarries after being entitled to her allowance or if there is no widow, each unmarried child will receive a monthly benefit of 14.67% of the firefighter's "Final 60-Month Average Salary" until age 18.
3. Children's benefits upon the death of a firefighter who was employed in the department on October 1, 1981 or who enters the department after October 1, 1981:
  - a. each unmarried child will receive a monthly benefit of 7.87% of the firefighter's "Final 60-Month Average Salary" until age 18;
  - b. if the widow dies or remarries after being entitled to her allowance or if there is no widow, each unmarried child will receive a monthly benefit of 15.74% of the firefighter's "Final 60-Month Average Salary" until age 18.

The benefits described in (2) and (3) above are payable from age 18 to age 22 as long as the child remains a full-time student between these ages, or after age 17 if the child is totally disabled as a result of a physical or mental illness, injury or retardation for as long as the child remains totally disabled.

4. If no widow or child is entitled to a benefit under (1), (2) or (3) above at the time of the firefighter's death, the amount the widow would have received will be paid to the firefighter's dependent parents.
5. The sum of all benefits being paid or payable at any point in time shall not exceed:
  - a. for a retired firefighter, the amount of service or disability retirement benefit the firefighter was receiving;

- b. for a firefighter who was not retired but was eligible for service retirement benefit at his time of death, the service retirement benefit the firefighter would have received had he retired on his date of death; and
  - c. for a firefighter who was not retired and was not eligible for service retirement at his time of death, the disability retirement benefit the firefighter would have received had he become disabled on his date of death.
6. If no widow, child or dependent parent is entitled to an allowance under (1), (2), (3) or (4) above, an amount equal to the excess, if any, of the firefighter's own contributions (without interest) over the amount of payments which have been made to the firefighter will be paid to his estate.
  7. If the firefighter's widow remarries, no further payments will be made to his widow after the date of her remarriage and if no children's benefits are being paid at the time of the remarriage, an amount equal to the excess, if any, of the firefighter's own contributions (without interest) over the amount of payments which have been made on behalf of the firefighter, widow and children will be paid to his widow in a lump sum payment.
  8. Widows' benefits for firefighters who retired prior to October 1, 1981 have been determined and are listed in Section III below.

F. RETURN OF FIREFIGHTER'S OWN CONTRIBUTIONS - If a firefighter terminates his service and he is not entitled to a benefit as described above, he will receive the amount of contributions which he has made. A firefighter who retires or whose service is terminated may elect to receive at the time of his retirement or termination the amount of his own contributions but, if he makes such an election, he will forfeit his right to all benefits which he would have otherwise been entitled to receive. The amount refunded shall not include any interest accumulated on account of the firefighter's contributions.

G. CONTRIBUTIONS

1. Lufkin paid firefighters will make contributions of 9% of pay.
2. The City of Lufkin will make contributions of 9% of pay for each paid firefighter.

## II. ACTIVE VOLUNTEER FIREFIGHTERS

A. ELIGIBILITY FOR BENEFITS - A volunteer firefighter will become eligible for service retirement, disability retirement or death benefits under the same conditions that a paid firefighter would become eligible. These requirements are stipulated in Section I above.

B. AMOUNT OF SERVICE RETIREMENT OR DISABILITY RETIREMENT BENEFITS - A volunteer firefighter who qualifies for a service retirement or disability retirement benefit will receive \$25.00 per month.

C. VESTED TERMINATION BENEFIT

If a volunteer firefighter has completed at least 20 years of service but has not attained the age of 55 years at the time of termination of his service, he will be entitled to receive a deferred retirement income commencing at the end of the month in which he attains age 55.

To be entitled to receive this vested termination benefit, the volunteer firefighter is not required to make additional contributions between his date of termination of service and the date he begins receiving benefits.

D. DEATH BENEFITS

The widow of a volunteer firefighter will receive a monthly benefit for as long as she is alive and does not remarry. The amount of this benefit will be two-thirds (2/3) the amount the volunteer firefighter was receiving if he had already retired or two-thirds (2/3) of the amount he would have received if he was eligible to retire on the date of his death.

In order for a retired or terminated firefighter's widow to qualify for the benefit above, she must have been married to the firefighter before his retirement or termination of service.

E. CONTRIBUTIONS

1. A Lufkin volunteer firefighter will make contributions of \$30.00 per year for as long as he is an active volunteer in the service of the department.
2. The City of Lufkin will make contributions of \$30.00 per year per active volunteer firefighter.

### III. RETIRED FIREFIGHTERS AND WIDOWS

Those firefighters and widows who began receiving benefits before October 1, 1981 and are currently receiving benefits are listed below:

<u>Name</u>	<u>Current Monthly Benefit</u>	<u>Widow's Monthly Death Benefit</u>
Grady Campbell	\$ 25.00	\$ 16.67
Lonnie F. Gallas	544.36	362.91
Chester Herrington	25.00	16.67
Harry Kerr	100.00	--*
J. V. Lazarine	728.27	485.51
John E. Pyle	210.00	140.00
Jewel E. Rogers	848.18	565.45
Henry D. Selman	25.00	16.67
Mrs. Jack Gorden	16.66	N/A
Mrs. Thetus Hawkins	16.66	N/A
Mrs. D. C. McPherson	273.33	N/A
Mrs. Cleo Shotwell	90.39	N/A
Mrs. Annie Steenson	16.66	N/A
Mrs. Weickershiemer	16.66	N/A

\* No wife

The changes described above will become effective October 1, 1981.

Murray Brown

Dennis B. Noster

L. Clayton Howard

Board of Trustees  
Lufkin Firemen's Relief and  
Retirement Fund