

Title 58 RETIREMENT

Part V. Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity

Chapter 1. Introductory Information

§101. Definitions

Alternate Payee—the participant's spouse (or former spouse, child, or other dependent) who is entitled to receive some or all of the fund's benefit payments with respect to the participant under the terms of the QDRO. The same QDRO may identify more than one alternate payee, and several alternate payees may be identified in multiple QDROs. However, the board shall not recognize the entitlement of any alternate payee, even if specified in a domestic relations order, if the benefits assigned therein have already been assigned by reason of an earlier QDRO validly served upon the fund.

Dependent or Dependent upon the Firefighter for Support—prior to the firefighter's death, he contributed 50 percent or more to the support of said dependent.

Distributee—includes a member or former member. In addition, the member's or former member's surviving spouse and the member's or former member's spouse or former spouse who is the alternate payee under a qualified domestic relations order are distributees with regard to the interest of the spouse or former spouse. A distributee also includes a non-spouse beneficiary properly designated by the member.

Domestic Relations Order (DRO)—any judgment, decree, or order (including approval of a property settlement or community property partition) that:

1. relates to the provision of child support, alimony payments, or marital property rights to a spouse, former spouse, child, or other dependent of a participant; and
2. is made pursuant to a state domestic relations law (including a community property law).

Note: A state court shall actually issue an order, or formally approve a proposed property settlement, in order for it to be recognized as a domestic relations order. A property settlement or community property partition signed by a participant and the participant's former spouse, or a draft order to which both parties consent, shall not be considered a domestic relations order until the state authority has executed the order or formally approved it and made it part of the domestic relations proceeding.

Eligible Retirement Plan—an individual retirement account described in IRC § 408(a), an individual retirement annuity described in IRC § 408(b), an annuity plan described in IRC § 403(a), or a qualified trust described in IRC § 401(a), that accepts the distributee's eligible rollover distribution. In the case of an eligible rollover distribution to the surviving spouse or alternate payee, an eligible retirement plan is an individual retirement account or individual retirement annuity. An eligible retirement plan also shall include an annuity contract described in IRC § 403(b) and an eligible plan under IRC § 457(b), which is maintained by a state, political subdivision

of the state, or any agency or instrumentality of a state or political subdivision of a state (which agrees to separately account for amounts transferred into such plan from this plan) a Roth individual retirement account or Roth individual retirement annuity described in IRC § 408A.

a. In the case of a non-spouse beneficiary, an eligible retirement plan is an individual retirement account or annuity described in IRC § 408(a), or IRC § 408(b) or, a Roth individual retirement account or annuity described in IRC § 408A, that is established on behalf of the designated beneficiary and that will be treated as an inherited IRA pursuant to the provisions of IRC § 402(c)(11).

Eligible Rollover Distribution—any distribution of all or any portion of the balance to the credit of the distributee, except that an eligible rollover distribution does not include:

a. any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancy) of the distributee or the joint lives (or joint life expectancy) of the distributee and the distributee's designated beneficiary, or for a specified period of 10 years or more;

b. any distribution to the extent such distribution is required under IRC § 401(a)(9).

Non-Designated Beneficiary—in the event no valid designation of beneficiary exists with the fund, the person or persons designated in the first of the following classes which is applicable to the deceased firefighter shall be paid in the following order of priority to:

- a. the surviving spouse; and if none to;
- b. the surviving children, in equal shares; and if none to;
- c. the surviving parents; and if none to;
- d. the firefighter's estate or succession, if a succession has been opened, and if not, then to:
- e. the surviving heirs, in equal shares.

Qualified Domestic Relations Order (QDRO)—a domestic relations order that creates or recognizes the existence of an alternate payee's right (or assigns to an alternate payee the right) to receive all or a portion of the benefits payable with respect to a participant in the fund, provided that the order complies with the fund's rules and procedures.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:3363.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 52:216 (February 2026).

§103. Gender and Meaning

A. Whenever any words are used in these regulations in the masculine gender, they shall also be construed to include the feminine gender in all situations where they would so apply; and whenever any words are used in the singular, they shall also be construed to include the plural in all situations where they would apply and whenever any words are used in the plural, they shall also be construed to include the singular.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:3363.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 52:217 (February 2026).

Chapter 3. Procedural Rules and Regulations of the Board of Trustees

§301. Organization, Rules, and Procedures of the Board [Formerly §303]

A. Organization of the Board

1. Election of President and Secretary. The board at a meeting held after the election of members to the board, shall elect from its members a president and secretary-treasurer, for the term of two years, or until a successor is duly elected in a manner consistent with R.S. 11:3362(C).

2. Rules of Order. The board or any committee shall not be bound by any rules of order, evidence, or procedure at its meetings, hearings or investigations, except such as it may itself establish.

B. Rules

1. Adoption of Amendment. These rules may be adopted or amended by the board in a manner consistent with R.S. 49:961.

2. Effective Date of Amendments. An amendment to the rule shall become effective on the first day of the month following the date of adoption by the board, unless otherwise specifically provided.

C. Meetings

1. Regular meetings may be held on any day of the month as determined by the board. Notice of the time and place of all regular meetings shall be given in writing to each member of the board by the secretary-treasurer.

2. Special meetings may be held at times and places specified by call of the president, or three other members of the board.

3. Four members of the board shall constitute a quorum for the transaction of business.

4. For purposes of a disability determination, an affirmative vote of two-thirds of the majority will be required.

5. The board shall maintain its records at the fund office.

D. Agency Ineligibility – Meeting Via Electronic Means

1. The fund does not meet the criteria pursuant to R.S. 42:17.2(H) to be eligible to conduct open meetings via electronic means, because it

a. is not a state agency as defined by R.S. 49:951; and

b. has powers, duties or functions that are limited in scope to a particular political subdivision or region.

E. Disability Accommodations

1. Despite ineligibility to conduct open meetings via electronic means, nonetheless the fund is obligated to provide for participation via electronic means on an individualized basis by people with disabilities.

2. People with disabilities are defined as any of the following:

a. a member of the public with a disability recognized by the Americans with Disabilities Act (ADA);

b. a designated caregiver of such a person; or

c. a participant member of the fund with an ADA-qualifying disability.

3. The written public notice for an open meeting, as required by R.S. 42:19, shall include the name, telephone number and email address of the fund representative to whom a disability accommodation may be submitted.

4. The requestor shall be provided with an accommodation, including the teleconference and/or video conference link, for participation via electronic means as soon as possible following receipt of the request, but no later than the start of the scheduled meeting.

5. Participation via electronic means shall count for purposes of establishing quorum and voting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:3362 and 3363.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans, LR 5216:685 (August 1990), amended by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans, LR 52:217 (February 2026).

§303. Application Procedure, Initial Determination, and Notice [Formerly §305]

A. Application

1. All applications for pension and relief benefits must be made in advance of the regular monthly meeting at which the application is to be heard. Application shall only be made on a form provided by the board.

2. Documentary Evidence. Documentary evidence in support of disability applications shall be submitted in addition to the application, and may be in the form of doctors' reports, medical reports, or any other medical evidence or statements acceptable to the board which the claimant wishes to present to assist the board in making its initial determination of benefits payable. Said documentary

evidence shall include a medical report from the board's chosen physician.

3. Application for death benefits shall be made on a form provided for by the board.

4. **Surviving Spouses' Applications.** In addition to providing medical evidence and any other statements presented to assist the board in making an initial determination, all surviving spouses who apply for pension benefits shall do so on a form furnished by the board. In addition, surviving spouses shall furnish the board with a copy of the member's death certificate and a notarized affidavit to the effect that the surviving spouse was married to the decedent at the time of his death, and list the names of any and all surviving children under 18 years of age. Accompanying this affidavit shall be a certified copy of the marriage certificate of the decedent and surviving spouse, and birth certificates of all children under 18 years of age.

B. Initial Determination

1. The board shall meet and make an initial determination on any application filed in accordance with these rules based upon the evidence that is presented by the claimant in support of that application.

2. After the board makes its initial determination, the claimant shall be notified of the board's determination by mail and/or electronic means, as to what action the board has taken. In the event the application or any part of it is denied, the claimant shall be advised of his right to appeal the initial determination of the board by filing such a request, in writing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:3363.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans, LR 5216:686 (August 1990), amended by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 52:218 (February 2026).

§305. Hearing Procedures, Appeal, Oath, Testimony, Production of Records and Depositions
[Formerly §307]

A. The board may conduct a hearing to review any completed appeal filed. The claimant may represent himself or may be represented by an attorney or any other person he may designate.

B. Depositions may be used at the hearing conducted by the board or committee.

C. After hearing all of the evidence and considering all of the facts presented, the board shall make a determination of the appeal. The claimant shall be notified of the decision of the board by mail and/or electronic means.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:3363.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans, LR 5216:686 (August 1990), amended by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans, LR 52:218 (February 2026).

§307. Judicial Review
[Formerly §309]

A. Judicial review of any final decision by the board shall be reviewable in the District Court of the domicile of the board. No petition for judicial review shall be filed, however, unless and until the claimant shall have first exhausted all internal fund remedies available hereunder, including the filing of an appeal contesting an adverse determination by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:3363.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans, LR 5216:686 (August 1990), amended by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans, LR 52:219 (February 2026).

Chapter 5. Election Rules
[Formerly Chapter 17]

§501. Nominations
[Formerly §1701]

A. Election for positions on the board of trustees as described in R.S. 11:3362(A)(3) and (4) will be held every two years on odd numbered years as required by R.S. 11:3362(B).

B. Notices for nomination will be recorded in monthly fund minutes, beginning in July of any election year.

C. Nominations for positions will be accepted from eligible members in writing on or around the second week in July in the fund office.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:3362 and 3363.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 5224:1927 (October 1998), amended by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 52:219 (February 2026).

§503. Election Committee
[Formerly §1703]

A. All members nominated for the board will automatically become members of the election committee for the election in which they have been nominated. The election committee will meet to review all the rules of the election. The committee can discuss procedures but will not have the authority to change any rules for any election. Any committee member may offer recommendations or rule changes for any subsequent election, which shall be recorded in the minutes of the committee or a special report.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:3362 and 3363.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 5224:1927 (October 1998), amended by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 52:219 (February 2026).

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§505. Ballot Procedure [Formerly §1705]

A. Ballots with security envelopes and return envelopes will be mailed out no later than 21 days before the fourth Wednesday in August, subject to the following controls.

1. Records of the mailing will be kept at the fund office.
2. The listing of all members who were mailed ballots will be kept at the fund office. Any member may inspect, but not copy, the voter mailing list.
3. The election committee will make available to its members, upon request, the number of names added to the list after the initial mailing and the number of duplicate ballots mailed to members who did not receive the original ballot.
4. The election committee will account for all ballots (used and unused).

B. All ballots must be returned, signed, no later than 8 p.m. on the fourth Wednesday in August subject to the following controls:

1. Ballots will be verified for eligibility by fund office staff daily.
2. The election committee will have authority to check for eligibility prior to counting of ballots.
3. A current account of envelopes returned will be preserved.
4. Ballots will be placed in two secured ballot boxes at the fund office. Separate boxes will be maintained for active firefighter and retired members.
5. Each ballot box will be secured with two different locks. The election committee will designate two incumbent members and two non-incumbent member nominees to control the keys to all locks.

C. The following voting instructions and procedures shall apply:

1. Each member will receive an official ballot with voting instructions.
2. A blank security envelope and a self-addressed stamped envelope addressed to:

Firefighters' Pension and Relief Fund
5710 General Haig Street
New Orleans, LA 70124

3. Members must vote for only the specified number of candidates in the appropriate sections. Members may vote for less than the specified number, however, voting in excess of the specified number, in the appropriate section, will spoil and void the ballot for that section.

4. Members should place their ballot in the security envelope, then seal the envelope. The security envelope should then be placed inside the self-addressed, stamped envelope.

5. Members must sign the self-addressed envelope in the upper left corner in the space provided. A member's signature shall serve as proof of eligibility. Any envelopes not signed will be rejected.

6. All ballots must be returned signed, to the fund office, no later than the fourth-Wednesday in August.

D. All ballots will be counted at the fund office at 9 a.m. on the Thursday following the deadline for ballots to be returned, subject to the following conditions:-

1. The election committee shall report to the fund office no later than 8:30 a.m.
2. The election committee is to oversee the counting of ballots.
3. The election committee is responsible for accuracy of votes counted.

E. Envelopes and ballots will be maintained and preserved at the fund office for three months following any election.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:3362 and 3363.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 5224:1927 (October 1998), amended by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 52:219 (February 2026).

§507. Election Inquiries [Formerly §1709]

A. Any questions from members regarding the election should be directed to the election committee, in writing, addressed care of the fund secretary-treasurer.

B. The election committee may propose comments, suggestions and recommendations on any changes for the next election to be held following the election under its supervision.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:3362 and 3363.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 5224:1928 (October 1998), amended by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 52:220 (February 2026).

Chapter 7. Partial Buy Back and Partial Restoration of Forfeited Credits of Service

§701. Partial Buy Back and Partial Restoration of Forfeited Credits of Service

A. A member shall partially buy back a portion of his forfeited credits of service and shall do so by satisfying the following requirements, as set forth herein.

1. A member must have returned to employment with the fire department and remain in such employment for a period of four years or more.

2. The amount of a partial buy back, and accordingly a partial restoration of forfeited credits, shall be determined by calculating the amount the member withdrew of his accumulated employee contributions on his initial termination of employment, plus 3 1/2 percent of interest, compounded annually, for each calendar year the member retained his withdrawn accumulated employee contributions, which total amount shall be referred to as the "total buy back amount" (interest shall be prorated for any period less than a calendar year period).

3. A member may restore his total number of years of forfeited credit on a piecemeal basis, provided the member restores at least two or more years of forfeited credit, in increments of 12 consecutive months. A member is prohibited from restoring his forfeited credits of service on a monthly basis and is prohibited from restoring less than two years, unless the restoration of credits is his final restoration request or the restoration request is for his total forfeited credits.

4. A year of credit shall mean a 12-month consecutive period.

5. A member shall elect a partial buy back and partial restoration of forfeited credits of service by completing and filing the applicable forms. A member may revoke any election for a partial buy-back and partial restoration, provided such revocation is in writing.

6. The member's years of credit service shall be adjusted as a result of the partial restoration of forfeited credits upon receipt of the annual buy-back amount for each year the member elects to restore.

7. A member is strictly prohibited hereunder from receiving his accumulated employee contributions upon his termination of employment in a form other than a full and total lump sum payment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:3363 and 3365.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 5219:743 (June 1993), amended by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 52:220 (February 2026).

Chapter 9. Death Benefits

§901. Beneficiary Designations and Election of Retirement and Death Benefits [Formerly §903]

A. Any designation of beneficiary made by a firefighter pursuant to the statute shall be made, in writing, by completing the applicable beneficiary designation form required by the board and shall be filed by the board.

B. Whenever a retirement benefit election includes a survivor annuity in any amount, a certified copy of the said survivor's birth certificate shall be furnished as proof of age. The retiree shall keep the board advised at all times of all changes of address of himself and said beneficiary.

C. Any such designation of beneficiary may be changed at any time prior to retirement but such change shall have no effect until filed and received by the board.

D. If a firefighter dies without having designated a beneficiary, in accordance with the statute, and a benefit is payable, the applicable death benefit shall be paid to the firefighter's non-designated beneficiary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:3361 and R.S. 11:3378 et seq.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 5220:183 (February 1994), amended by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 52:220 (February 2026).

§903. Preretirement Death Benefits [Formerly §907]

A. Nonduty Deaths

1. If an active firefighter, whether or not he is eligible by age and service to retire should die a nonduty death, his surviving spouse may elect one of the following death benefits:

a. an annuity payable for the duration of the surviving spouse's life and calculated as if the employee had retired prior to death pursuant to R.S. 11:3385, Option 2; or alternatively

b. a refund of the employee's accumulated contributions, in lump sum, plus interest.

2. If an active firefighter whether or not he is eligible by age and service to retire, should die a nonduty death, and is not married at the time of his death, the designated beneficiary may elect one of the following death benefits:

a. an annuity payable for the duration of the designated beneficiary's life and calculated as if the employee had retired prior to death pursuant to R.S. 11:3385, Option 2; or alternatively

b. a refund of the employee's accumulated contributions, in lump sum, plus interest.

3. If an active firefighter, whether or not he is eligible by age and service to retire, fails to designate a beneficiary and is not married, when he suffers a nonduty death, his dependent parent may elect one of the following:

a. an annuity payable for the life of the dependent and calculated as if the employee has retired prior to death pursuant to R.S. 11:3385, Option 2, or alternatively

b. a refund of the employee's accumulated contributions in a lump sum.

4. If an active firefighter whether or not he is eligible by age and service to retire, should die a nonduty death, and if the firefighter is not married, failed to designate a beneficiary, and does not have a dependent parent, a refund of the employee's accumulated contributions, in lump sum, plus interest shall be paid to the non-designated beneficiary.

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5. If an active firefighter who is not eligible by age and service to retire when he suffers a nonduty death, and the firefighter is survived by dependent minor children or physically or mentally handicapped dependent children, each child shall receive a death benefit set forth in R.S. 11:3378(A)(2).

B. On-Duty Deaths

1. If an active firefighter whether or not he is eligible by age and service to retire when he suffers death in the line of duty, the surviving spouse shall elect one of the following death benefits:

a. an annuity payable for the duration of employee had survived until he had 20 years service at the same salary and elected to retire under R.S. 33:43385, Option 2 with no reduction for age at the date of retirement. The Option 2 calculation shall be based on his age and the age of the surviving spouse at the date of death pursuant to R.S. 11:3385(B); or alternatively

b. a refund of the employee's accumulated contributions, in lump sum, plus interest.

2. If an active firefighter whether or not he is eligible by age and service to retire when he suffers death in the line of duty, and is not married at the time of death, his designated beneficiary may elect one of the following death benefits:

a. an annuity payable for the duration of the designated beneficiary's life and calculated as if the employee had survived until he had 20 years service at the same salary and elected to retire under R.S. 11:3385, Option 2 with no reduction for age at the date of retirement. The Option 2 calculation shall be based on his age and the age of his designated beneficiary at the date of death; or alternatively

b. a refund of the employee's accumulated contributions, plus interest earned, in lump sum, plus interest.

3. If an active firefighter, whether or not he is eligible by age and service to retire when he suffers death in the line of duty and is not married at the time of death and has failed to designate a beneficiary, a refund of the employee's accumulated contributions, in lump sum, plus interest shall be payable to the non-designated beneficiary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:3361 and R.S. 11:3378 et seq.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 5220:184 (February 1994), amended by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 52:220 (February 2026).

§905. General

[Formerly §909]

A. A spouse or parent may receive only one survivor pension under R.S. 11:3378A(1)(e).

B. Neither a retiree nor a surviving spouse shall receive a pension less than \$1200 per month under R.S. 11:3383.

C. Once a firefighter has retired and elected an optional benefit under R.S. 11:3385, neither the designated joint

annuitant nor the optional form of benefit may be changed. When the survivor designated as a joint annuitant dies, no further survivor benefit shall be payable.

D. No benefit or joint annuity payable under R.S. 11:3385 shall exceed the actuarial value of the employee's benefit.

E. Unless the benefit payable is a refund of the employee's accumulated contributions or is payable under R.S. 11:3378(B), no lump sum benefits shall be payable by this fund pursuant to R.S. 11:155.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:3361 and R.S. 11:3378 et seq.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 5220:184 (February 1994), amended by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 52:221 (February 2026).

Chapter 11. Calculation of Benefits

§1101. Definitions

A. The term *year* when appearing in the term *best year of service*, under R.S. 11:3386 shall mean any 12-consecutive month period commencing on any day and date preceding the firefighter's retirement that results in the highest average compensation.

B. The term *years* when appearing in the term *highest five average consecutive years of service* under R.S. 11:3384 shall mean any five consecutive years ending on any day and date preceding the firefighter's last day of service that results in the *highest five consecutive years of service*.

C. The term *year* when appearing in the term *last year of service* under R.S. 11:3377(A) shall mean the consecutive 12-month period ending on the last day of the month prior to the firefighter's last day of service prior to retirement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:3363, 3377, and 3384.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 5220:785 (July 1994), amended by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 52:221 (February 2026).

§1103. General

A. Under no circumstances shall the terms *average compensation* and *average salary* be interpreted to include more than one annual excess millage payment in any given *year*.

B. Under no circumstances shall a different *year* be utilized for purposes of calculating the value of the different components included in *average compensation* or *average salary*, except in regard to excess millage payments, as specified herein.

C. Under no circumstances shall excess millage paid to a firefighter for any period less than a full calendar year be annualized for purposes of calculating a retirement benefit, nor shall excess millage paid to the firefighter in the calendar year of his retirement be utilized in his benefit calculation unless that calendar year is also a benefit *year*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:3363, 3381, 3385, and 3386.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 5220:785 (July 1994), amended by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 52:222 (February 2026).

§1105. Calculation of Benefit Amount

A. *Average compensation*, as referenced in R.S. 11:3386 for purposes of identifying the *best year of service*, and in R.S. 11:3377A, for purposes of calculating the benefit attributable to the *last year of service*, shall mean the monthly base pay (including regularly paid millage), monthly scheduled overtime, and monthly state supplemental pay earned in the year under review, irrespective of the date of payment.

B. The term *average salary* when appearing in R.S. 11:3384 for purposes of calculating the highest five consecutive years of service, shall mean the monthly base pay (including regularly paid millage), monthly scheduled overtime, and monthly state supplemental pay earned in the five years under review, irrespective of the date of payment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:3363-3381, 3385, and 3386.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 5220:785 (July 1994), amended by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 52:222 (February 2026).

Chapter 13. Tax Qualification Provisions

EDITOR'S NOTE: Section 1307 below references section 401(a)(37) of the Internal Revenue Code:

(37) Death benefits under USERRA-qualified active military service.— A trust shall not constitute a qualified trust unless the plan provides that, in the case of a participant who dies while performing qualified military service (as defined in section 414(u)), the survivors of the participant are entitled to any additional benefits (other than benefit accruals relating to the period of qualified military service) provided under the plan had the participant resumed and then terminated employment on account of death.

§1301. Direct Rollover [Formerly §501]

A. Notwithstanding any provision to the contrary, the fund shall permit a direct rollover of an eligible rollover distribution to an eligible retirement plan in accordance with the IRC §401(a)(31) and the terms set forth herein, upon properly completing and filing the appropriate administrative forms.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:3363.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 5219:742 (June 1993), amended LR 5222:708 (August 1996), LR 5238:1011 (April 2012), amended by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 52:222 (February 2026).

§1303. General Provisions [Formerly §2001]

A. The New Orleans Firefighters Pension and Relief Fund is a tax-qualified governmental plan. The following provisions shall apply:

1. The assets of the fund shall be held for the exclusive benefit of the members of the fund, the retirees thereof, and the survivors and beneficiaries of the retirees and members. No part of the assets held by the fund shall be used or diverted for any reason, including any contingency or event or by any other means, to other purposes, including but not limited to reversion to any employer.

2. The retirement benefit of a member shall be fully vested and nonforfeitable no later than the date on which he becomes eligible to retire. Benefits of members shall also become vested and nonforfeitable upon the termination of the fund or the complete discontinuance of contributions to the system.

3. Forfeitures shall not be used to increase the benefits of the remaining members of the fund. This shall specifically not preclude any increase in benefits by amendment to the benefit formula made possible by a change in contribution rate, favorable investment results, or other means.

4. A member's benefit shall begin to be distributed not later than the latest date provided for the commencement of benefits for governmental plans under IRC §401(a)(9)(C). Distributions to a surviving spouse, dependent, successor and/or beneficiary of a member shall be made at least as soon as distributions are required to be made by qualified governmental plans under IRC § 401(a)(9). Benefits payable shall be limited in accordance with IRC § 415 and applicable Treasury Regulations as applied to governmental plans.

5. In computing benefit accruals, there shall not be taken into account compensation in excess of the limitations specified in IRC §401(a)(17).

6. The fund, its trustees, consultants, and advisors shall not engage in any prohibited transactions as that term is defined in IRC § 503.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:3363.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 5237:1392 (May 2011), amended by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 52:222 (February 2026).

§1305. Actuarial Equivalence [Formerly §2003]

A. The following provisions shall apply to the fund:-

1. The term *actuarial equivalence* or terms of similar import, wherever used, means a benefit of equivalent actuarial value determined by using the mortality assumptions and interest rates described herein.

a. The mortality assumptions will be based upon the Pub-2016 for Public Safety healthy retirees, disabled retirees

and contingent survivors (amount weighted mortality projected with Scale MP-2021, at 7.2 percent interest.

b. For purposes of determining actuarial equivalence, the assumptions used as the basis for actuarial equivalence shall be reviewed periodically by the board and updated and amended if appropriate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:3363.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 5238:1012 (April 2012), amended by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 52:222 (February 2026).

§1307. Military Service
[Formerly §2005]

A. Notwithstanding any provision to the contrary, contributions, benefits and service credit with respect to qualified military service will be provided in accordance with IRC § 414(u). To the extent applicable, the provisions of IRC § 401(a)(37) shall apply. (See Editor's Note.)

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:3363.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 5238:1012 (April 2012), amended by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 52:223 (February 2026).

Chapter 15. Qualified Domestic Relations Orders

[Formerly Chapter 1]

§1501. Determining Qualified Status of Domestic Relations Orders
[Formerly §101]

A. Intent and Construction. These procedural rules are adopted in order to satisfy the requirements of R.S. 11:291 and 292 and shall be construed consistently with this purpose.

B. The purpose of these rules is to establish the board's willingness to recognize and enforce any QDRO that meets the requirements set forth herein.

C. A QDRO must clearly specify:

1. the name and last known mailing address of the participant and the name and mailing address of each alternate payee covered by the order or, in the event the alternate payee is a minor or legally incompetent, the name and address of the alternate payee's guardian;

2. the amount or percentage of the participant's benefits to be paid by the fund to each alternate payee, or the manner in which such amount or percentage is to be determined;

3. the number of payments or the period to which such order applies; and

4. the name and identify of the fund.

D. The board shall not honor the terms of any order that requires the fund:

1. to provide any type or benefits, or any option, not otherwise provided under the fund.

2. to provide increased benefits (determined on the basis of actuarial value).

3. to pay benefits to an alternate payee that are required to be paid to another alternate payee under another order previously determined to be a QDRO.

4. to pay benefits to an alternate payee prior to the date the participant terminates employment and begins receiving pension benefits from the fund.

5. that allows the alternate payee to elect a form of benefit payable in any manner other than over the life of the participant when the order is presented to the fund after the participant has already begun receiving pension benefits.

6. to pay benefits to an alternate payee in any manner other than over the life of the alternate payee when the order is presented to the fund before the participant begins to receive pension benefits.

E. *Participant*—for purposes of this section, any employee or former employee in relation to the fund, who is or may become eligible to receive a benefits of any type from the fund, and who is the individual whose benefits under the fund are being divided by the QDRO.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:3363.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans, LR 5216:501 (June 1990), amended by the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 5223:1304 (October 1997), LR 5230:1685 (August 2004), LR 5238:796 (March 2012), amended by the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 52:223 (February 2026).

§1503. QDRO Language
[Formerly §105]

A. Many factors should be taken into account by the drafters of a DRO to determine which benefits to assign to an alternate payee and how these benefits are to be assigned. Because of the complexity and variety of circumstances that should be considered and the need to individually tailor the assignment of benefits under a DRO, the board may propose specific sample language for inclusion in a DRO. The participant, alternate payee, and their respective attorneys, are directed to collaborate jointly to draft a DRO that satisfies their individual needs. If requested, the board will review any proposed order submitted to the fund prior to its submission to the appropriate court for execution and entry, with the intent of determining the proposed order's qualified status. The board is required by law to honor and enforce the terms of any QDRO which meets the conditions specified in these rules, applicable statutes and the courts' interpretations thereof.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:3363.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New

Orleans, LR 5216:501 (June 1990), amended by the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 5223:1305 (October 1997), LR 5230:1685 (August 2004), amended by the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 52:223 (February 2026).

§1505. Determination and Payment
[Formerly §109 and §111]

A. The board shall determine whether a domestic relations order is a qualified domestic relations order within a reasonable time after it is received and shall have the right to require such evidence as they may reasonably need to make the determination.

B. The board shall notify the participant and the alternate payee of its determination within a reasonable period of time after the determination is made.

C. The board's decision shall be in writing and shall include specific reasons for the decision, expressed in a manner calculated to be understood by the participant and the alternate payee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:3363.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans, LR 5216:501 (June 1990), amended by the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 5223:1305 (October 1997), amended by the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 52:223 (February 2026).

§1507. Representative of Alternate Payee
[Formerly §113]

A. An alternate payee, by written notice to the board, may designate a representative for receipt of copies of notices that are sent to the alternate payee with respect to a domestic relations order.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:3363.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans, LR 5216:501 (June 1990), amended by the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 5223:1306 (October 1997), LR 52:224 (February 2026).