

**Effective 3/3/2014**

**Superseded 5/12/2015**

**49-16-201 System membership -- Eligibility.**

- (1) A firefighter service employee who performs firefighter service for an employer participating in this system is eligible for service credit in this system upon the earliest of:
  - (a) July 1, 1971, if the firefighter service employee was employed by the participating employer on July 1, 1971, and the participating employer was participating in this system on that date;
  - (b) the date the participating employer begins participating in this system if the firefighter service employee was employed by the participating employer on that date; or
  - (c) the date the firefighter service employee is hired to perform firefighter services for a participating employer, if the firefighter:
    - (i) initially enters employment before July 1, 2011; or
    - (ii) has service credit accrued before July 1, 2011, in a Tier I system or plan administered by the board.
- (2)
  - (a)
    - (i) A participating employer that has public safety service and firefighter service employees that require cross-training and duty shall enroll the dual purpose employees in the system in which the greatest amount of time is actually worked.
    - (ii) The employees shall either be full-time public safety service or full-time firefighter service employees of the participating employer.
  - (b)
    - (i) Before transferring a dual purpose employee from one system to another, the participating employer shall receive written permission from the office.
    - (ii) The office may request documentation to verify the appropriateness of the transfer.
- (3)
  - (a) A person hired by a regularly constituted fire department on or after July 1, 1971, who does not perform firefighter service is not eligible for service credit in this system.
  - (b) The nonfirefighter service employee shall become a member of the system for which the nonfirefighter service employee qualifies for service credit.
  - (c) The service credit exclusion under this Subsection (3) may not be interpreted to prohibit the assignment of a firefighter with a disability or partial disability to a nonfirefighter service position.
  - (d) If Subsection (3)(c) applies, the firefighter service employee remains eligible for service credit in this system.
- (4) An allowance or other benefit may not be granted under this system that is based upon the same service for benefits received under some other system.
- (5) Service as a volunteer firefighter is not eligible for service credit in this system.
- (6) An employer that maintains a regularly constituted fire department is eligible to participate in this system.
- (7) Beginning July 1, 2011, a person who is initially entering employment with a participating employer and who does not have service credit accrued before July 1, 2011, in a Tier I system or plan administered by the board may not participate in this system.