



**STATE OF MINNESOTA
OFFICE OF THE STATE AUDITOR**

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**Statement of Position
Return to Service for Members of Fire Relief Associations**

Date Reviewed: 1/8/2026
Date Revised: 1/8/2026

This Statement of Position is not legal advice and is subject to revision.

It is important for the bylaws of a fire relief association to address how service credit is calculated for members who incur a break in service and then return to active firefighting with the same fire department. State law has been amended in recent years to provide relief associations with flexibility and clarity when determining service pensions for these “return to service” members.

Resumption Service Requirement for Defined-Benefit Fire Relief Associations

A defined-benefit relief association can define in its bylaws a minimum period of resumption service requirement. This is a requirement, separate from the vesting requirement, that a member who has not been previously paid a service pension or disability benefit must meet upon a resumption of active service to qualify for benefit level increases that occurred during a break in service. A relief association that decides to define a minimum period of resumption service requirement must do so in its bylaws.

If the bylaws define a minimum period of resumption service requirement and a member doesn’t complete the requirement before permanently ceasing firefighting duties, the bylaws can prohibit the member from receiving any benefit increases that occurred during the member’s break in service. The member would retain, however, credit for all years of active service.

If the minimum period of resumption service requirement is completed before a member permanently ceases firefighting duties, or if no resumption service requirement is defined in the bylaws, the benefit level in effect when the member ended their firefighting duties would be used to calculate all years of active service.

Any member with an approved leave of absence, not exceeding one year, and any member with a break in service made available by federal or state law (*e.g.*, military or FMLA leave) is automatically exempt from the minimum period of resumption service requirement.¹ A relief association can define in its bylaws whether members with a break in service not exceeding one year but who have not been granted an approved leave of absence are exempt from or subject to the minimum period of resumption service requirement.

¹ See Minn. Stat. § 424A.01, subd. 6 (return to active firefighting after break in service).

Returning to Service After Receipt of a Service Pension

A member who is paid a service pension or disability benefit must have a break in service of at least 60 days before the individual may return to active service and membership. Upon a resumption of active service after receipt of a pension or benefit, the member starts over in accruing service credit and must become vested again based solely on the resumption period of service to become eligible for a second service pension distribution. Relief associations have authority to define vesting requirements for members who return to service after being paid a service pension or disability benefit that are different than the vesting requirements for all other relief association members. The vesting requirements for these specific “return to service” members can be lower than the vesting requirements for other members and apply only to members who return to the same fire department after being paid a service pension or disability benefit from the affiliated relief association.

For example, a relief association may specify in its bylaws that members who return after being paid a service pension or benefit have a vesting requirement of three years and become fully vested immediately after three years of resumption service.

As another example, a relief association may specify in its bylaws that members who return after being paid a service pension or benefit have graduated vesting, with a member being 50 percent vested after one year of resumption service and vesting increasing by 10 percent for additional resumption year.

Relief associations that pay monthly service pensions should specify in the bylaws whether the monthly payments continue or are suspended during the member’s resumption period of service.

Defined-Benefit Lump-Sum Service Pension Examples²

For lump-sum service pensions, take for example, a member who met the vesting requirements before the break in service and was paid a lump sum benefit. The member then returned to service after a 60-day separation. The member met the vesting requirements again based on the resumption period of service, as required by the bylaws, before ceasing firefighting duties. The member may then be paid a lump-sum benefit for the resumption period of service calculated as a separate second benefit at the benefit level in effect on the date of the member’s final cessation of duties. If the vesting requirements for the resumption period of service were not met, as defined in the relief association’s bylaws, no additional lump-sum benefit can be paid.

If a lump-sum benefit had not been previously paid, the member had met the minimum vesting requirement based on the original and resumption years of service, and the member had served the minimum period of resumption service, the lump-sum payment would be calculated for all years of service at the benefit level in effect at the time of the firefighter’s final cessation of duties. If the minimum period for resumption of service was not met, the relief association can define in its bylaws whether the service pension for the original and resumption years of service is calculated using the benefit level in effect at the time of the firefighter’s original cessation of duties or the benefit level in effect at the time of the firefighter’s final cessation of duties. Note that the service pension for a member who was not previously paid a service pension is calculated for all years of active service, regardless of whether the minimum period of resumption service requirement was met.

² See Exhibits A and B.

Defined-Contribution Service Pension Examples³

For defined-contribution service pensions, take for example, a member who met the vesting requirements before the break in service and was paid a defined-contribution lump-sum benefit. The member then returned to service after a 60-day separation. The member met the vesting requirements again based on the resumption period of service, as required by the bylaws, before ceasing firefighting duties again. The member may then be paid a lump-sum benefit calculated as a separate second benefit that includes credits allocated to the member's individual account during the resumption period and deductions for administrative expenses, if applicable. If the vesting requirements for the resumption of service were not met, no additional lump-sum benefit would be paid.

If a defined-contribution lump-sum benefit had not been previously paid, and the member had met the minimum vesting requirement based on the original and resumption years of service, the lump-sum payment would be calculated to include credits allocated to the member's individual account during the original and resumption periods and deductions for administrative expenses, if applicable, less any amounts previously forfeited. Members of defined contribution plans are not subject to a separate resumption period of service requirement.

Amounts forfeited before a resumption of active service and membership remain forfeited and may not be reinstated upon the resumption of active service and membership.

Defined-Benefit Monthly Service Pension Examples⁴

For monthly service pensions, as another example, assume a member met the vesting requirements when first separating from service and a monthly benefit was paid. The member then returned to service after a 60-day break in service. Upon the return to service, the monthly benefit payments may continue if allowed by the bylaws. If the bylaws do not allow for the continuation of monthly benefit payments, the payments must be suspended until the member separates from active service. If the member met the vesting requirements again for the resumption period of service, as required by the bylaws, the member would then be paid the original monthly benefit, plus an additional monthly benefit calculated at the service pension accrual amount in effect on the date of the termination of the resumption service. Alternatively, if the vesting requirements for the resumption of service had not been met, the original monthly benefit payments would continue or resume, with no additional service credit.

If the monthly benefit had not been paid, and the member had met the vesting requirement based on the original and resumption years of service, and served the minimum period of resumption service, the monthly service pension must be calculated by applying the service pension benefit level in effect on the date of the firefighter's termination of the resumption service for all years of service credit. If the minimum period for resumption of service was not met, the relief association can define in its bylaws whether the service pension for the original and resumption years of service is calculated using the benefit level in effect at the time of the firefighter's original cessation of duties or the benefit level in effect at the time of the firefighter's final cessation of duties. Note that the service pension for a member who was not previously paid a service pension is calculated for all years of active service, regardless of whether the minimum period of resumption service requirement was met.

³ See Exhibits C and D.

⁴ See Exhibits E and F.



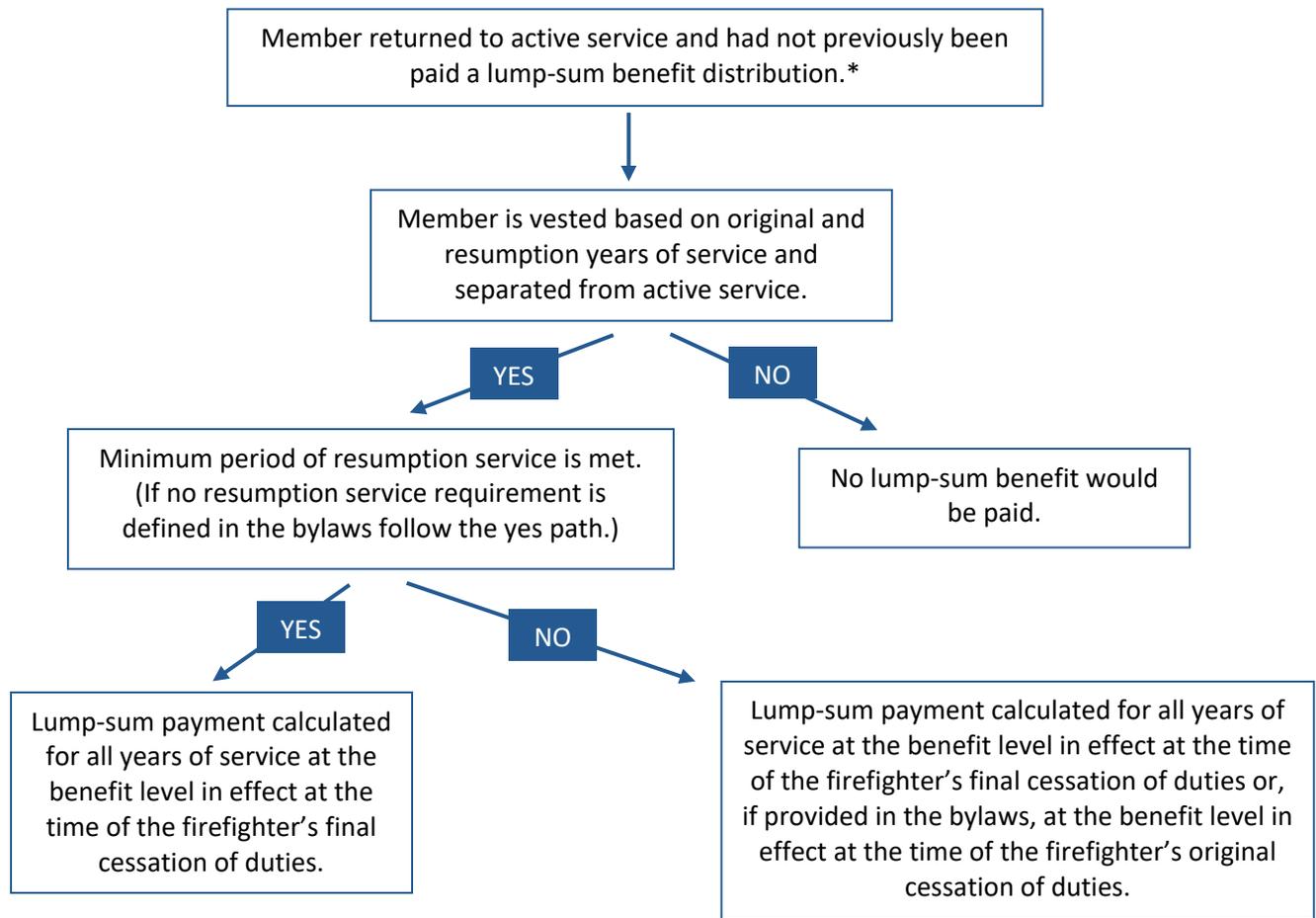
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**Exhibit A – Return to Service Flow Chart
Defined-Benefit Lump-Sum Service Pension or Benefit Recipient
Benefit Not Yet Paid**

Date Reviewed: 1/8/2026

Date Revised: 1/8/2026



* Members with an approved leave of absence not exceeding one year are not subject to a minimum period of resumption service upon their return to service. Members with a break in service, other than an approved leave, that did not exceed one year and who have not been paid a benefit may be exempt from the minimum period of resumption service requirement by the relief association bylaws.

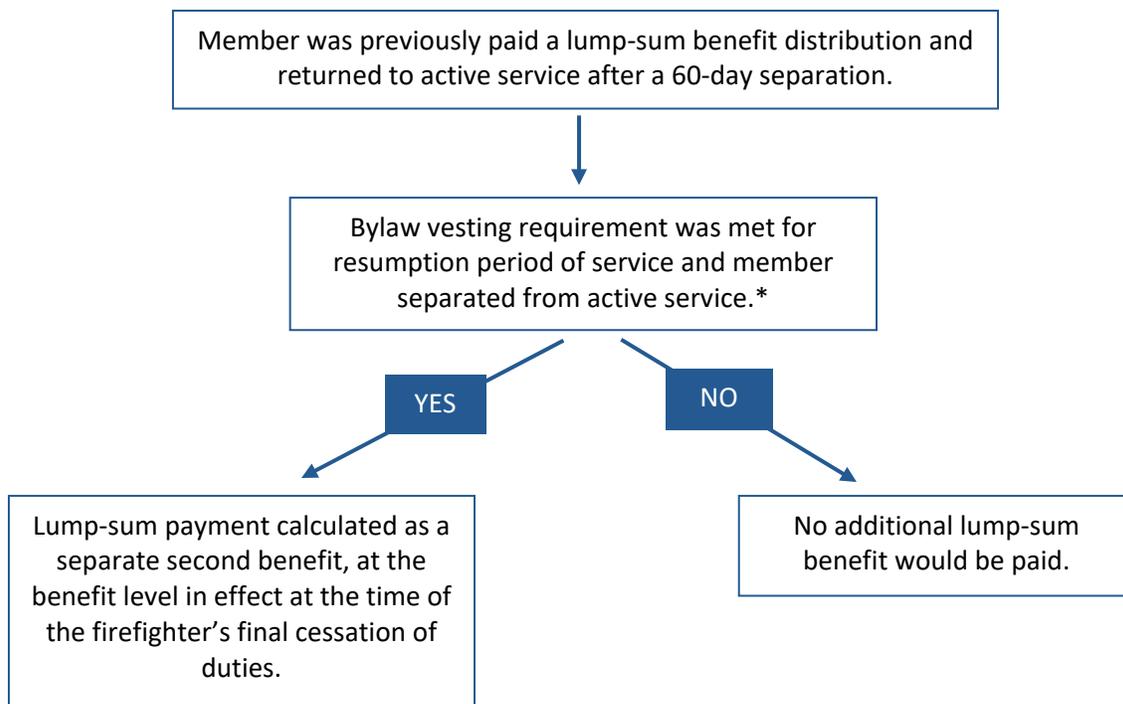


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**Exhibit B – Return to Service Flow Chart
Defined-Benefit Lump-Sum Service Pension or Benefit Recipient
Benefit Has Been Previously Paid**

Date Reviewed: 1/8/2026
Date Revised: 1/8/2026



* Relief associations have authority to amend their bylaws to adopt different vesting requirements for members who resume active service and membership after being paid a service pension or disability benefit. Relief associations electing to define shorter vesting requirements for these specific members have the authority to define the minimum service requirements as they wish in the bylaws.

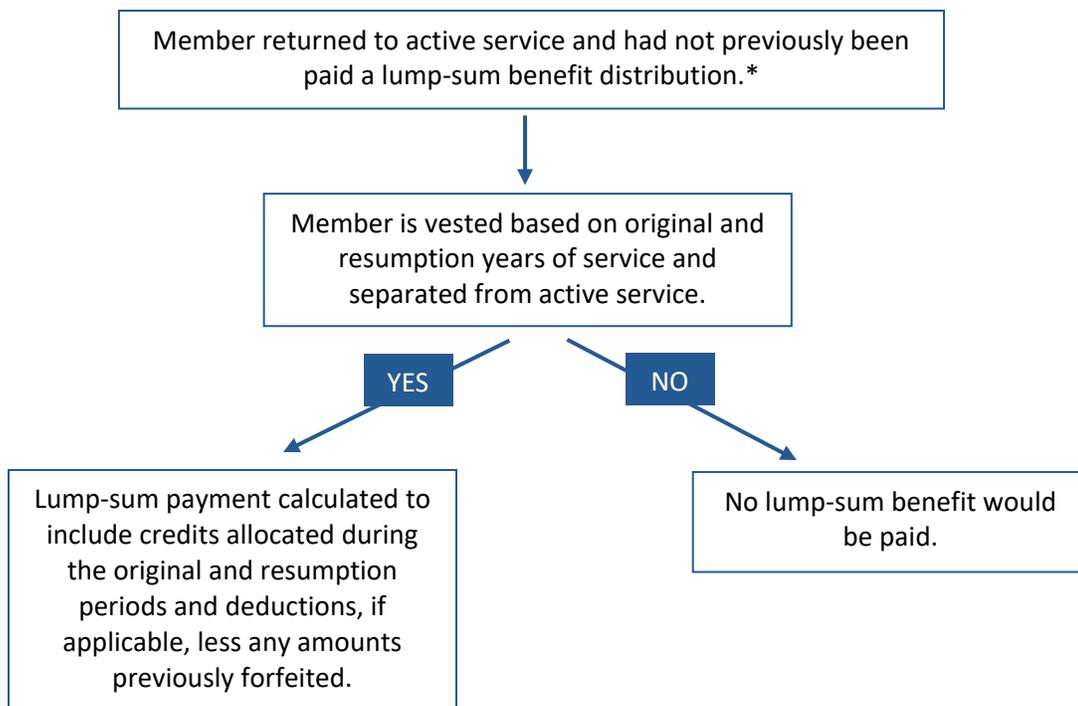


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**Exhibit C – Return to Service Flow Chart
Defined-Contribution Service Pension or Benefit Recipient
Benefit Not Yet Paid**

Date Reviewed: 1/8/2026
Date Revised: 1/8/2026



* Members with an approved leave of absence not exceeding one year are not subject to a minimum period of resumption service upon their return to service. Members with a break in service, other than an approved leave, that did not exceed one year and who have not been paid a benefit may be exempt from the minimum period of resumption service requirement by the relief association bylaws.



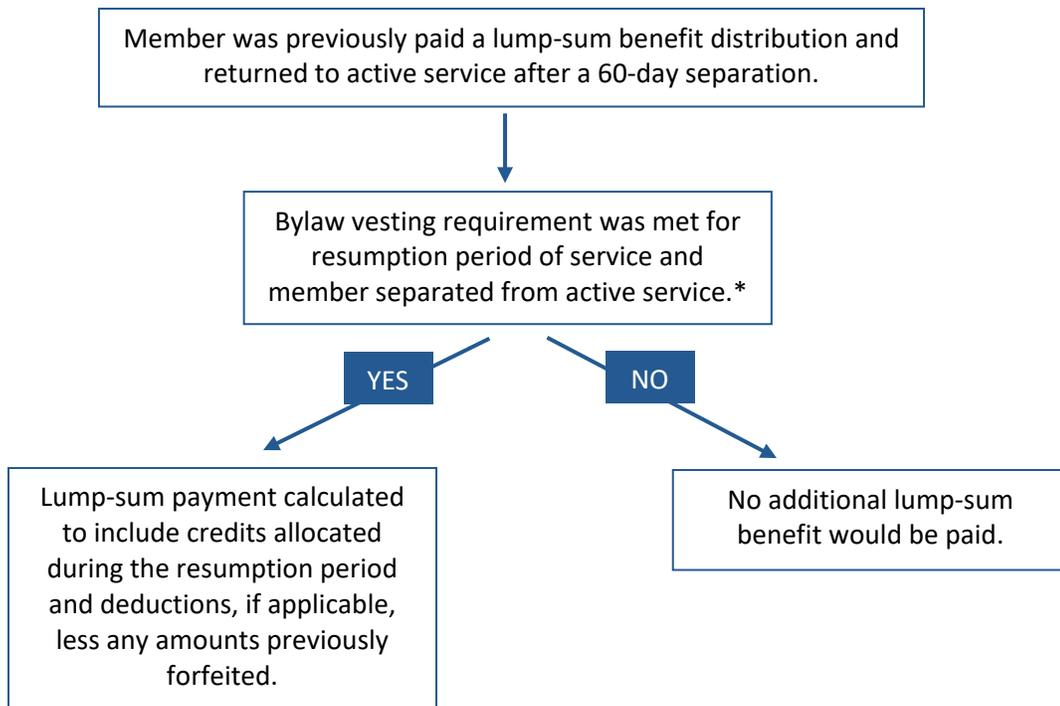
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**Exhibit D – Return to Service Flow Chart
Defined-Contribution Service Pension or Benefit Recipient
Benefit Has Been Previously Paid**

Date Reviewed: 1/8/2026

Date Revised: 1/8/2026



* Relief associations have authority to amend their bylaws to adopt different vesting requirements for members who resume active service and membership after being paid a service pension or disability benefit. Relief associations electing to define shorter vesting requirements for these specific members have the authority to define the minimum service requirements as they wish in the bylaws.

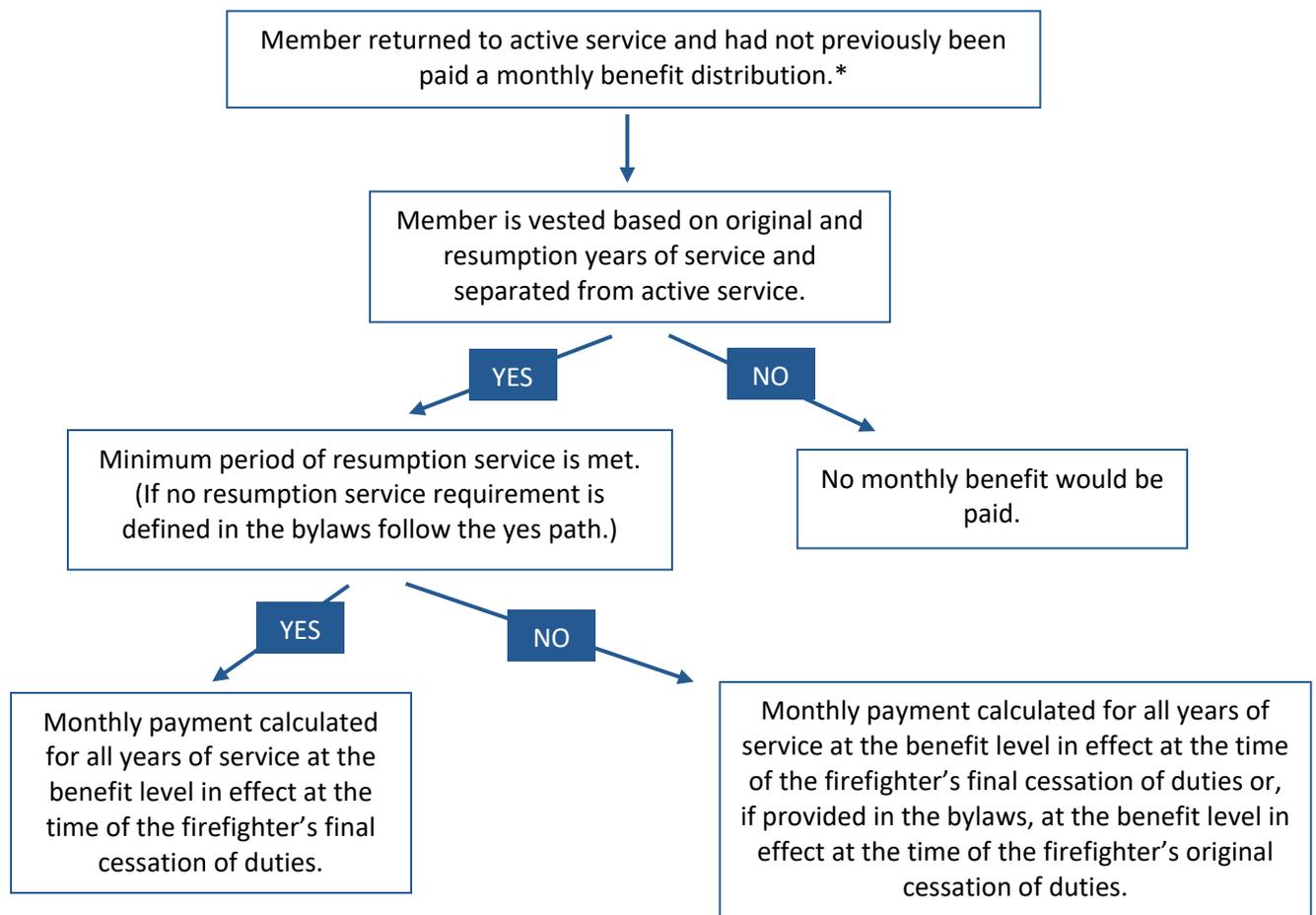


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**Exhibit E – Return to Service Flow Chart
Monthly Service Pension or Benefit Recipient
Benefit Not Yet Paid**

Date Reviewed: 1/8/2026
Date Revised: 1/8/2026



* Members with an approved leave of absence not exceeding one year are not subject to a minimum period of resumption service upon their return to service. Members with a break in service, other than an approved leave, that did not exceed one year and who have not been paid a benefit may be exempt from the minimum period of resumption service requirement by the relief association bylaws.

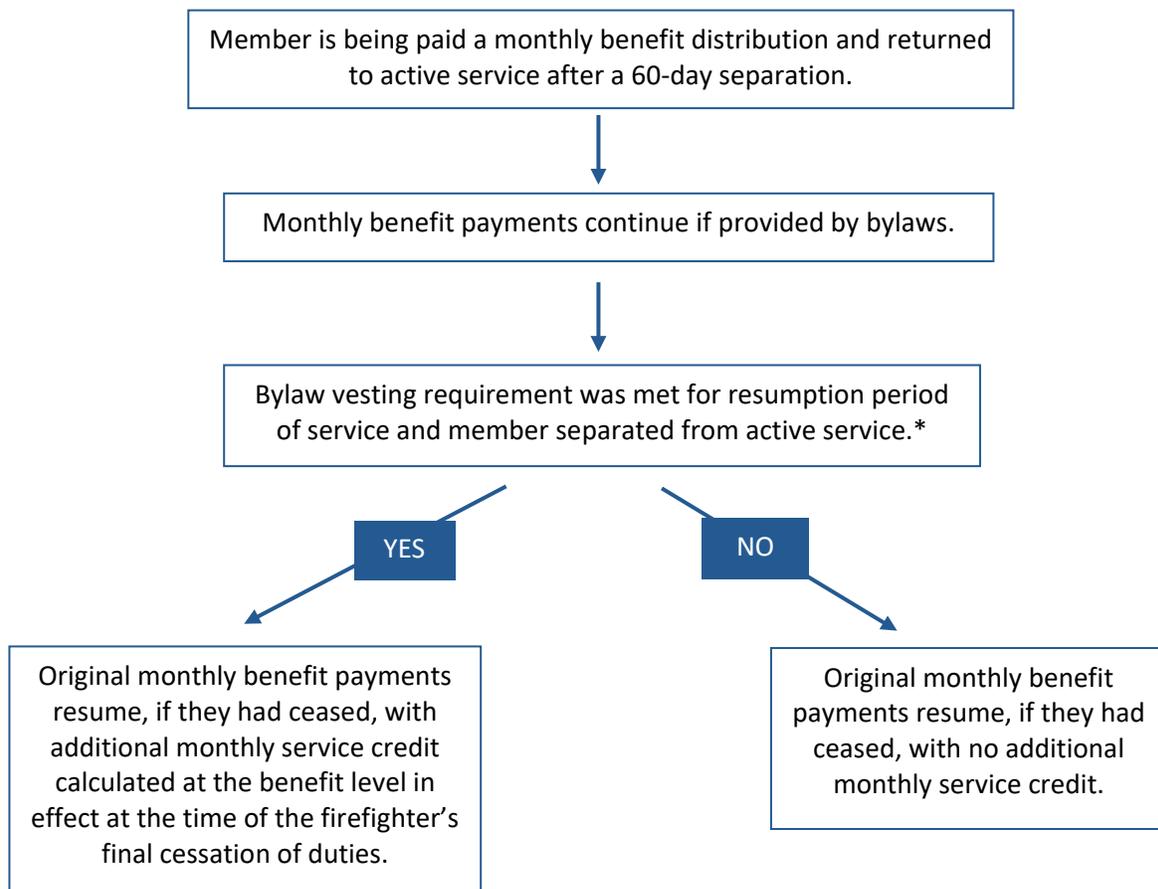


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**Exhibit F – Return to Service Flow Chart
Monthly Service Pension or Benefit Recipient
Benefit Being Paid**

Date Reviewed: 1/8/2026
Date Revised: 1/8/2026



* Relief associations have authority to amend their bylaws to adopt different vesting requirements for members who resume active service and membership after being paid a service pension or disability benefit. Relief associations electing to define shorter vesting requirements for these specific members have the authority to define the minimum service requirements as they wish in the bylaws.