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## **Statement of Position Maximum Benefit Levels**

Minnesota law requires that relief associations with defined-benefit plans calculate annually the maximum allowable benefit level.<sup>1</sup> The maximum allowable benefit level is the maximum benefit level that a relief association has authority to establish in its bylaws for the year. A defined-contribution relief association has no need to make such a calculation because the service pension it provides is based solely on an individual account balance.

When establishing an annual benefit level, relief associations must choose an amount that does not exceed the maximum allowable benefit level to avoid penalties being imposed. Penalties will be imposed if the increase brings the amount above the maximum allowable level. The penalties are severe and include disqualification from receiving fire state aid.<sup>2</sup>

### **The Maximum Benefit Worksheet**

Every year, lump-sum, monthly, and monthly/lump-sum combination plans must complete a Maximum Benefit Worksheet (MBW) on or before August 1.<sup>3</sup> The completed form is reviewed by the Office of the State Auditor (OSA) with the relief association's annual financial reporting forms.

The MBW calculates an amount that corresponds to the maximum benefit level the relief association is authorized to provide in payment to a retiring member. The MBW averages a relief association's non-investment primary revenue sources for the prior three years on a per-member basis. The primary revenue sources included in the calculation are the amounts of fire state aid and municipal contributions received, and ten percent of the relief association's surplus.

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<sup>1</sup> Minn. Stat. § 424A.02, subd. 3.

<sup>2</sup> Minn. Stat. § 424A.02, subd. 3a.

<sup>3</sup> The MBW for lump-sum plans is included in the relief association's Schedule Form. For monthly and monthly/lump-sum combination plans, the MBW is included in the relief association's FIRE Form.

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

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The MBW calculations reflect a relief association's non-investment revenue sources. Whether a relief association has a surplus or a deficit indirectly affects the calculation through the amount included from the ten-percent of surplus. In years when markets are performing poorly and relief associations receive large contributions from the municipalities, the maximum allowable benefit level most likely will increase along with the relief associations' non-investment revenues.

In this situation, the increasing maximum allowable benefit level may give a false impression of a relief association's financial health. Relief associations should keep this anomaly in mind when considering benefit increases.

Even when markets are performing well, increasing the benefit level to the maximum allowable level may put the relief association into a deficit situation that requires contributions from the municipality to support the benefit level.

### **Maximum Benefit Decreases – Being “Grandfathered In”**

Occasionally, a relief association may find that its maximum allowable benefit level has fallen, putting the relief association in a situation where it may now be operating at a benefit level higher than the allowable maximum level. If the current benefit level was properly adopted and within the allowable maximum level when it was established *and* if the decrease to the calculated maximum level was due to either a decrease in fire state aid or an increase in the number of active members during the three-year period on which the calculation is based, a relief association may continue to operate at a benefit level that is now higher than the allowable maximum level.<sup>4</sup> Relief associations which have seen a decrease in fire state aid (or an increase in active members) during the past three years qualify to be “grandfathered in.” In other words, these relief associations may continue operating at their existing benefit levels as long as the benefit levels were at or under the allowable maximum when established. Relief associations that qualify to be “grandfathered in,” however, cannot increase their benefit level until the annual calculation shows that an increase is allowed.

### **Effective Period for the Maximum Benefit Level**

The MBW must be completed annually, on or before August 1, as part of the certification of the relief association's financial requirements. The maximum allowable benefit level calculated on the form becomes effective when the MBW is certified by the relief association to the governing body of the applicable municipality or, for joint powers entities, as directed under the joint powers agreement or, for independent nonprofit firefighting corporations, to the board of the corporation. This MBW remains in effect until the next year's MBW is completed and certified.

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<sup>4</sup> Minn. Stat. § 424A.02, subd. 3(f).

Consider this example: A relief association completes and certifies its 2018 MBW in July 2018. The 2018 MBW shows that the maximum benefit level the relief association is authorized to establish is \$1,000 per year of service. The \$1,000 benefit level therefore remains in effect as the maximum allowable benefit level until the 2019 MBW is completed and certified, on or before August 1, 2019.