



Senate

General Assembly

File No. 61

January Session, 2005

Senate Bill No. 1146

Senate, March 24, 2005

The Committee on Labor and Public Employees reported through SEN. PRAGUE of the 19th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING PENSION AND OTHER BENEFITS FOR STATE EMPLOYEES SERVING IN THE MILITARY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective from passage*) Notwithstanding any
2 provision of the general statutes or any public or special act, no state
3 employee who is a member of the armed forces of any state or of any
4 reserve component of the armed forces of the United States and who
5 has been called to active service in the armed forces of any state or the
6 United States for (1) Operation Enduring Freedom, (2) Operation
7 Noble Eagle, (3) a related emergency operation or a military operation
8 whose mission was substantially changed as a result of the attacks of
9 September 11, 2001, or (4) federal action or state action authorized by
10 the Governor in support of the federal Department of Homeland
11 Security's Operation Liberty Shield, military operations that are
12 authorized by the President of the United States that entail military
13 action against Iraq, or federal action or state action authorized by the
14 Governor to combat terrorism within the United States, may be denied

15 any right or benefit granted to such employee under the Uniformed
16 Services Employment and Reemployment Rights Act, 38 USC Chapter
17 43, as amended from time to time, by any state agency.

18 Sec. 2. Subsection (c) of section 5-259d of the general statutes is
19 repealed and the following is substituted in lieu thereof (*Effective from*
20 *passage*):

21 (c) (1) Notwithstanding any provision of the general statutes or any
22 public or special act, any state employee who is a member of the
23 armed forces of any state or of any reserve component of the armed
24 forces of the United States and who has been called to active service in
25 the armed forces of any state or the United States for [(1)] (A)
26 Operation Enduring Freedom, [(2)] (B) Operation Noble Eagle, [(3)] (C)
27 a related emergency operation or a military operation whose mission
28 was substantially changed as a result of the attacks of September 11,
29 2001, or [(4)] (D) federal action or state action authorized by the
30 Governor in support of the federal Department of Homeland Security's
31 Operation Liberty Shield, military operations that are authorized by
32 the President of the United States that entail military action against
33 Iraq, or federal action or state action authorized by the Governor to
34 combat terrorism within the United States, shall be entitled to a leave
35 of absence with pay as provided in section 27-33 from the date on
36 which the employee was called to active service. After the expiration of
37 such leave of absence with pay, the state employee shall receive part
38 pay for the duration of such call-up to active service if the
39 compensation received by the state employee for such active service is
40 less than the employee's base rate of pay, plus longevity, in the
41 employee's primary position. The state employee shall not be required
42 to exhaust accrued vacation or sick time in order to be eligible for the
43 paid leave of absence and part pay under this [subsection] subdivision.

44 (2) In addition to the paid leave of absence provided under
45 subdivision (1) of this subsection, the state employee shall be entitled
46 to a paid leave of absence for the two-week period beginning on the
47 date the employee returns to the state from the call-up to active

48 service. The Commissioner of Administrative Services shall adopt
49 regulations, in accordance with the provisions of chapter 54, as
50 necessary to establish guidelines concerning compliance with the
51 provisions of this subdivision.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	5-259d(c)

LAB *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 06 \$	FY 07 \$
Various State Agencies	All Appropriated Funds - Cost	See Below	See Below

Municipal Impact: None

Explanation

The bill requires the state to give state employees called to active duty service under certain conditions a paid two-week leave of absence from the date the state employee returns to the state from active service. This bill will result in a cost to the state.

The costs to the state are twofold; the cost of the two-week paid leave benefit, and the cost of overtime or temporary personnel to cover the work responsibilities of the employee on paid leave.

It is not known how many state employees would be covered under the bill at this time. However, based on information from the Department of Administrative Services, and other agencies, it is not expected to impact more than a few hundred state employees¹.

Under the bill, if a state employee earning \$50,000 annually is awarded the two-week paid leave of absence, the cost of this benefit to the state is \$1,916 ($\$50,000 \text{ annual salary} / 26.1 \text{ pay periods} = \$1,916 \text{ two week salary}$).

¹ It should be noted that the bill is silent on whether state employees are eligible for a single two-week paid leave benefit or multiple paid leaves per fiscal year (or per calendar year). If multiple paid leaves per employee are permitted under the bill, the cost to the state would be more significant.

The additional cost to the state is the replacement cost. This is the cost to cover the job responsibilities of the employee on paid leave. If the employee in the above example worked at the Department of Correction² or the Department of Public Safety³, the replacement cost to the state would be at least \$1,916 (the replacement worker's salary for two weeks); or quite possibly higher, if overtime was used by replacement workers to cover the employee's shift.

If the employee on paid leave worked an administrative or clerical position, and depending on how long the employee was on active service duty, a state agency may not incur any replacement costs as the workload of the employee on paid leave may be divided among co-workers.

It should be noted that the full fiscal impact of this bill may not be realized until paid leave benefit agreements have been reached with all state collective bargaining units.

² There are currently 26 Department of Correction employees on military leave.

³ There are 13 Department of Public Safety employees currently on military leave.

OLR Bill Analysis

SB 1146

AN ACT CONCERNING PENSION AND OTHER BENEFITS FOR STATE EMPLOYEES SERVING IN THE MILITARY**SUMMARY:**

This bill requires the state to give state employees called up to active duty service in the Connecticut national guard, the national guard of another state, or the U.S. military reserve to serve in Iraq, Afghanistan, or domestic antiterrorism efforts a two-week paid leave of absence from the date the employee returns to the state from active service.

The bill directs the state to give national guard and reservists called up to active duty service in Iraq, Afghanistan, or for terrorism-related duty in the U.S. the job protection, seniority, and reemployment rights granted under the federal Uniformed Services Employment and Reemployment Rights Act (USERRA), in effect codifying federal rights and protections in state law. The bill also extends such coverage to national guard missions the governor authorizes if they combat terrorism in the U.S. or support the U.S. Department of Homeland Security's Operation Liberty Shield (domestic antiterrorism efforts).

USERRA requires any employer, including the state, to re-hire employees who were on leave for military service, within certain limits. It also requires that employees get any benefits they would normally be due (including seniority rights, pension credits, and non-merit raises) had they had not been called up to service.

EFFECTIVE DATE: Upon passage

COVERED MILITARY SERVICE

The bill covers the following types of active military service:

1. military action the president authorizes against Iraq;
2. federal action or state action authorized by the governor to support Homeland Security's Operation Liberty Shield or any other effort to combat terrorism in the U.S.;

3. Operation Enduring Eagle (Afghanistan war);
4. Operation Noble Eagle (U.S. Defense Department's domestic anti-terrorism efforts); or
5. a related military or emergency operation whose mission was substantially changed due to the September 11, 2001 terrorist attacks.

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable Report

Yea 13 Nay 0