



General Assembly

January Session, 2005

Raised Bill No. 1138

LCO No. 3606

* SB01138JUD 041505 *

Referred to Committee on Labor and Public Employees

Introduced by:
(LAB)

**AN ACT CONCERNING DISABILITY RETIREMENT BENEFITS FOR
CORRECTION OFFICERS.**

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

1 Section 1. (NEW) (*Effective October 1, 2005*) (a) Whenever a
2 correction officer who is a member of a state employee organization
3 and a member of the state employees retirement system, as a result of a
4 special hazard inherent in the duties of a correction officer, becomes (1)
5 permanently disabled or permanently unable to render service as a
6 correction officer, and (2) permanently unable to engage in other
7 suitable, comparable employment, the state employee organization
8 representing such member may, but is not required to, petition the
9 Secretary of the Office of Policy and Management on behalf of such
10 member for a designation of extraordinary circumstances for the
11 purpose of calculating such member's disability retirement income.

12 (b) If such petition is granted by the Secretary of the Office of Policy
13 and Management, or a designee, or as a result of an arbitration
14 conducted pursuant to subsection (c) of this section, the Department of
15 Correction shall (1) elevate such correction officer to the highest pay
16 grade in the member's bargaining unit, effective not later than the

17 member's last day of active state service, and (2) prepare an application
18 for disability retirement benefits under the state employees retirement
19 system that reflects the salary of such highest pay grade. The
20 Retirement Commission shall use the salary of such highest pay grade
21 in determining such member's disability retirement income in
22 accordance with the provisions of chapter 66 of the general statutes.

23 (c) (1) If such petition is denied by the Secretary of the Office of
24 Policy and Management, or a designee, the state employee
25 organization representing such member may initiate arbitration by
26 filing with the State Board of Mediation and Arbitration the sole issue
27 of whether such member is entitled to a designation of extraordinary
28 circumstances for the purpose of calculating such member's disability
29 retirement income. A copy of the filing shall be served on the Secretary
30 of the Office of Policy and Management. Not later than seven days
31 after such copy has been served, the parties shall jointly select an
32 arbitrator. The person selected shall have substantial, current
33 experience as an impartial arbitrator of labor-management disputes.
34 Persons who serve partisan interests as advocates or consultants for
35 labor or management in labor-management relations or who are
36 associated with or are members of a firm that performs such advocate
37 or consultant work may not be selected. If the parties fail to agree on
38 an arbitrator within the seven-day period, the selection shall be made
39 using the procedures under the voluntary labor arbitration rules of the
40 American Arbitration Association.

41 (2) In any arbitration proceeding initiated under this section, the
42 sole issue before the arbitrator shall be whether such member is
43 entitled to a designation of extraordinary circumstances for purposes
44 of calculating such member's disability retirement income. The
45 arbitrator's decision shall be final and binding on all parties and shall
46 not be subject to appeal under any provision of the general statutes or
47 under any collectively bargained agreement.

48 (d) Nothing in this section shall be construed to alter the amount of

