



Senate

General Assembly

File No. 189

February Session, 2006

Substitute Senate Bill No. 107

Senate, March 29, 2006

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 substitute bill ought to pass.

AN ACT CONCERNING SURVIVOR'S BENEFITS.

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

1 Section 1. Section 7-433b of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2006*):

3 (a) Notwithstanding the provisions of any general statute, charter or
4 special act to the contrary affecting the noncontributory or
5 contributory retirement systems of any municipality of the state, or
6 any special act providing for a police benefit fund or other retirement
7 system, the survivors of any uniformed or regular member of a paid
8 fire department or any regular member of a paid police department
9 whose death has been suffered in the line of duty shall be eligible to
10 receive such survivor benefits as are provided for in the Workers'
11 Compensation Act, and, in addition, they shall receive such survivor
12 benefits as may be provided for in the retirement system in which such
13 department member was a participant at the time of his death;
14 provided such pension benefits (1) shall not terminate upon the

15 remarriage of the spouse of such member, and (2) shall be adjusted so
16 that the total weekly benefits received by such survivors shall not
17 exceed one hundred per cent of the weekly compensation being paid,
18 during their compensable period, to members of such department [in]
19 at the maximum rate for the same position which was held by such
20 deceased at the time of his or her death. Nothing contained [herein] in
21 this subsection shall prevent any town, city or borough from paying
22 money from its general fund to any such survivors, provided total
23 weekly benefits paid shall not exceed said one hundred per cent of the
24 weekly compensation.

25 (b) Notwithstanding the provisions of any general statute, charter or
26 special act to the contrary affecting the noncontributory or
27 contributory retirement systems of any municipality of the state, or
28 any special act providing for a police or firemen benefit fund or other
29 retirement system, the cumulative payments, not including payments
30 for medical care, for compensation and retirement or survivors
31 benefits under section 7-433c shall be adjusted so that the total of such
32 cumulative payments received by such member or his dependents or
33 survivors shall not exceed one hundred per cent of the weekly
34 compensation being paid, during their compensable period, to
35 members of such department in the same position which was held by
36 such member at the time of his death or retirement. Nothing contained
37 [herein] in this subsection shall prevent any town, city or borough
38 from paying money from its general fund to any such member or his
39 dependents or survivors, provided the total of such cumulative
40 payments shall not exceed said one hundred per cent of the weekly
41 compensation.

42 Sec. 2. (NEW) (*Effective October 1, 2006*) Notwithstanding any
43 provision of the general statutes, or any municipal charter or special
44 act affecting the noncontributory or contributory retirement systems of
45 any municipality of the state, or any special act providing for a police
46 benefit fund or other retirement system, the surviving spouse of any
47 regular member of a paid municipal police department killed in the
48 line of duty may receive, at the option of the municipality, such

49 member's base salary up to the date on which such member would
50 have been eligible to retire from service in the paid police department,
51 provided such salary shall be reduced by the amount of any worker's
52 compensation benefits payable to such surviving spouse. On and after
53 such date, the surviving spouse of such member may receive, at the
54 option of the municipality, the retirement benefits such member would
55 have been entitled to receive and as are provided for in the retirement
56 system in which such member was a participant at the time of his or
57 her death. The payment of such benefits provided under this section
58 shall be approved by the municipality by resolution of its legislative
59 body.

60 Sec. 3. (NEW) (*Effective October 1, 2006*) Notwithstanding any
61 provision of the general statutes or any special act, the surviving
62 spouse of any state employee employed as a firefighter or police officer
63 killed in the line of duty shall be eligible to receive such member's base
64 salary at the maximum rate for the position held by such member until
65 the date on which such member would have been eligible to retire
66 from service, provided such salary shall be reduced by the amount of
67 any workers' compensation benefits payable to such surviving spouse.
68 On and after such date, the surviving spouse of such member shall be
69 eligible to receive the benefits such member would have been entitled
70 to receive and as are provided for in the retirement system in which
71 such member was a participant at the time of his or her death.

72 Sec. 4. Section 31-306 of the 2006 supplement to the general statutes
73 is amended by adding subsection (e) as follows (*Effective from passage*):

74 (NEW) (e) If, on or after January 1, 1999, a police officer dies (1)
75 from injuries sustained in the course of employment as a result of the
76 commission of a crime by another person involving the use of physical
77 force or violence against such police officer, and (2) with no person
78 wholly or partially dependent upon such officer, a weekly
79 compensation shall be paid to the estate of such officer equal to the
80 average weekly earnings of the deceased calculated pursuant to
81 section 31-310 of the 2006 supplement to the general statutes, after such

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 07 \$	FY 08 \$
Dept. of Administrative Services - Workers' Comp. Claims; Public Safety, Dept.	GF - Cost	Significant	Significant
Comptroller	Various - Future Cost	Significant	Significant

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 07 \$	FY 08 \$
All Municipalities	STATE MANDATE - Cost	Significant	Significant

Explanation

This bill, which makes several benefit changes impacting the surviving spouses of police officers and firefighters killed in the line of duty, will result in significant costs to the state and municipalities.

Section 1 of the bill eliminates the 'remarriage penalty' that terminates pension benefits for surviving spouses of firefighters and police officers killed in the line of duty if they remarry. This provision will preclude municipalities from achieving a survivor benefit cost savings that would have been realized if the surviving spouse remarried. Under the bill, municipalities must continue to pay survivor benefits after a surviving spouse remarries. The fiscal impact of this provision depends upon the number of firefighters and police officers killed in the line duty, the marital status of those employees, the age of the surviving spouse and whether the surviving spouse chooses to remarry.

Section 2 allows municipalities, at their option, to provide the

surviving spouse of a police officer killed in the line of duty such officer's base salary until the date the officer would have been eligible to retire. Further, the bill allows municipalities, at their option, to provide the surviving spouse the retirement benefits the officer would have been entitled to receive from the retirement system.

As this provision is permissive, there will be a cost to municipalities to the extent that municipalities approve this survivor benefit. The cost would be the difference between the member's base salary and the workers' compensation death benefit award. Spouses of employees killed during the course of employment are eligible for a weekly workers' compensation death benefit of up to \$1,005 (\$52,260 annual maximum). The average salary for a municipal police officer is approximately \$63,000. There would also be additional pension benefits costs which will vary depending on the member's age, salary, service and by municipality.

Section 3 makes the surviving spouse of any state employee employed as a firefighter or police officer killed in the line of duty eligible to receive the member's base salary (at the maximum rate for the position held by such member) until such member would have been eligible to retire. The salary must be reduced by the amount of workers' compensation benefits payable to the surviving spouse. Further, the surviving spouse is eligible to receive the retirement benefits that the member would have been entitled to receive from the retirement system.

This provision will result in significant costs to the state if a firefighter or police officer dies in the line of duty. The cost would be the difference between the member's maximum position salary rate and the workers' compensation death benefit award. Spouses of employees killed during the course of employment are eligible for a weekly workers' compensation death benefit of up to \$1,005 (\$52,260 annual maximum). The average salary for a state trooper is approximately \$64,500. The average salary for a paid firefighter is approximately \$59,000. The state pension provision in this section will

result in increased future costs to the State Employees Retirement System (SERS) and the retiree health insurance account that are anticipated to be significant. The cost of SERS benefits will vary by the member's age, salary and service and must be calculated by the SERS actuary. The current cost of retiree health insurance, for a single individual under 65, is estimated to be \$9,000 annually.

Section 4 requires weekly compensation be paid to the estate of any police officer who, after January 1, 1999 dies from injuries suffered in the line of duty as a result of a violent attack, and leaves no surviving dependents. The compensation must be paid until the deceased officer would have reached age 65 or 15 years, whichever is longer. This retroactive provision will have a significant fiscal impact on the state and municipalities if an officer dies under the provision's specific circumstances.

For example, the estate of a 36 year old state police officer, who is single with no dependents, who died in 2000 would be eligible for a weekly workers' compensation death benefit of up to \$838; or \$43,576 annually. Under the bill, the estate would receive this benefit until the deceased officer would have reached age 65. The 29 year cost to the state for this claim would be \$1,307,280 (the retroactive portion of that total would be \$261,456). Instead of a weekly benefit, a lump sum payout for this claim would be approximately \$972,000.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

**OLR Bill Analysis
sSB 107*****AN ACT CONCERNING SURVIVOR'S BENEFITS.*****SUMMARY:**

This bill eliminates the "remarriage penalty" that terminates pension benefits for surviving spouses of firefighters and police officers killed in the line of duty if they remarry. It also requires that the benefits be paid at the maximum rate for the position that the firefighter or officer held when he died.

The bill makes surviving spouses of police officers or state-employed firefighters killed in the line of duty eligible for the officer's or firefighter's base salary until the date the deceased would have been eligible to retire. After this date, the surviving spouse is eligible to receive the benefits the deceased would have been entitled to receive from the retirement system in which he was participating when he died. (It is unclear if the period during which the surviving spouse receives the member's base salary counts towards the retirement benefits.)

The bill also gives weekly compensation to the estate of any police officer killed, or after January 1, 1999, in the line of duty during the commission of a violent crime if he does not leave any dependents. The compensation must be made for 15 years or until the officer would have turned age 65, whichever is longer.

EFFECTIVE DATE: October 1, 2006

BENEFITS FOR REMARRIED SPOUSES

By law, survivors of any uniformed or regular member of a paid fire department or regular member of a police department who dies in the line of duty are eligible to receive workers' compensation survivor

benefits and any survivor benefits provided for in the retirement system in which the member was participating when he died. Under current law, the pension benefits end if the surviving spouse remarries. The bill bars termination of the benefits because the spouse remarries. It also requires that the payments be made at the maximum rate for the position that the firefighter or officer held when he died.

BENEFITS FOR SURVIVORS OF STATE EMPLOYEES

The bill makes the surviving spouse of any state employee employed as a firefighter or police officer killed in the line of duty eligible to receive the member's base salary at the maximum rate for the position the member held until the date on which he would have been eligible to retire. The salary must be reduced by the amount of any worker's compensation benefits payable to the surviving spouse. After this date, the surviving spouse is eligible to receive the benefits the member would have been entitled to receive from the retirement system in which he was participating when he died.

BENEFITS FOR SURVIVORS OF MUNICIPAL EMPLOYEES

The bill makes the surviving spouse of any regular member of a local police department killed in the line of duty eligible, at the municipality's option, for the member's base salary until the date the member would have been eligible to retire. The salary must be reduced by the amount of any worker's compensation benefits payable to the surviving spouse. After this date, the bill makes the surviving spouse eligible to receive any retirement benefits the member would have been entitled to receive from the retirement system in which he was participating when he died. The bill supersedes any statute, charter, or special act affecting any municipal retirement system or any special act providing for a police benefit fund or other retirement system. A town's legislative body must approve the payments by resolution.

COMPENSATION TO ESTATE OF FALLEN OFFICER

The bill requires that weekly compensation be paid to the estate of any police officer who, (1) after January 1, 1999, dies from injuries in the line of duty as a result of a violent attack on him during the

commission of a crime and (2) leaves no surviving dependents. The benefits must equal the officer's average weekly earnings calculated pursuant to a statutory formula, less any state or federal tax and Social Security deductions from his total wages when he died. It cannot exceed the maximum weekly workers' compensation rate. The compensation must be paid until the date the officer would have reached age 65 or for 15 years, whichever is longer. Like other workers' compensation payments, the workers compensation commissioner may, for good cause, order these payments to be made monthly, quarterly, or in a lump sum.

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable Substitute Change of Reference
Yea 20 Nay 0 (03/07/2006)

Labor and Public Employees Committee

Joint Favorable
Yea 11 Nay 2 (03/14/2006)