



# OLR RESEARCH REPORT

November 25, 2013

2013-R-0443

## **STATE EMPLOYEE DISABILITY RETIREMENT ELIGIBILITY**

By: Lee R. Hansen, Associate Analyst

You asked for the statutory definitions used to determine an injured state employee's eligibility for disability retirement benefits in the State Employee's Retirement System.

### **SUMMARY**

For most current state employees in the State Employees' Retirement System (SERS), what it means to be "disabled" (and thus eligible for disability retirement benefits) becomes more restrictive after 24 months of receiving benefits. During the first 24 months, the employee must be permanently unable to work in his or her previous position with the state. But to continue receiving retirement disability benefits after 24 months, the employee must be permanently unable to work in any suitable and comparable job.

For employees hired after July 1, 1984 (Tiers II, IIA, and III), this changing definition applies regardless of whether the disabling injury occurred in the course of the employee's state service. However, for Tier I employees (those hired on or before July 1, 1984), the meaning of "disabled" does not change after 24 months if the disabling injury occurred while the employee was performing his or duty as a state employee.

In addition, employees in any tier with non-service-related disabling injuries must meet certain age and service requirements to be eligible for benefits.

## **TIERS II, IIA, AND III ELIGIBILITY**

Employees in SERS are classified in four “tiers” (I, II, IIA, and III) depending on when they began working for the state. Among other things, differences between the tiers include eligibility requirements for disability retirement benefits. State employees in Tiers II (hired after July 1, 1984), IIA (hired on or after July 1, 1997), and III (hired on or after July 1, 211), share the same requirements for a disability retirement. For these employees, the meaning of “disabled” changes after the employee receives disability retirement benefits for 24 months. For the first 24 months, the employee is considered disabled if he or she “is permanently unable to continue to render the service in which he has been employed.” To continue receiving disability retirement benefits after 24 months, the employee must be “totally disabled for any suitable and comparable job” ([CGS § 5-192p](#)).

Eligibility for disability retirement benefits also depends on where and how the disabling injury occurred. If it occurred outside of work, a Tier II, IIA, or III employee must also (1) be under age 65 and (2) have completed at least 10 years of vested state service. However, these age and service requirements do not apply if the employee became disabled “as a result of any injury received while in performance of his duty as a state employee” ([CGS § 5-192p](#)).

## **TIER I**

Eligibility for disability retirement benefits for state employees in Tier I (those hired on or before July 1, 1984) differs slightly. As with the other tiers, a Tier I employee with a non-service-related disability must be “permanently disabled from continuing to render the service in which he has been employed” for the first 24 months and “totally disabled for any suitable and comparable job” to continue receiving benefits after that. However, the meaning of “disabled” does not change after 24 months if the employee was “permanently disabled from continuing to render the service in which he has been employed as a result of any injury received while in the performance of his duty as a state employee” (i.e., has a service-related disability). ([CGS § 5-169](#)).

Tier I employees with non-service-related disabilities must also (1) be under age 60 (instead of 65) and (2) have completed at least five (instead of 10) years of state service. Those with service-related injuries do not have to meet the minimum state service requirement. In addition, the service time they lose because of their service-related disability is included in their total state service ([CGS § 5-154\(m\)](#)).

Table 1 shows the applicable definitions and requirements for disability retirement benefits in Tier I and Tiers II, IIA, and III.

**Table 1: SERS Disability Retirement Definitions and Requirements**

<b><i>Tier and Injury Type</i></b>	<b><i>“Disability” for first 24 months</i></b>	<b><i>“Disability” after 24 months</i></b>	<b><i>Age Requirement</i></b>	<b><i>State Service Requirement</i></b>
<b>Tier I Non-Service Related</b> ( <a href="#">CGS § 5-169</a> )	“Permanently disabled from continuing to render the service in which he has been employed”	“Totally disabled for any suitable and comparable job”	Under 60	5 years
<b>Tier I Service-Related</b> ( <a href="#">CGS § 5-169</a> )	“Permanently disabled from continuing to render the service in which he has been employed”	“Permanently disabled from continuing to render the service in which he has been employed”	Under 60	None
<b>Tiers II, IIA, &amp; III Non-Service Related</b> ( <a href="#">CGS § 5-192p</a> )	“Permanently unable to continue to render the service in which he has been employed.”	“Permanently unable to continue to render the service in which he has been employed.”	Under 65	10
<b>Tiers II, IIA, &amp; III Service-Related</b> ( <a href="#">CGS § 5-192p</a> )	“Permanently unable to continue to render the service in which he has been employed.”	“Permanently unable to continue to render the service in which he has been employed.”	None	None

For additional information on SERS disability retirements see

Tier I: [www.osc.ct.gov/empret/tier1summ/retiretypes.htm#DISABILITY](http://www.osc.ct.gov/empret/tier1summ/retiretypes.htm#DISABILITY)

Tier II: [www.osc.ct.gov/empret/tier2summ/tier2summ.htm#DISABIL](http://www.osc.ct.gov/empret/tier2summ/tier2summ.htm#DISABIL)

Tier IIA: [www.osc.ct.gov/empret/tier3spd/tier2asumm/summary.htm#DISABILITY](http://www.osc.ct.gov/empret/tier3spd/tier2asumm/summary.htm#DISABILITY)

Tier III: [www.osc.ct.gov/empret/tier3spd/retiretypes.htm#DISABILITY](http://www.osc.ct.gov/empret/tier3spd/retiretypes.htm#DISABILITY)

LH:ro