



General Assembly

January Session, 2015

Raised Bill No. 6879

LCO No. 3674



Referred to Committee on LABOR AND PUBLIC EMPLOYEES

Introduced by:
(LAB)

***AN ACT CONCERNING HAZARDOUS DUTY AND CERTAIN
DEPARTMENT OF CORRECTIONS STAFF.***

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

1 Section 1. Section 5-145a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2015*):

3 Any condition of impairment of health caused by hypertension or
4 heart disease resulting in total or partial disability or death to a
5 member of the security force or fire department of The University of
6 Connecticut or the aeronautics operations of the Department of
7 Transportation, or to a member of the Office of State Capitol Police or
8 any person appointed under section 29-18 as a special policeman for
9 the State Capitol building and grounds, the Legislative Office Building
10 and parking garage and related structures and facilities, and other
11 areas under the supervision and control of the Joint Committee on
12 Legislative Management, or to state personnel engaged in guard, [or]
13 instructional or clerical duties in the Connecticut Correctional
14 Institution, Somers, Connecticut Correctional Institution, Enfield-
15 Medium, the Carl Robinson Correctional Institution, Enfield, John R.

16 Manson Youth Institution, Cheshire, the Connecticut Correctional
17 Institution, Niantic, the Connecticut Correctional Center, Cheshire, or
18 the community correctional centers, or to any employee of the Whiting
19 Forensic Division with direct and substantial patient contact, or to any
20 detective, chief inspector or inspector in the Division of Criminal
21 Justice or chief detective, or to any state employee designated as a
22 hazardous duty employee pursuant to an applicable collective
23 bargaining agreement who successfully passed a physical examination
24 on entry into such service, which examination failed to reveal any
25 evidence of such condition, shall be presumed to have been suffered in
26 the performance of his or her duty and shall be compensable in
27 accordance with the provisions of chapter 568, except that for the first
28 three months of compensability the employee shall continue to receive
29 the full salary which he or she was receiving at the time of injury in the
30 manner provided by the provisions of section 5-142. Any such
31 employee who began such service prior to June 28, 1985, and was not
32 covered by the provisions of this section prior to said date shall not be
33 required, for purposes of this section, to show proof that he or she
34 successfully passed a physical examination on entry into such service.

35 Sec. 2. Section 5-173 of the general statutes is repealed and the
36 following is substituted in lieu thereof (*Effective October 1, 2015*):

37 (a) A state policeman in the active service of the Division of State
38 Police within the Department of Emergency Services and Public
39 Protection, or any person who is engaged in guard, [or] instructional
40 or clerical duties at the Connecticut Correctional Institution, Somers,
41 the Connecticut Correctional Institution, Enfield-Medium, the Carl
42 Robinson Correctional Institution, Enfield, the John R. Manson Youth
43 Institution, Cheshire, the Connecticut Correctional Institution, Niantic,
44 the Connecticut Correctional Center, Cheshire and the community
45 correctional centers, or any person exempt from collective bargaining
46 who is engaged in custodial, [or] instructional or clerical duties within
47 the Department of Correction, or any person who is an employee of
48 the Whiting Forensic Division with direct and substantial patient

49 contact, or any person who is employed as a correctional counselor,
50 correctional counselor supervisor, parole officer or parole supervisor
51 or in a comparable job classification by the Board of Pardons and
52 Paroles, or any member of tier I who has been designated as a
53 hazardous duty member pursuant to an applicable collective
54 bargaining agreement, who has reached his or her forty-seventh
55 birthday and completed at least twenty years of hazardous duty
56 service for the state or service as a state policeman or as guard, [or]
57 instructor or clerical employee at said correctional institutions or
58 correctional centers, or service in a custodial, [or] instructional or
59 clerical position within the Department of Correction which is exempt
60 from collective bargaining, or as an employee of the Whiting Forensic
61 Division or its predecessor institutions, or as a correctional counselor,
62 correctional counselor supervisor, parole officer or parole supervisor
63 or in a comparable job classification as an employee of the Board of
64 Pardons and Paroles, shall be retired on his or her own application or
65 on the application of the Commissioner of Emergency Services and
66 Public Protection or the Commissioner of Correction, as the case may
67 be.

68 (b) On or after October 1, 1982, each such person shall receive a
69 monthly retirement income equal to one-twelfth of (1) fifty per cent of
70 his or her base salary, as defined in subsection (b) of section 5-162, for
71 such twenty years of service, plus (2) two per cent of his or her base
72 salary for each year, taken to completed months, of Connecticut state
73 service in excess of twenty years, except that any such person who is
74 both a member of the Division of State Police within the Department of
75 Emergency Services and Public Protection and a member of part B
76 shall receive a permanently reduced retirement income upon reaching
77 the age of sixty-five or, if earlier, upon receipt of Social Security
78 disability benefits or, for any such state policeman, upon receipt of
79 benefits under subsection (d) of section 5-142. Any such state police
80 member shall have his or her monthly retirement income reduced by
81 an amount equal to one-twelfth of one per cent of four thousand eight

82 hundred dollars multiplied by the number of years of state service,
83 taken to completed months.

84 (c) Any such person who, while so employed, was granted military
85 leave to enter the armed forces, as defined by section 27-103, and who,
86 upon his or her discharge and within ninety days, returned to such
87 service, shall be granted retirement credit for any period of service in
88 time of war, as defined by said section, and for military service during
89 a national emergency declared by the President of the United States on
90 and after September 1, 1939, toward the required minimum of twenty
91 years service; and any such person may be granted credit for any such
92 war service prior to such employment upon payment of contributions
93 and interest computed in accordance with subsection (b) of section 5-
94 180, but such service shall not be counted toward the minimum service
95 requirement of twenty years.

96 (d) Any such person who, after retiring from hazardous duty as
97 designated pursuant to a collective bargaining agreement or from the
98 Division of State Police or the employ of the Connecticut Correctional
99 Institution, Somers, the Connecticut Correctional Institution, Enfield-
100 Medium, the Carl Robinson Correctional Institution, Enfield, the John
101 R. Manson Youth Institution, Cheshire, the Connecticut Correctional
102 Institution, Niantic, the Connecticut Correctional Center, Cheshire or a
103 community correctional center, the Whiting Forensic Division or the
104 Board of Pardons and Paroles, as the case may be, is employed by any
105 other state agency may elect to receive the retirement income to which
106 he or she was entitled at the time of his or her retirement from such
107 hazardous duty or as a state policeman or employee of the correctional
108 institution or correctional center, forensic division or Board of Pardons
109 and Paroles when his or her employment in such other agency ceases,
110 but he or she shall not, in that case, be entitled to any retirement
111 income by reason of service in such other agency except as provided in
112 subsection (g) of this section.

113 (e) Notwithstanding the provisions of subsection (a) of this section,

114 any state policeman who serves as Commissioner or Deputy
115 Commissioner of Emergency Services and Public Protection and whose
116 position as commissioner or deputy commissioner is terminated,
117 abolished or eliminated for any reason or who otherwise leaves such
118 position and who has completed twenty years of service as a state
119 policeman but who has not reached his or her forty-seventh birthday,
120 shall be entitled to a retirement income, in accordance with subsection
121 (b) of this section.

122 (f) A member who has completed twenty years of hazardous duty
123 service under this section, but who leaves such service on or after
124 October 1, 1982, but prior to reaching his or her forty-seventh birthday
125 shall, upon his or her own application be entitled to the benefits
126 provided in subsection (b) of this section at any time after reaching his
127 or her forty-seventh birthday.

128 (g) On and after October 1, 1982, an employee who has met the
129 twenty-year minimum service requirement and is thus eligible for
130 benefits under this section shall have any other Connecticut state
131 employment recognized in calculating the amount of his or her
132 benefits.

133 Sec. 3. Section 5-192f of the general statutes is repealed and the
134 following is substituted in lieu thereof (*Effective October 1, 2015*):

135 For purposes of this chapter, the following definitions shall apply:

136 (a) "Year's breakpoint" means, with respect to the calendar year in
137 which occurs a member's last severance from service date, ten
138 thousand seven hundred dollars increased by six per cent each year
139 after 1982, rounded to the nearest multiple of one hundred dollars.

140 (b) "Final average earnings" means the average covered earnings of
141 a member for his three years of credited service affording the highest
142 such average, disregarding any general temporary reduction or any
143 reduction or nonpayment for illness or other absence which does not

144 exceed ninety days.

145 (c) "Covered earnings" means the annual salary, as defined in
146 subsection (h) of section 5-154, received by a member in a year, limited
147 by one hundred thirty per cent of the average of the two previous
148 years' covered earnings. The limit does not apply to earnings for
149 calendar years before 1984, nor for the first three full or partial
150 calendar years of employment. The Retirement Commission may
151 adopt regulations in accordance with chapter 54 determining the
152 procedures to be followed when the member was not employed on a
153 full-time basis for the entire two previous years used to develop such
154 limit.

155 (d) "Hazardous duty member" means a member who is a state
156 policeman in the active service of the Division of State Police within
157 the Department of Emergency Services and Public Protection, who is
158 engaged in guard, [or] instructional or clerical duties at the
159 Connecticut Correctional Institution, Somers, the Connecticut
160 Correctional Institution, Enfield-Medium, the Carl Robinson
161 Correctional Institution, Enfield, the John R. Manson Youth Institution,
162 Cheshire, the Connecticut Correctional Institution, Niantic, the
163 Connecticut Correctional Center, Cheshire or the community
164 correctional centers, who is an employee of the Whiting Forensic
165 Division or its predecessor institutions with direct and substantial
166 patient contact, who is a detective, chief inspector or inspector in the
167 Division of Criminal Justice or chief detective, who is employed as a
168 correctional counselor, correctional counselor supervisor, parole officer
169 or parole supervisor or in a comparable job classification by the Board
170 of Pardons and Paroles, or who has been designated as a hazardous
171 duty member pursuant to the terms of a collective bargaining
172 agreement.

173 (e) "Tier I plan" means the plan set out in sections 5-157 to 5-192d,
174 inclusive.

175 (f) "Tier II plan" means the plan set out in sections 5-192e to 5-192x,
176 inclusive.

177 (g) "State employment" means employment with state-aided
178 institutions, any position in state government, including any position
179 funded wholly or partially by the federal government, and any other
180 employment which, prior to January 1, 1984, would have resulted in
181 coverage under the tier I plan. All references to "state" shall include
182 such positions and employment.

183 (h) "Severance from service date" means an employee's date of
184 retirement, death, resignation or termination for cause from the state,
185 or except as otherwise provided in section 5-192i, the first anniversary
186 of the first day of a period in which he remains absent from service,
187 without pay, with the state, for any reason other than retirement,
188 death, resignation or termination for cause, whichever is earlier.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2015</i>	5-145a
Sec. 2	<i>October 1, 2015</i>	5-173
Sec. 3	<i>October 1, 2015</i>	5-192f

Statement of Purpose:

To recognize clerical staff at state correctional institutions as hazardous duty personnel.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]