



General Assembly

February Session, 2016

Raised Bill No. 5448

LCO No. 2138



Referred to Committee on LABOR AND PUBLIC EMPLOYEES

Introduced by:
(LAB)

AN ACT AGGREGATING YEARS OF SERVICE IN THE PROBATE JUDGES AND EMPLOYEES RETIREMENT SYSTEM AND THE MUNICIPAL EMPLOYEES' RETIREMENT SYSTEM AND CLARIFYING THE RETIREMENT INCOME FOR CERTAIN RETIREES.

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

1 Section 1. Section 45a-34 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2016*):

3 The following words and phrases as used in sections 45a-34 to 45a-
4 54, inclusive, and section 45a-75 except as otherwise provided, shall
5 have the following meanings:

6 (1) "Average final compensation" means [.] (A) in the case of a judge
7 of probate, the average annual compensation for the three highest paid
8 years of service while serving in the [probate court] Probate Court to
9 which the judge was elected or by citation to any other court or courts,
10 including any compensation received for service (i) on or after June 1,
11 2004, as an administrative judge for a regional children's probate court
12 under section 45a-8a, or (ii) on or after July 1, 2007, as a special
13 assignment probate judge under section 45a-79b, provided, for the

14 purposes of this section, the compensation for any one year shall not
15 exceed the maximum net annual income currently allowed by law,
16 and, (B) in the case of an employee, the average annual rate of pay
17 during the employee's three highest paid years of employment;

18 (2) "Credited service" means (A) all periods during which a person
19 held the office of judge of probate and (i) any period of service elected
20 by a judge pursuant to section 45a-36a, [and] (ii) any period of service
21 as an administrative judge for a regional children's probate court after
22 such judge [ceases] ceased to serve as a probate judge, provided such
23 administrative judge [works] worked as an administrative judge at
24 least one thousand hours per year, and (iii) any period during which
25 such person was employed by a participating municipality, as defined
26 in section 7-245, after such person ceased to serve as a probate judge,
27 provided such person participated in the municipal employees'
28 retirement system while so employed, or (B) all periods during which
29 a person served as an employee of any [probate court] Probate Court
30 and any period during which such person was employed by a
31 participating municipality, as defined in section 7-245, after such
32 person ceased to serve as an employee of a Probate Court, provided
33 such person participated in the municipal employees' retirement
34 system while so employed, or (C) subject to the requirements of
35 subsections (a) and (b) of section 45a-54, a period of not more than
36 three years for service as a member of the General Assembly and
37 military service, or (D) the aggregate of any periods of service
38 provided for in subparagraphs (A), (B) and (C) of this subdivision;

39 (3) "Employee" means (A) with respect to a person employed or
40 who serves prior to January 1, 2011, a person employed by any
41 [probate court] Probate Court for more than four hundred thirty hours
42 per year or a person who served for more than four hundred thirty
43 hours per year performing under any contract of employment with
44 any [court of probate] Probate Court, and (B) with respect to a person
45 first employed or who first serves on or after January 1, 2011, a person
46 employed by any [probate court] Probate Court for at least one

47 thousand hours per year or a person who serves at least one thousand
48 hours per year performing under any contract of employment with
49 any [court of probate] Probate Court;

50 (4) "Fund" means the retirement fund established by section 45a-35;

51 (5) "Judge" means a judge of probate, except that, with respect to a
52 judge first elected for a term beginning on or after January 5, 2011,
53 judge means a person who holds the office of judge of probate and
54 works in such judge's capacity as a judge of probate for at least one
55 thousand hours per year as determined pursuant to information filed
56 by the judge of probate with the Probate Court Administrator
57 pursuant to subsection (h) of section 5-259;

58 (6) "Member" means any judge of probate or employee who is or
59 may become eligible for retirement benefits under sections 45a-34 to
60 45a-54, inclusive, and 45a-75;

61 (7) "Normal retirement age" means the age of sixty-two for any
62 judge of probate or any employee;

63 (8) "Old Age and Survivors System" means the system established
64 under Title II of the Social Security Act, as amended;

65 (9) "Pay" means the salary, wages or earnings of an employee, but
66 does not include any fees or allowances for expenses;

67 (10) "Retirement Commission" means the State Retirement
68 Commission; and

69 (11) "Social Security Act" means the Act of Congress, approved
70 August 14, 1935, Chapter 531, 49 Stat. 620, officially cited as the Social
71 Security Act, including regulations issued pursuant thereto, as such act
72 has been and may from time to time be amended.

73 Sec. 2. Section 7-438 of the general statutes is repealed and the
74 following is substituted in lieu thereof (*Effective October 1, 2016*):

75 (a) Any member retired under this part who again accepts
76 employment from this state or from any municipality of this state other
77 than a participating municipality, shall continue to receive his
78 retirement allowance while so employed, and shall be eligible to
79 participate, and shall be entitled to credit, in the state retirement
80 system for the period of such state employment, but any such member
81 shall not be eligible to participate or be entitled to credit in any
82 municipal retirement system for the period of such municipal
83 employment.

84 (b) If a member is retired under this part and again accepts
85 employment from the same municipality from which he was retired or
86 any other participating municipality, he shall be eligible to participate,
87 and shall be entitled to credit, in the municipal employees' retirement
88 system for the period of such municipal employment. Such member
89 shall receive no retirement allowance while so employed except if (1)
90 such employment is for less than twenty hours per week, or (2) his
91 services are rendered for not more than ninety working days in any
92 one calendar year, provided that any member reemployed for a period
93 of more than ninety working days in one calendar year shall reimburse
94 the Municipal Employees' Retirement Fund for retirement income
95 payments received during such ninety working days.

96 (c) Upon the subsequent retirement of a member who had again
97 accepted employment from the state or a municipality in accordance
98 with subsection (a) or (b) of this subsection, such member's retirement
99 income shall be recomputed on the basis of his or her total period of
100 credited service, excluding any period for which a retirement income
101 was paid under subdivisions (1) and (2) of subsection (b) of this
102 section, and with such member's final average earnings recomputed on
103 the basis of his or her three highest-paid years of public service.
104 Notwithstanding the above, such member's retirement income upon
105 such subsequent retirement shall not be less than his or her original
106 retirement income as increased by any cost-of-living adjustments that
107 occurred or would have occurred but for such member's

108 reemployment after such original retirement.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2016</i>	45a-34
Sec. 2	<i>October 1, 2016</i>	7-438

Statement of Purpose:

To allow Probate Court judges and employees to aggregate their service time in the probate judges and employees retirement system and the municipal employees' retirement system and to allow cost-of-living adjustments to continue to accrue during certain public employees' terms of reemployment.

[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.]