



General Assembly

Amendment

January Session, 2019

LCO No. 9816



Offered by:

SEN. FASANO, 34th Dist.

SEN. WITKOS, 8th Dist.

To: Subst. Senate Bill No. 440

File No. 855

Cal. No. 451

**"AN ACT PROTECTING EMPLOYEE FREEDOM OF SPEECH AND
CONSCIENCE."**

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective October 1, 2019*) Notwithstanding any
4 provision of the general statutes, any member of the state employees
5 retirement system who retires on or after July 1, 2027, and receives
6 retirement income under said system, or such member's successor
7 beneficiary, except a person receiving survivor's benefits, shall,
8 beginning the first day of January or July that follows nine months in
9 retirement, be eligible for an annual cost-of-living adjustment as
10 follows: The cost-of-living adjustment shall be calculated by using the
11 percentage cost-of-living adjustment granted by the Social Security
12 Administration for the applicable year, computed on the basis of the
13 retirement benefits to which such retired member or successor
14 beneficiary was entitled on the last day of the preceding December or
15 June, as applicable, provided (1) no cost-of-living allowance shall

16 exceed five per cent; and (2) if the total return earned on the market
 17 value of the pension assets for the preceding fiscal year is less than
 18 eight and one-half per cent, any cost-of-living adjustment granted shall
 19 not exceed one per cent; if such total return for the preceding fiscal
 20 year is greater than eight and one-half per cent but less than eleven
 21 and one-half per cent, any cost-of-living allowance granted shall not
 22 exceed three per cent; and if such return exceeds eleven and one-half
 23 per cent, any cost-of-living allowance granted shall not exceed five per
 24 cent.

25 Sec. 2. Subsection (e) of section 5-278 of the general statutes are
 26 repealed and the following is substituted in lieu thereof (*Effective*
 27 *October 1, 2019*):

28 (e) Where there is a conflict between any agreement or arbitration
 29 award approved in accordance with the provisions of sections 5-270 to
 30 5-280, inclusive, on matters appropriate to collective bargaining, as
 31 defined in said sections, and any general statute or special act, except
 32 section 1 of this act, or regulations adopted by any state agency, the
 33 terms of such agreement or arbitration award shall prevail; provided if
 34 participation of any employees in a retirement system is effected by
 35 such agreement or arbitration award, the effective date of participation
 36 in said system, notwithstanding any contrary provision in such
 37 agreement or arbitration award, shall be the first day of the third
 38 month following the month in which a certified copy of such
 39 agreement or arbitration award is received by the Retirement
 40 Commission or such later date as may be specified in the agreement or
 41 arbitration award."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2019</i>	New section
Sec. 2	<i>October 1, 2019</i>	5-278(e)