

CBA LPRC POSITION REQUEST FORM

The CBA Disability Law position request is as follows:

1) Proposed legislative or regulatory concept:

HB 5606 allows a disabled former teacher to apply for disability allowance after he or she leaves active teaching, as long as the disability began when the former teacher was an active member of the teachers' retirement system.

2) Explanation and rationale for advancing this position:

See attached

3) Is draft regulation, legislation or proposed bill included? Yes

4) What is the date of any legislative hearing, if known? None scheduled yet

5) Was this position previously approved by the CBA? If so, when does/did it expire? No

6) Is the CBA section or committee seeking to join a previously approved CBA section or committee position? No

7) Potential or actual CBA opposition from another CBA section or committee? None known

8) Strength of section position (including process and results of section vote taken on issue):

Unanimous vote of those present at the section meeting of February 17, 2021

9) Fiscal impact (on the state):

Specific impact unknown; should be minimal as not many teachers are affected

10) Are you seeking "fast-track" approval?¹ Yes

¹ A "fast track" recommendation will be submitted to the House of Delegates (HOD) or Board of Governors (BOG) at its next scheduled meeting (or, if between meetings of the HOD or BOG and during the legislative session, to the Executive Committee), and is warranted only when the Legislative Policy & Review Committee concludes that further analysis and study is unnecessary and where there is legitimate time pressure to address pending legislation.



General Assembly

January Session, 2021

Proposed Bill No. 5606

LCO No. 2493



Referred to Committee on APPROPRIATIONS

Introduced by:
REP. BARRY, 31st Dist.
(By Request)

AN ACT CONCERNING THE ELIGIBILITY FOR A DISABILITY ALLOWANCE UNDER THE TEACHERS' RETIREMENT SYSTEM.

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

- 1 That section 10-183aa of the general statutes be amended to permit a
- 2 former teacher to apply for and receive a disability allowance at any
- 3 time, provided the disability began when such former teacher was an
- 4 active member.

Statement of Purpose:

To permit certain former teachers to apply for and receive a disability allowance at any time.

Proposal To Support HB 5606 By Disability Law Section

The Disability Law Section requests that the CBA support HB 5606, An Act Concerning The Eligibility For A Disability Allowance Under The Teachers' Retirement System. This bill would amend Gen. Stat. §10-183aa to permit a former teacher to apply for and receive a disability allowance at any time, provided the disability began when such former teacher was an active member.

An Overview Of Disability Benefits Under Social Security:

Social Security has a disability component; if a worker becomes disabled, he or she can get Social Security Disability monthly payments. A worker can file the application at any time, even many years after the disability began. Workers must be able to prove they became disabled before the "date last insured," but as long as they can do that, they can file 10, 20 or 30 years after the start of the disability. They do not get payments for all those years, but they will get payments into the future if they are granted. There is a potential of getting payments up to 12 months prior to the date of filing the application. The "date last insured" is a date about five years after the individual last worked.

An Overview Of Disability Benefits Under The Connecticut Teachers' Retirement System:

Connecticut teachers do not participate in Social Security. Teachers do not have a choice. For teachers, there is a benefit called a disability allowance. It is administered by the Teacher's Retirement Board (TRB). In the past, a disabled teacher was allowed to file an application at any time, after becoming disabled. Some teachers do not file right away because they are hoping to recover. Some teachers do not file right away because they are making unsuccessful work attempts at easier, or part-time jobs. Some do not file because they erroneously think that the LTD insurance policy is just as good. It's not just as good because that ends at age 65. Many do not file for a disability allowance because they do not know about this benefit.

Recently, the TRB has been requiring teachers to file for disability while they are "active" employees. This is impossible for many teachers. They lose their active status a few months after they stop teaching. After that point, it is too late to file for teacher's disability. This is wrong. It hurts many disabled teachers. Those teachers with serious impairments are especially impacted. A teacher who is in a coma, recovering from brain surgery, etc., may not be capable of filing for a disability allowance while they are still considered to be an active member.

The Solution Is HB 5606:

A simple clarification of the statute will fix this problem. Connecticut Gen. Stat. §10-183aa can be amended to state that a former teacher can apply for a disability allowance at any time, as long as the disability began while the teacher was an active member.

HB 5606 does not make the teachers' disability allowance fully comparable to Social Security disability. There is no "date last insured" concept in the teachers' disability system; the teacher still must prove that he or she became disabled while an active teacher. Also, this bill does not provide for 12 months of retroactive benefits as does Social Security Disability. This bill simply gives teachers the right to apply for disability benefits after they are no longer considered to be active members. They still must prove that they are medically disabled.

Impact On Disabled Teachers:

Some teachers are covered by long- term disability insurance policies. If a disabled teacher is denied the right to apply for a disability allowance, and does not have any covered Social Security employment, the long-term disability insurance will likely end at age 65. At that point, the only option for a disabled teacher is welfare. For SSI (a welfare program), a claimant must have very limited assets and income.

Respectfully submitted,

Winona W. Zimmerlin
On behalf of the Disability Law Section

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