

April 11, 2007

H 1415. SHORT-TERM DISABILITY/MILITARY SERVICE. Filed 4/11/07. *TO PROVIDE THAT A MEMBER OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM SHALL NOT BE DENIED SHORT-TERM DISABILITY BENEFITS DUE TO AN ABSENCE FOR MILITARY SERVICE.*

Amends GS 135-105(a) to prohibit a participant in the Teachers' and State Employees' Retirement System from being denied short-term disability benefits because of their absence for military service meeting the requirements of the Uniformed Services Employment and Reemployment Act of 1994. Effective July 1, 2007.

Intro. by Martin, Coleman, J. Harrell, T. Harrell. GS 135

May 23, 2007

H 1415. SHORT-TERM DISABILITY/MILITARY SERVICE. Filed 4/11/07. House committee substitute makes the following changes to 1st edition. Amends GS 135-105(a) to prohibit a participant who would have qualified for a benefit but for service in the uniformed services (was, in the Armed Forces) from being denied a benefit because of absence for military service if the service meets the requirements of the Uniformed Services Employment and Reemployment Rights Act of 1994.

June 28, 2007

H 1415. DISABILITY BENEFITS (NEW). Filed 4/11/07. Senate committee substitute makes the following changes to 2nd edition. Amend GS 135-106 and GS 135-107 as described below to limit disability benefits for employees who vest on or after August 1, 2007. Amends GS 135-106 to allow, upon application, a beneficiary who has had five or more years of membership service to receive long term disability benefits upon approval by the Board of Trustees, if the Medical Board certifies that the beneficiary is mentally or physically incapacitated for performing further duty (was, unable to perform any occupation or employment commensurate to the beneficiary's experience, in the same commuting area or local school administrative unit, without an adverse impact on the beneficiary's career status, and in which the beneficiary is expected to earn no less than 65% of the pre-disability earnings). Sets the methods for determining the benefits payable during the first 36 months of the long-term disability period and prohibits benefits from being paid after 36 months of long-term disability unless the member has been approved and is in receipt of primary Social Security disability benefits, in which case the benefits payable are determined according to the listed method and must be no less than \$10 a month. If the beneficiary is not approved and has not received a primary Social Security disability benefit, the long-term benefit ends after the first 36 months and a beneficiary is entitled to a restoration of the benefit if the Social Security Administration grants a retroactive approval with a benefit effective date within the first 36 months of the long-term disability period. Makes conforming changes to the calculation of net long-term benefits and for beneficiaries returning to service for trial rehabilitation for periods of no more 36 months of continuous service.

Amends GS 135-107 to provide that any participant in the optional retirement program who becomes a beneficiary under the plan is eligible to receive long-term disability benefits so long as the beneficiary is disabled and has received a primary Social Security disability benefit. If the beneficiary is not approved and has not received a primary Social Security disability benefit, the long-term benefit ends after the first 36 months and a beneficiary is entitled to a restoration of the benefit if the Social Security Administration grants a retroactive approval with a benefit effective date within the first 36 months of the long-term disability period.

The changes are effective August 1, 2007, and apply to persons with less than five years of membership service as of July 31, 2007. Makes a conforming title change.

July 3, 2007

H 1415. DISABILITY BENEFITS. Filed 4/11/07. Senate amendment makes the following changes to 3rd edition. Replaces the term *Veterans Administration* with *Department of Veterans Affairs* throughout the bill.

July 31, 2007

H 1415. DISABILITY BENEFITS . Filed 4/11/07. Conference report recommends the following changes to 4th edition to reconcile matters in controversy. Modifies proposed amendments to GS 135-105(a) to provide that as to the requirement that a participant applying for short-term disability benefits must have at least one year of contributing membership service within the 36 months preceding the disability, a participant who would have qualified for a benefit but for their service in the military is not denied a benefit because of that interruption if all other requirements are met (was, a participant who would have qualified for a benefit but for service in the military is not denied a benefit because of that absence if that service meets the requirements of the Uniformed Services Employment and Reemployment Rights Act of 1994).

August 1, 2007

SL 2007-325 (H 1415). DISABILITY BENEFITS. AN ACT TO PROVIDE THAT A MEMBER OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM SHALL NOT BE DENIED SHORT-TERM DISABILITY BENEFITS DUE TO AN ABSENCE FOR MILITARY SERVICE AND TO AMEND THE LAW PROVIDING LONG-TERM DISABILITY BENEFITS FOR MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM.

Summarized in *Daily Bulletin* 4/11/07, 5/23/07, 6/28/07, 7/3/07, and 7/31/07. Enacted July 31, 2007. Sections 2 and 3 are effective August 1, 2007, but apply only to persons who have less than five years of membership service as of July 31, 2007. The remainder is effective July 1, 2007.