

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE DRH50442-LL-48 (1/31)

Short Title: Short-Term Disability/Military Service. (Public)

Sponsors: Representatives Martin, Coleman, J. Harrell, and T. Harrell (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

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.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 135-105(a) reads as rewritten:

"(a) Any participant who becomes disabled and is no longer able to perform his usual occupation may, after at least 365 calendar days succeeding his date of initial employment as a teacher or employee and at least one year of contributing membership service, receive a benefit commencing on the first day succeeding the waiting period; provided that the participant's employer and attending physician shall certify that such participant is mentally or physically incapacitated for the further performance of duty, that such incapacity was incurred at the time of active employment and has been continuous thereafter; provided further that the requirement for one year of contributing membership service must have been earned within 36 calendar months immediately preceding the date of disability and further, salary continuation used during the period as provided in G.S.135-104 shall count toward the aforementioned one year requirement. Notwithstanding the provisions of this section, a participant who would have qualified for a benefit under this section but for service in the Armed Forces shall not be denied a benefit under this section because of that absence for military service if that service meets the requirements of the Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. § 4301 et seq.

Notwithstanding the requirement that the incapacity was incurred at the time of active employment, any participant who becomes disabled while on an employer approved leave of absence and who is eligible for and in receipt of temporary total

- 1 benefits under The North Carolina Workers' Compensation Act, Article 1 of Chapter 97
2 of the General Statutes, will be eligible for all benefits provided under this Article."
3 **SECTION 2.** This act becomes effective July 1, 2007.