

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2007**

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**HOUSE BILL 1415**  
**Committee Substitute Favorable 5/23/07**

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

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Sponsors:

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Referred to:

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April 12, 2007

A BILL TO BE ENTITLED

1  
2 AN ACT TO PROVIDE THAT A MEMBER OF THE TEACHERS' AND STATE  
3 EMPLOYEES' RETIREMENT SYSTEM SHALL NOT BE DENIED  
4 SHORT-TERM DISABILITY BENEFITS DUE TO AN ABSENCE FOR  
5 MILITARY SERVICE.

6 The General Assembly of North Carolina enacts:

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

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

24 Notwithstanding the requirement that the incapacity was incurred at the time of  
25 active employment, any participant who becomes disabled while on an employer  
26 approved leave of absence and who is eligible for and in receipt of temporary total  
27 benefits under The North Carolina Workers' Compensation Act, Article 1 of Chapter 97  
28 of the General Statutes, will be eligible for all benefits provided under this Article."

29 **SECTION 2.** This act becomes effective July 1, 2007.