Municipal Disability – Are You Disabled?

If an employee of a municipality under CMERS is disabled and no longer able to work, that employee may be eligible for a disability retirement. The first step in such a process is to determine what the definition of “disability” is. Under CMERS, that definition is set by statute. Under Gen. Stat. §7-432,

Any member shall be eligible for disability retirement and for a disability retirement allowance who has completed at least ten years of continuous service if such member becomes permanently and totally disabled from rendering service in the position in which such member has been employed.

This statute gives us three requirements for a non service-connected disability retirement. First, the employee must have completed ten years of continuous service. Secondly, the employee must be permanently disabled. Third, the employee must be totally disabled.

The law is different if the disability is service-connected. The formal definition is “arisen out of and in the course of such member’s employment by the municipality.” This is the same definition as is used in the Workers’ Compensation Act. This does not necessarily mean that the employee must have collected comp benefits; it just means that the same definition of disability is used. If an employee has a service connected disability, the employee is eligible for a disability retirement even if the employee worked less than ten years.

It can be difficult to show a permanent and total disability, especially if the employee is only a few months post illness or injury. It is important not to be discouraged by a denial. The requirements of “permanent and total” can be interpreted different ways. It is important to consult a disability attorney who can advise you. The best time to do this is before you apply. If you have already applied, and been denied, reconsideration may be possible. Do not delay. Call Zimberlin Law LLC at (860) 783-5999.