

HOUSE No. 2394

The Commonwealth of Massachusetts

PRESENTED BY:

Mark V. Falzone

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act further regulating retirement benefits of certain employees of the Department of Youth Services.

PETITION OF:

NAME:

Mark V. Falzone

DISTRICT/ADDRESS:

9th Essex

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 2494 OF 2007-2008.]

The Commonwealth of Massachusetts

—————
In the Year Two Thousand and Nine
—————

AN ACT FURTHER REGULATING RETIREMENT BENEFITS OF CERTAIN EMPLOYEES OF THE DEPARTMENT OF YOUTH SERVICES.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority
of the same, as follows:*

1 SECTION 1. Subdivision (3) of Section 21 of Chapter 32, as amended by Section 1 of Chapter 17
2 of the acts of 1997, is hereby further amended by inserting after paragraph (f) the following paragraph:—
3 (g) the review and analysis of information required under section twenty-six A as it relates to the
4 employees contribution rate changes and benefit changes under said Section 26A. Such analysis shall
5 focus on the contributions made by members and the normal cost of benefit, plus any other liabilities
6 determined by the actuary to be a result of such benefit changes under said Section 26A. Beginning
7 January first, two thousand and four and every five years thereafter, the actuary shall forward to the
8 respective system such analysis.

9 SECTION 2. Paragraph (b) of subdivision (1) of section twenty two of said Chapter 32, is hereby
10 amended by adding after the words “July first nineteen hundred and ninety-six” the last time they appear
11 the following words “;and withhold on each payday twelve percent of the regular compensation of each
12 employee who is eligible to receive benefits provided for pursuant to section twenty-six A of this
13 chapter.

14 SECTION 3. Chapter 32 of the General Laws is hereby amended by inserting after section twenty-
15 six the following section:—

16 Section 26A. (1) As used in this section, the following words shall, unless the context otherwise
17 requires, have the following meanings:—

18 “Public Safety Officer” an employee of the Department of Youth Services employed as a Youth Service
19 Case Worker I, Youth Service Case Worker II, Youth Service Transportation Officer 1 and 2, and
20 Group Worker 1, 2, and 3.

21 (2) Any public safety officer shall be retired by the appropriate retirement board upon his
22 attaining age sixty-five; provided that any such public safety officer who has performed service as a
23 public safety officer for not less than twenty years but including creditable service granted by paragraph

24 (h) of subdivision (1) of section four and who has not attained the age of sixty-five may elect to retire
25 pursuant to the provisions of this subdivision.

26 (3) Upon retirement under the provisions of this subdivision, a member shall receive a retirement
27 allowance to become effective on the date of his retirement. Payments under such retirement allowance
28 shall be made as provided for in sections twelve and thirteen and the normal yearly amount thereof shall
29 be equal to sixty percent of the average annual rate of his regular compensation received by such member
30 during any period of three consecutive years of creditable service for which such rate of compensation
31 was the highest, or on the average annual rate of regular compensation received by such member during
32 the period or periods, whether consecutive or not, constituting his last three years of creditable service
33 preceding his retirement, whichever is the greater, provided, that the total amount of the allowance shall
34 be increased by one-twelfth of three percent for each full month of service in excess of twenty years of
35 service; provided, however, that such retirement allowance shall in no case exceed seventy-five percent of
36 such regular compensation. Any such member retired under the provision of this subdivision who is a
37 veteran as defined in section one shall receive an additional retirement allowance of fifteen dollars for
38 each year of creditable service or fraction thereof; provided, that the total amount of said additional
39 retirement allowance shall not exceed three hundred dollars in any case.

40 (4) Sections five, six, eight and sixteen, subdivisions(1) to (3), inclusive, of section ten, and all
41 other provisions of sections one to twenty-eight, inclusive, which are inconsistent with any provisions of
42 this section, shall not apply to any member so classified under this section.

43 (5) The actuary, acting under the provisions of paragraph(g) of subdivision (3) of section twenty
44 one, shall require each board to obtain certain information from each member eligible for the retirement
45 benefit under this section, including the name, date of birth, prior contribution rate, date of hire and any
46 other information required by the actuary for the purposes of the report required under said paragraph (g).

47 SECTION 4. Any member of a retirement system who meets the definition of public safety
48 officer as defined by section twenty-six A of chapter thirty-two on the effective date of this act may elect
49 in writing to participate in the alternative public safety retirement benefit provided under said section
50 twenty-six A within one hundred eighty days of the date this act takes effect. Any such election shall
51 become effective on the first day of pay period next following such election, and shall constitute a waiver
52 of any retirement benefits provided under section five or section ten of chapter thirty-two. Any member
53 making such an election shall be required to make a minimum of three years of retirement contributions at
54 the rate of twelve percent; provided, however that if said member chooses to retire before he has made
55 said three years of contributions at twelve percent, said member shall pay into the annuity savings fund or
56 have deducted from his retirement allowance an amount equal to the contributions that would have been
57 made had such member remained in service for three years at the rate of regular compensation from
58 which he retired. The election by an eligible member to participate in the alternative public safety
59 retirement benefit provided for under said section twenty-six A shall be irrevocable.