

HOUSE No. 02464

The Commonwealth of Massachusetts

PRESENTED BY:

Bradley H. Jones, Jr.

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 relative to increasing years to calculate creditable service.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>
<i>Donald F. Humason, Jr.</i>	<i>4th Hampden</i>
<i>Marc Lombardo</i>	<i>22nd Middlesex</i>
<i>Steven L. Levy</i>	<i>4th Middlesex</i>
<i>Randy Hunt</i>	<i>5th Barnstable</i>
<i>F. Jay Barrows</i>	<i>1st Bristol</i>
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>
<i>George Ross</i>	<i>2nd Bristol</i>
<i>Daniel K. Webster</i>	<i>6th Plymouth</i>
<i>Todd M. Smola</i>	<i>1st Hampden</i>
<i>Kevin Kuros</i>	<i>8th Worcester</i>
<i>Ryan Fattman</i>	<i>18th Worcester</i>
<i>Angelo D'Emilia</i>	<i>8th Plymouth</i>
<i>Sheila Harrington</i>	<i>1st Middlesex</i>
<i>Kimberly Ferguson</i>	<i>1st Worcester</i>
<i>Matthew Beaton</i>	<i>11th Worcester</i>
<i>Nicholas Boldyga</i>	<i>3rd Hampden</i>

<i>Paul K. Frost</i>	<i>7th Worcester</i>
<i>George N. Peterson, Jr.</i>	<i>9th Worcester</i>
<i>Bradford Hill</i>	<i>4th Essex</i>
<i>Elizabeth Poirier</i>	<i>14th Bristol</i>
<i>Viriato Manuel deMacedo</i>	<i>1st Plymouth</i>

HOUSE No. 02464

By Mr. Jones of North Reading, a petition (accompanied by bill, House, No. 2464) of Frost and others relative to increasing years to calculate creditable service Joint Committee on Public Service.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to increasing years to calculate creditable service.

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. Section 5 of chapter 32 of the General Laws, as most recently amended by
2 chapters 21 and 25 of the Acts of 2009, is hereby further amended by striking out the text
3 contained in paragraph (a) of subdivision (2), and inserting in place thereof the following:-
4 “For those who entered service prior to January 1, 2012, the normal yearly amount of the
5 retirement allowance for any member classified in Group 1, Group 2 or Group 4, who has paid
6 the full amount of regular deductions on the total amount of regular compensation, including
7 deductions specified in subdivision (3A) of section three, and in paragraph (d) of subdivision (1)
8 of section twenty-two, shall, subject to the limitations set forth in this section, be based on the
9 average annual rate of regular compensation received by such member during any period of 3
10 consecutive years of creditable service for which such rate of compensation was the highest, or
11 on the average annual rate of regular compensation received by such member during the period

12 or periods, whether consecutive or not, constituting his last 3 years of creditable service
13 preceding retirement, whichever is the greater, and shall be computed according to the following
14 table based on the age of such member and his number of years and full months of creditable
15 service at the time of his retirement.

16 For those who entered service on or after January 1, 2012, the normal yearly amount of the
17 retirement allowance for any member classified in Group 1, Group 2 or Group 4, who has paid
18 the full amount of regular deductions on the total amount of regular compensation, including
19 deductions specified in subdivision (3A) of section three, and in paragraph (d) of subdivision (1)
20 of section twenty-two, shall, subject to the limitations set forth in this section, be based on the
21 average annual rate of regular compensation received by such member during any period of 5
22 consecutive years of creditable service for which such rate of compensation was the highest, or
23 on the average annual rate of regular compensation received by such member during the period
24 or periods, whether consecutive or not, constituting his last five years of creditable service
25 preceding retirement, whichever is the greater, and shall be computed according to the following
26 table based on the age of such member and his number of years and full months of creditable
27 service at the time of his retirement.

28 SECTION 2. Subdivision (2) of section 5 of chapter 32 of the General Laws, as so appearing, is
29 hereby amended by striking out in paragraph (c) the word “three” in each instance in which it
30 appears, and inserting in the place thereof the following: “five”.

31 SECTION 3. Subdivision (2) of section 10 of chapter 32 of the General Laws, as most recently
32 by chapter 21 of the Acts of 2009, is hereby further amended by striking paragraph (a) and
33 inserting in place thereof the following:

34 (a) For those who entered service prior to January 1, 2012, any member who retires under the
35 provisions of this section, who has completed twenty or more years of creditable service and who
36 fails of nomination or re-election, or fails of reappointment, or whose office or position is
37 abolished, or is removed or discharged from his office or position without moral turpitude on his
38 part, or who has completed thirty or more years of creditable service and whose resignation
39 becomes effective before he attains age 55, shall receive a normal yearly amount of retirement
40 allowance which shall not be less than the sum of his annuity, which shall be the actuarial
41 equivalent of his accumulated regular deductions at his attained age on the date the allowance
42 becomes effective, and a pension equal to a sum of not less than one-third of his average annual
43 rate of regular compensation received during any period of 3 consecutive years of creditable
44 service for which such rate of compensation was the highest; provided, that such member has
45 paid the full amount of regular deductions on the total income of regular compensation,
46 including deductions specified in subdivision (3A) of section three and in paragraph (d) of
47 subdivision (1) of section twenty-two. Any member of Group 1 or Group 2 or Group 4, who is a
48 veteran as defined in section one, shall receive an additional yearly retirement allowance of
49 fifteen dollars for each year of creditable service or fraction thereof; provided, however, that the
50 total amount of said additional retirement allowance shall not exceed three hundred dollars in
51 any case. The retirement board shall require the employer of any employee applying for a
52 termination retirement allowance to certify in writing, under the pains and penalties of perjury,
53 that one of the following circumstances applies: (1) that the employee has failed of nomination
54 or re-election, (2) that the employee has failed of reappointment, (3) that the employee's office
55 or position has been abolished, or (4) that the employee has been removed or discharged from his
56 position without moral turpitude on his part.

57 For those who entered service on or after January 1, 2012, any member who retires under the
58 provisions of this section, who has completed twenty or more years of creditable service and who
59 fails of nomination or re-election, or fails of reappointment, or whose office or position is
60 abolished, or is removed or discharged from his office or position without moral turpitude on his
61 part, or who has completed thirty or more years of creditable service and whose resignation
62 becomes effective before he attains age 55, shall receive a normal yearly amount of retirement
63 allowance which shall not be less than the sum of his annuity, which shall be the actuarial
64 equivalent of his accumulated regular deductions at his attained age on the date the allowance
65 becomes effective, and a pension equal to a sum of not less than one-third of his average annual
66 rate of regular compensation received during any period of 5 consecutive years of creditable
67 service for which such rate of compensation was the highest; provided, that such member has
68 paid the full amount of regular deductions on the total income of regular compensation,
69 including deductions specified in subdivision (3A) of section three and in paragraph (d) of
70 subdivision (1) of section twenty-two. Any member of Group 1 or Group 2 or Group 4, who is a
71 veteran as defined in section one, shall receive an additional yearly retirement allowance of
72 fifteen dollars for each year of creditable service or fraction thereof; provided, however, that the
73 total amount of said additional retirement allowance shall not exceed three hundred dollars in
74 any case. The retirement board shall require the employer of any employee applying for a
75 termination retirement allowance to certify in writing, under the pains and penalties of perjury,
76 that one of the following circumstances applies: (1) that the employee has failed of nomination
77 or re-election, (2) that the employee has failed of reappointment, (3) that the employee's office
78 or position has been abolished, or (4) that the employee has been removed or discharged from his
79 position without moral turpitude on his part.

80 SECTION 4. Subdivision (2) of section 6 of chapter 32 of the General Laws, as appearing in the
81 2008 Official Edition, is amended by striking out paragraph (a) and inserting in place thereof the
82 following paragraph:

83 (a) For those who entered service prior to January 1, 2012, the normal yearly amount of such
84 allowance for any member classified in Group 1, Group 2 or Group 4 other than a veteran as
85 defined in section one shall be equal to that to which he would be entitled under the provisions of
86 section five as prescribed for a member of his group, if he were to be retired for superannuation
87 upon the attainment of age 55 with an amount of creditable service equal to that with which he is
88 credited at the date of his actual retirement for ordinary disability; provided, however, that if he
89 has attained age 55, the normal yearly amount of such allowance shall in no event be less than
90 that to which he would be entitled if he were to be retired for superannuation under the
91 provisions of section 5 as prescribed for a member in his group; and provided, further, that the
92 normal yearly amount of such allowance shall not exceed four-fifths of: (i) the average annual
93 rate of his regular compensation during any period of 3 consecutive years of creditable service
94 for which such rate of compensation was the highest, and (ii) the average annual rate of regular
95 compensation received by such member during the period or periods, whether or not
96 consecutive, constituting his last 3 years of creditable service preceding retirement, whichever is
97 greater.

98 For those who entered service on or after January 1, 2012, the normal yearly amount of such
99 allowance for any member classified in Group 1, Group 2 or Group 4 other than a veteran as
100 defined in section one shall be equal to that to which he would be entitled under the provisions of
101 section five as prescribed for a member of his group, if he were to be retired for superannuation
102 upon the attainment of age 55 with an amount of creditable service equal to that with which he is

103 credited at the date of his actual retirement for ordinary disability; provided, however, that if he
104 has attained age 55, the normal yearly amount of such allowance shall in no event be less than
105 that to which he would be entitled if he were to be retired for superannuation under the
106 provisions of section 5 as prescribed for a member in his group; and provided, further, that the
107 normal yearly amount of such allowance shall not exceed four-fifths of: (i) the average annual
108 rate of his regular compensation during any period of 5 consecutive years of creditable service
109 for which such rate of compensation was the highest, and (ii) the average annual rate of regular
110 compensation received by such member during the period or periods, whether or not
111 consecutive, constituting his last 5 years of creditable service preceding retirement, whichever is
112 greater.”.