

**SENATE . . . . . No. 2093**

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The Commonwealth of Massachusetts

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**In the Year Two Thousand Fourteen**  
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An Act clarifying dual 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(2)(e) of Chapter 32 of the General Laws, as most recently  
2 amended by Chapter 21 of the Acts of 2009, is hereby amended by striking said paragraph (e)  
3 and replacing it as follows:

4           (e) A person who has been a member of 2 or more systems and who, on or after January  
5 1, 2010, has received regular compensation from 2 or more governmental units concurrently for  
6 greater than 60 consecutive days, shall, upon retirement, receive a superannuation retirement  
7 allowance to become effective on the date of retirement that is equal to the sum of the benefits  
8 calculated pursuant to this section as though the member were retiring solely from each system;  
9 provided however, that notwithstanding paragraph (c) of subdivision 8 of section 3, each system  
10 shall pay the superannuation retirement allowance attributable to membership in that system to  
11 the member; and provided further, that this section shall not apply to any member who has  
12 vested in 2 or more systems as of January 1, 2010. The provisions of this paragraph shall not be  
13 deemed to alter the minimum service requirement to be eligible for a benefit established under  
14 section 6 of this chapter. Neither the provisions of this paragraph nor the provisions of Section  
15 3(7)(c) of Chapter 32 of the General Laws shall be deemed to limit or prohibit the ability of a  
16 member to transfer creditable service among retirement systems to which the member belongs,  
17 provided that in no event shall a member be credited by a retirement system with a total period of  
18 service upon retirement greater than the total period of service that he or she would have been  
19 credited had he or she been a full-time employee of the governmental unit to which such system  
20 pertains during the periods of service accrued directly in that system or transferred from other  
21 systems.

22           SECTION 2. Section 3(7) of Chapter 32 of the General Laws is hereby amended by  
23 adding the following new subsection after subsection (f):-

24           “Any person employed by two or more governmental units which have established  
25 contributory retirement systems under the provisions of sections one to twenty-eight of said  
26 chapter thirty-two, or under corresponding provisions of earlier laws, who, in accordance with  
27 the provisions of subdivision (7) of section three of said chapter thirty-two, was required to be a  
28 member of each retirement system shall be entitled to receive upon his written request to the  
29 retirement board, in one sum, an amount equal to the accumulated regular deductions paid by  
30 said member into the annuity savings fund of the retirement system of the governmental unit  
31 which said member has contributed the lesser amount, together with regular interest as shall have  
32 accrued thereon in accordance with the provisions of sections eleven and twenty-two of said  
33 chapter thirty-two. On or after the effective date of this act an active member who is currently  
34 contributing to two or more retirement systems, established under the provisions of chapter  
35 thirty-two, may elect not to participate in the retirement system in which he is contributing the  
36 lesser amount of accumulated deductions; provided, however, that said active member upon such  
37 election not to participate, shall be entitled to receive upon his written request to the retirement  
38 board, in one sum, an amount equal to the accumulated regular deductions paid by said member  
39 into the Annuity Savings Fund of the retirement system of the governmental unit which said  
40 member has contributed the lesser amount together with regular interest as shall have accrued  
41 thereon in accordance with the provisions of sections eleven and twenty-two of said chapter  
42 thirty-two. Payment of said amount to said member shall be in the alternative to and exclusive of  
43 any other benefit, allowance, pension or other payment to said member from, or on account of  
44 service rendered to or of compensation received while a member of, said retirement system.”