

**HOUSE . . . . . No. 2464****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 adoption of the accompanying bill:

An Act relative to increasing years to calculate creditable service.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>	<i>1/20/2011</i>
<i>Donald F. Humason, Jr.</i>	<i>4th Hampden</i>	<i>1/27/2011</i>
<i>Marc T. Lombardo</i>	<i>22nd Middlesex</i>	<i>1/28/2011</i>
<i>Steven L. Levy</i>	<i>4th Middlesex</i>	<i>1/31/2011</i>
<i>Randy Hunt</i>	<i>5th Barnstable</i>	<i>2/2/2011</i>
<i>F. Jay Barrows</i>	<i>1st Bristol</i>	<i>2/2/2011</i>
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>	<i>2/2/2011</i>
<i>George T. Ross</i>	<i>2nd Bristol</i>	<i>2/3/2011</i>
<i>Daniel K. Webster</i>	<i>6th Plymouth</i>	<i>2/3/2011</i>
<i>Todd M. Smola</i>	<i>1st Hampden</i>	<i>2/3/2011</i>
<i>Kevin J. Kuros</i>	<i>8th Worcester</i>	<i>2/3/2011</i>
<i>Ryan C. Fattman</i>	<i>18th Worcester</i>	<i>2/3/2011</i>
<i>Angelo L. D'Emilia</i>	<i>8th Plymouth</i>	<i>2/3/2011</i>
<i>Sheila C. Harrington</i>	<i>1st Middlesex</i>	<i>2/3/2011</i>
<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>	<i>2/4/2011</i>
<i>Matthew A. Beaton</i>	<i>11th Worcester</i>	<i>2/4/2011</i>
<i>Nicholas A. Boldyga</i>	<i>3rd Hampden</i>	<i>2/4/2011</i>
<i>Paul K. Frost</i>	<i>7th Worcester</i>	<i>2/4/2011</i>

<i>George N. Peterson, Jr.</i>	<i>9th Worcester</i>	<i>2/4/2011</i>
<i>Bradford Hill</i>	<i>4th Essex</i>	<i>2/4/2011</i>
<i>Elizabeth A. Poirier</i>	<i>14th Bristol</i>	<i>1/21/2011</i>
<i>Viriato Manuel deMacedo</i>	<i>1st Plymouth</i>	<i>2/1/2011</i>

# HOUSE . . . . . No. 2464

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

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## The Commonwealth of Massachusetts

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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

table based on the age of such member and his number of years and full months of creditable service at the time of his retirement.

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

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

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

(a) For those who entered service prior to January 1, 2012, any member who retires under the provisions of this section, who has completed twenty or more years of creditable service and

36 who 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  
58 the provisions of this section, who has completed twenty or more years of creditable service and

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

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

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

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

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