HOUSE DOCKET, NO. 1883 FILED ON: 1/17/2013

HOUSE . . . . . No. 2318

The Commonwealth of Massachusetts

PRESENTED BY:

John P. Fresolo

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 further regulating the retirement benefits of certain public safety employees.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
John P. Fresolo	*16th Worcester*
Thomas J. Calter	*12th Plymouth*
John H. Rogers	*12th Norfolk*

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HOUSE . . . . . No. 2318

By Mr. Fresolo of Worcester, a petition (accompanied by bill, House, No. 2318) of John P. Fresolo, Thomas J. Calter and John H. Rogers for legislation to further regulate the retirement benefits of certain public safety employees. Public Service.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *3182* OF 2011-2012.]

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act further regulating the retirement benefits of certain public safety employees.

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

SECTION 1. Subdivision (3) of section 21 of Chapter 32, as amended by section 1 of chapter 17 of the acts of 1997, is hereby further amended by inserting after paragraph (f) the following paragraph:

(g) the review and analysis of information required under section twenty-six A as it relates to the employees contribution rate changes and benefit changes under said section 26A. Such analysis shall focus on the contributions made by members and the normal cost of benefit, plus any other liabilities determined by the actuary to be a result of such benefit changes under said section 26A. Beginning January first, two thousand and four and every five years thereafter, the actuary shall forward to the respective system such analysis.

SECTION 2. Subdivision (1) of section 22 of chapter 32 of the General Laws is hereby amended by striking out paragraph (b) as amended by section 176 of chapter 151 of the acts of 1996, and inserting in place thereof the following paragraph:-

(b) The treasurer or other disbursing officer in charge of payroll in any governmental unit to which a system pertains, and the treasurer or other disbursing officer in charge of payrolls in any free public library the employees of which are eligible for membership in a system, shall, upon written notice from the board, withhold on each pay day five per cent of the regular

compensation of each employee who is a member in service of the system, which is received on such day by such member on account of service rendered to him on or after January 1, 1946, and not later than the date on his attaining the maximum age for his group, in the case of an employees who entered the service of the commonwealth or a political subdivision thereof prior to January 1, 1975; withhold on each pay day seven per cent of the regular compensation of each employee who is a member in service of the system, which is received on such day by such member on account of service rendered by him on or after January 1, 1975, and not later than the date of his attaining the maximum age for his group, in the case of an employee who entered the service of the commonwealth or a political subdivision thereof on or after January 1, 1975, but prior to January 1, 1984; and withhold on each pay day eight per cent of the regular compensation of each employee who is a member in service of the system, which is received on such day by such member on account of service rendered by him on or after January 1, 1984, and not later than the date of his attaining the maximum age for his group in the case of an employee who entered the service of the commonwealth or a political subdivision thereof on or after January 1, 1984, but before July 1, 1996; and withhold on each pay day nine per cent of the regular compensation of each employee who is a member in service of the system, which is received on such day by such member on account of service rendered by him on or after July 1, 1996, and not later than the date of his attaining the maximum age for his group in the case of an employee who entered the service of the commonwealth or a political subdivision thereof on or after July 1, 1996; and withhold on each pay day twelve per cent of the regular compensation of each employee who is a member of the state police appointed pursuant to section 10 of chapter 22C, and is a member in service of the system, which is received on such day by such member on account of service rendered by him on or after July 1, 1996, and not later than the date of his attaining the maximum age for his group in the case of such employee who entered the service of said state police on or after July 1, 1996; and withhold on each pay day twelve per cent of the regular compensation of each employee who is eligible to receive benefits provided for pursuant to section 26A; provided, however, that in the case of any teacher such withholding shall be made upon written notice from the school committee, board of trustees or other employing authority, to the treasurer or other disbursing officer of the political subdivision by which such teacher is employed.

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

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

“Public Safety Officer” a probation officer; or trial court officer; or a police officer; or a corrections officer; or a firefighter; or an environmental police officer.

(2) Any public safety officer employed as of the effective date of this act shall be retired by the appropriate retirement board upon his attaining age sixty-five; provided that any such

public safety officer who has performed service as a public safety officer for not less than twenty years but including creditable service granted by paragraph (h) of subdivision (1) of section four and who has not attained the age of sixty-five may elect to retire pursuant to the provisions of this subdivision.

Any public safety officer employed after the effective date of this act shall be retired by the appropriate retirement board upon his attaining age sixty-five; provided that any such public safety officer who has performed service as a public safety officer for not less than twenty years but including creditable service granted by paragraph (h) of subdivision (1) of section four and who has not attained the age of sixty-five shall be retired pursuant to the provisions of this subdivision.

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

(4) Any provision of sections one to twenty-eight, inclusive, which are inconsistent with any provision of this section, shall not apply to any member so classified under this section; provided however that any member with less than twenty years of creditable service as a public safety officer upon retirement shall be retired in accordance with the provisions of paragraph (a) and (b) of subdivision (2) of section five of chapter 32, and subject to the limitation set forth in paragraphs (c) and (d) of said subdivision (2), and shall be based on such member's age and number of years and full months of creditable service on the date the retirement allowance become effective.

(5) The actuary, acting under the provisions of paragraph (g) of subdivision (3) of section twenty one, shall require each board to obtain certain information from each member eligible for the retirement benefit under this section, including the name, date of birth, prior contribution

92 rate, date of hire and any other information required by the actuary for the purposes of the report
93 required under said paragraph (g).

94 SECTION 4. Any member of a retirement system who meets the definition of public
95 safety officer as defined by section twenty-six A of chapter thirty-two on the effective date of
96 this act may elect in writing to participate in the alternative public safety retirement benefit
97 provided under said section twenty-six A within two hundred and seventy days of the date this
98 act takes effect. Any such election shall become effective on the first day of pay period next
99 following such election, and shall constitute a waiver of any retirement benefits provided under
100 section five or section ten of chapter thirty-two. Any member making such an election shall be
101 required to make a minimum of three years' of retirement contributions at the rate of twelve
102 percent; provided, however that if said member chooses to retire before he has made said three
103 years of contributions at twelve percent, said member shall pay into the annuity savings fund or
104 have deducted from his retirement allowance an amount equal to the contributions that would
105 have been made had such member remained in service for three years at the rate of regular
106 compensation from which he retired. The election by an eligible member to participate in the
107 alternative public safety retirement benefit provided for under said section twenty-six A shall be
108 irrevocable.

109 SECTION 5. The additional contributions required under paragraph (b1/2) of subdivision
110 (1) of section 22 shall not apply to any public safety officer as defined by section twenty-six A of
111 said chapter thirty-two.