

**HOUSE . . . . . No. 2356**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Nine**  
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An Act Relative to the Retirement of Certain Correctional Employees..

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

1 Chapter 32 of the General Laws is hereby amended by striking out sections 28M and 28N  
2 and inserting in place thereof the following section:

3 Section 28M. Notwithstanding section 1 to 28, inclusive, to the contrary: (1) any  
4 employee of the department of correction, classified under Group 4, whose major responsibilities  
5 include the care and custody of prisoners, and any transportation officer working within the  
6 department of correction, who has performed services in the department of correction for not less  
7 than twenty years, or (2) any correction or jail officer employed by the county sheriffs' offices  
8 who has performed services in said office for not less than twenty years, or (3) any person with  
9 such combined service, as is further defined herein, in the department of correction and the  
10 county sheriffs' offices, as is further defined herein, for not less than twenty years, shall at his  
11 own request be retired by the retirement board in which he is a member.

12 Upon retirement under the provisions of this section a member shall receive a retirement  
13 allowance to become effective on the date of his retirement. Payments under such allowance  
14 shall be made as provided for in sections twelve and thirteen and the normal yearly amount

15 thereof shall be equal to one-half of the annual average rate of his regular compensation during  
16 the twelve-month period of his creditable service immediately preceding the date of his  
17 retirement allowance become effective; provided, however, that the total amount of the  
18 allowance shall be increased by one-twelfth of one percent for each full month of service in  
19 excess of twenty years service and prior to the last day of the month in which such member will  
20 attain the age of retirement. Any member retired under the provisions of this section who is a  
21 veteran as defined in section one shall receive an additional early retirement allowance of fifteen  
22 dollars for each year of creditable service or fraction thereof; provided, however, that the total  
23 amount of said additional retirement allowance shall not exceed three hundred dollars in any  
24 case.

25 For purposes of “combined service” as set forth in this section: (1) an employee must  
26 have been a member in service of the applicable retirement systems during any of the periods of  
27 service with the department of correction and county sheriffs’ office; (2) any period of  
28 employment with the department of correction and county sheriffs’ office must have  
29 immediately preceded the other; and, (3) during any of the periods of employment a member  
30 shall have been employed in a position classified in Group 4, or a transportation officer in the  
31 case of service with the department of correction, or employed as a correction or jail officer, in  
32 the case of service with the county sheriffs’ offices.

33 For purposes of “combined service” a “county sheriff’s office” shall include only those  
34 sheriffs’ offices which now operate as independent state agencies pursuant to chapter 48 of the  
35 Acts of 1997, and chapter 34B of the General Laws, and chapter 150E, §1 of the General Laws  
36 and are member units of the Massachusetts State Employees’ Retirement System.

37            This bill shall take effect upon its passage.