

HOUSE No. 2367

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relative to 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:

1 SECTION 1. Subsection (3) of section 21 of Chapter 32 of the General Laws, as
2 appearing in the 2006 Official Edition, is hereby amended by inserting after paragraph (f) the
3 following subsection:—(g) the review and analysis of information required under section twenty-
4 six A as it relates to the employees contribution rate changes and benefit changes under said
5 section 26A. Such analysis shall focus on the contributions made by members and the normal
6 cost of benefit changes under said section 26A. Beginning January first, two thousand and four
7 and every five years thereafter, the actuary shall forward to the respective system such analysis.

8 SECTION 2. Subdivision (1) of section 22 of chapter 32 of the General Laws, as so
9 appearing, is hereby amended by striking out paragraph (b) and inserting in place thereof the
10 following paragraph:—

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

15 compensation of each employee who is a member in service of the system, which is received on
16 such day by such member on account of service rendered by him on or after January 1, 1946,
17 and, not later than the date of his attaining the maximum age for his group, in the case of an
18 employee who entered the service of the commonwealth or a political subdivision thereof prior
19 to January 1, 1975; withhold on each pay day seven per cent of the regular compensation of each
20 employee who is a member in service of the system, which is received on such day by such
21 member on account of service rendered by him on or after January 1, 1975, and not later than the
22 date of his attaining the maximum age for his group, in the case of an employee who entered the
23 service of the commonwealth or a political subdivision thereof on or after January 1, 1975, but
24 prior to January 1, 1984; and withhold on each pay day eight per cent of the regular
25 compensation of each employee who is a member in service of the system, which is received on
26 such day by such member on account of service rendered by him on or after January 1, 1984, and
27 not later than the date of his attaining the maximum age for his group, in the case of an employee
28 who entered the service of the commonwealth or a political subdivision thereof on or after July
29 1, 1996; and withhold on each pay day twelve per cent of the regular compensation of each
30 employee who is a member of the state police appointed pursuant to section 10 of chapter 22C,
31 and is a member in service of the system, which is received on such day by such member on
32 account of service rendered by him on or after July 1, 1996, and not later than the date of his
33 attaining the maximum age for his group, in the case of such employee who entered the service
34 of said state police on or after July 1, 1996; and withhold on each pay day twelve percent of the
35 regular compensation of each employee who is eligible to receive benefits provided for pursuant
36 to section 26A; provided, however, that in the case of any teacher such withholding shall be

37 made upon written notice from the school committee, board of trustees or other disbursing
38 officer of the political subdivision by which such teacher is employed.

39 SECTION 3. Chapter 32 of the General Laws, as so appearing, is hereby amended by
40 inserting after section 26 the following section:—Section 26A. (1) As used in this section, the
41 following words shall, unless the context otherwise requires, have the following meanings:—
42 “Public Safety Officer” a probation officer; or general or trial court officer; or a state corrections
43 program officer; or a University of Massachusetts police officer; or an Alcoholic Beverages
44 Control commission investigator; or a Bureau of Special Investigations investigator; or a social
45 worker employed by the department of Mental Health, Forensic division.

46 (2) Any public safety officer employed as of the effective date of this act shall be retired
47 by the appropriate retirement board upon his attaining age sixty-five; provided that any such
48 public safety officer who has performed service as a public safety officer for not less than twenty
49 years but including creditable service granted by paragraph (h) of subdivision (1) of section four
50 and who has not attained the age of sixty-five may elect to retire pursuant to the provisions of
51 this subdivision. Any public safety officer employed after the effective date of this act shall be
52 retired by the appropriate retirement board upon his attaining age sixty-five; provided that any
53 such public safety officer who has performed service as a public safety officer for no less than
54 twenty years but including creditable service granted by paragraph (h) of subdivision (1) of
55 section four and who has not attained the age of sixty-five shall be retired pursuant to the
56 provisions of this subdivision. (3) Upon retirement under the provisions of this subdivision, a
57 member shall receive a retirement allowance to become effective on the date of his retirement.
58 Payments under such retirement allowance shall be made as provided for in sections twelve and
59 thirteen and the normal yearly amount thereof shall be equal to sixty percent of the average

60 annual rate of his regular compensation received by such member during any period of three
61 consecutive years of creditable service for which such rate of compensation was the highest, or
62 on the average annual rate of regular compensation received by such member during the period
63 or periods, whether consecutive or not, is constituting his last three years of creditable service
64 preceding his retirement, whichever is the greater, provided, that the total amount of the
65 allowance shall be increased by one-twelfth of three percent for each full month of service in
66 excess of twenty years of service; provided, however that such retirement allowance shall in no
67 case exceed seventy-five percent of such regular compensation. Any such member retired under
68 the provision of this subdivision who is a veteran as defined in section one shall receive an
69 additional retirement allowance of fifteen dollars for each year of creditable service or fraction
70 thereof; provided, that the total amount of said additional retirement allowance shall not exceed
71 three hundred dollars in any case.(4) Any provision of sections one to twenty-eight, inclusive,
72 which are inconsistent with any provisions of this section, shall not apply to any member so
73 classified under this section; provided, however, that any member with less than twenty years of
74 creditable service as a public safety officer upon retirement shall be retired in accordance with
75 the provisions of paragraphs (a) and (b) of subdivision (2) of section five of chapter 32, and
76 subject to the limitations set forth in paragraphs (c) and (d) of said subdivision (2), and shall be
77 based on such member's age and number of years and full months of creditable service on the
78 date the retirement allowance becomes effective.

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

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

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

99 SECTION 5. The additional contributions required under paragraph (b $\frac{1}{2}$) of subdivision
100 (1) of section 22 shall not apply to any public safety officer as defined by section twenty-six A of
101 said chapter thirty-two.