

SENATE No. 1041

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relative to early retirement and the termination retirement allowance ..

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 10 of chapter 32 of the General Laws, as appearing in the 2006
2 Official Edition, is hereby amended by striking it in its entirety and inserting in place there of the
3 following:-

4 Section 10. (1) (a) Any member classified in Group 1, Group 2 or Group 4, who has
5 completed six or more years of creditable service, and who fails of nomination or re-election, or
6 fails to become a candidate for nomination, re-election or election, or fails of reappointment, or
7 is removed or discharged from his office or position without moral turpitude on his part, or
8 accepts during, or prior to the expiration of a term for which he was elected appointment to an
9 office or position the acceptance of which requires under the constitution of the commonwealth
10 resignation from the general court, or any such member whose office or position is abolished,
11 who leaves his accumulated total deductions in the annuity savings fund of the system of which
12 he is a member, shall have the right upon attaining age fifty-five, or at any time thereafter, to
13 apply for a termination retirement allowance to become effective as provided for in subdivision
14 (3) of this section. Such allowance shall be determined in accordance with the provisions of

15 section five, or the provisions of any other section governing superannuation retirement
16 applicable to such member upon the basis of such member's age on the date when the retirement
17 allowance becomes effective, with an amount of creditable service equal to that with which he
18 was credited on the date of his termination of service.

19 (b) Any member classified in Group 1, Group 2 or Group 4, who has completed ten or
20 more years of creditable service, and who resigns or voluntarily terminates his service and leaves
21 his accumulated total deductions in the annuity savings fund of the system of which he is a
22 member, shall have the right upon attaining age fifty-five, or at any time thereafter, to apply for a
23 termination retirement allowance to become effective as provided for in subdivision (3) of this
24 section. Such allowance shall be determined in accordance with the provisions of section five or
25 the provisions of any other section governing superannuation retirement applicable to such
26 member upon the basis of such member's age on the date when the retirement allowance
27 becomes effective, with an amount of creditable service equal to that with which he was credited
28 on the date of his termination of service.

29 (c) Any member who is removed or discharged for violation of the laws, rules and
30 regulations applicable to his office or position, or any member whose removal or discharge was
31 brought about by collusion or conspiracy, shall not be entitled to the retirement allowance
32 provided for in this subdivision.

33 (2) Right to Defer Receipt of Allowance. — The retirement allowance of any member
34 entitled thereto under the provisions of subdivision (1) of this section shall become effective on
35 the date of his termination of service if his written application therefor is filed with the board not
36 more than sixty days after such date; otherwise his retirement allowance shall be deferred. Any

37 such member may, at any time thereafter and before attaining the maximum age for his group,
38 file with the board his written application for such retirement allowance, and thereupon such
39 retirement allowance shall become effective on the date which shall be specified in such
40 application and which shall be not less than fifteen days nor more than four months after the
41 filing of such application but in no event later than the maximum age for his group. The
42 retirement allowance of any such member who fails to file a written application therefor as
43 provided for in this subdivision shall nevertheless become effective upon his attainment of the
44 maximum age for his group unless prior to such age his accumulated total deductions have been
45 returned as provided for in this section and in section eleven. Payments under such allowance
46 shall be made as provided for in sections twelve and thirteen. The amount of such retirement
47 allowance shall be based upon such member's creditable service only for the period prior to the
48 actual date of his termination of service; provided, that if such member later becomes reinstated,
49 re-employed or re-elected and restored to active membership in accordance with the provisions
50 of section three, the amount of his retirement allowance shall also include credit for any
51 subsequent period of his creditable service.

52 (3) Right to a Return of Accumulated Total Deductions. — Any retirement allowance
53 granted to a member in accordance with the provisions of sections one to twenty-eight inclusive,
54 except as otherwise provided for in subdivision (3) of section twenty-five, shall be in lieu of the
55 payment to him of his accumulated total deductions. Any member not entitled to a retirement
56 allowance in accordance with the provisions of sections one to twenty-eight inclusive, or any
57 member entitled to a retirement allowance as provided for in this section whose allowance has
58 not become effective, shall be paid the amount of his accumulated total deductions as provided
59 for in subdivision (1) of section eleven upon his written request therefor on a prescribed form

60 filed with the board on or after the date of his termination of service, except as provided for in
61 section 11 or section fifteen.