

HOUSE No. 4298

Section 251 contained in the engrossed Bill making appropriations for the fiscal year 2015 (see House, No. 4001, amended), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see Attachment G of House, No. 4300). July 11, 2014.

The Commonwealth of Massachusetts

In the Year Two Thousand Fourteen

An Act authorizing the transfer of members of the Franklin Regional Council of Governments to the state employees' retirement system.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to authorize forthwith the transfer of members of the Franklin regional council of governments to the state employees' retirement system, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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. Notwithstanding any general or special law to the contrary, the
2 accumulated deductions, including interest, computed as the actuarial assumed interest, credited
3 as of July 1, 2014 to the annuity savings accounts of persons actively employed by the Franklin
4 regional council of governments who are active members of the Franklin regional retirement
5 system and otherwise eligible for membership in the state employees' retirement system, shall be
6 transferred to the state employees' retirement system. The public employee retirement
7 administration commission shall certify to the state board of retirement that the amounts
8 transferred under this section are accurate.

9 Upon completion of the required documentation and acceptance by the state board of
10 retirement under applicable laws and regulations, persons actively employed by the Franklin
11 regional council of governments who are active members of the Franklin regional retirement
12 system shall become members of the state employees' retirement system as of July 1, 2014 and
13 shall be subject to the rules and regulations of the state employees' retirement system.

14 The Franklin regional council of governments and the Franklin regional retirement
15 system shall transfer to the state board of retirement all records related to the employment of
16 persons affected by this section related to their membership in the Franklin regional retirement
17 system.

18 For any transferred employee under this section, determinations related to the
19 membership, retirement benefits including, but not limited to, eligibility for benefits, creditable
20 service amounts, accumulated retirement deductions and interest and group classifications shall
21 be made solely by the state board of retirement.

22 Under paragraph (c) of subdivision (8) of section 3 of chapter 32 of the General Laws,
23 the Franklin regional retirement system shall reimburse the state employees' retirement system
24 and any other retirement system governed by said chapter 32 for its pro rata share of the amount
25 of any retirement allowance paid to employees transferred under this section that is attributable
26 to their creditable service while employees of the Franklin regional council of governments and
27 members of the Franklin regional retirement system. This subsection shall have no effect on: (i)
28 any other liability under said chapter 32 that the Franklin regional retirement system may have to
29 the state employees' retirement system or any other applicable retirement system; or (ii) any
30 liability related to former employees of the Franklin regional council of governments.

31 This section shall apply to former employees of the Franklin regional council of
32 governments that are inactive members of the Franklin regional retirement system as of July 1,
33 2014 that return to active service with the Franklin regional council of governments on or after
34 July 1, 2014 and become members of the state employees' retirement system; provided,
35 however, that any such former employees shall be subject to the normal transfer procedures
36 under applicable laws and regulations.

37 The Franklin regional retirement system shall reimburse the state employees' retirement
38 system and any other retirement system governed by said chapter 32 for its pro rata share of the
39 amount of any retirement allowance paid to the employees. The state employees' retirement
40 system shall not be responsible under said paragraph (c) of said subdivision (8) of said section 3
41 of said chapter 32 or any other general or special law for the creditable service of former
42 employees of the Franklin regional council of governments who were members of the Franklin
43 regional retirement system and are not actively employed by the Franklin regional council of
44 governments and not also members of the Franklin regional retirement system as of July 1, 2014.

45 The state board of retirement shall not be responsible for any amount of retirement
46 allowance, pension, disability allowance or other benefit under said chapter 32 for any employee,
47 retiree, survivor or beneficiary of the Franklin regional council of governments due or otherwise
48 in effect by July 1, 2014 from the Franklin regional retirement system or for any portion of any
49 unfunded liability that may exist for an employee, survivor or beneficiary of the Franklin
50 regional council of governments related to the Franklin regional retirement system. The state

51 board of retirement shall not be responsible for benefits related to any disability retirement
52 application that has been filed or may be pending with the Franklin regional retirement board or
53 with the public employee retirement administration commission as of July 1, 2014 or for benefits
54 related to any disability retirement applications that arise out of injuries that occurred prior to
55 July 1, 2014.

56 The state board of retirement shall not be responsible for liability for any service accrued
57 prior to July 1, 2014 by retirees of the Franklin regional council of governments that are retirees
58 of the Franklin regional retirement system as of July 1, 2014 that return to active service with the
59 Franklin regional council of governments on or after July 1, 2014 and become members of the
60 state employees' retirement system with the intention of reinstatement as provided in section 105
61 of said chapter 32. Any repayment of a retirement allowance shall be made to the Franklin
62 regional retirement system, which shall retain liability for service accrued by the reinstated
63 member while a member of the Franklin regional retirement system and shall be subject to the
64 normal transfer procedures under applicable laws and regulations.

65 Employees of the Franklin regional council of governments shall be eligible for
66 membership in the state employees' retirement system only if they meet the membership
67 requirements of the state board of retirement. The Franklin regional council of governments shall
68 conform to the payroll reporting requirements of the state board of retirement.

69 SECTION 2. This act shall take effect as of July 1, 2014.