

HOUSE No. 3800

The Commonwealth of Massachusetts

PRESENTED BY:

Alyson M. Sullivan

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 relative to the retirement benefits of certain public safety employees.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Alyson M. Sullivan</i>	<i>7th Plymouth</i>	<i>2/4/2021</i>
<i>Steven G. Xiarhos</i>	<i>5th Barnstable</i>	<i>2/23/2021</i>
<i>Michael J. Soter</i>	<i>8th Worcester</i>	<i>2/23/2021</i>
<i>Paul J. Donato</i>	<i>35th Middlesex</i>	<i>2/25/2021</i>

HOUSE No. 3800

By Ms. Sullivan of Abington, a petition (accompanied by bill, House, No. 3800) of Alyson M. Sullivan and others relative to the retirement benefits of certain public safety employees. Public Service.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to 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. Subdivision (3) of section 21 of chapter 32 of the General Laws, as
2 appearing in the 2018 Official Edition, is hereby amended by inserting after paragraph (g) the
3 following paragraph:—

4 (h) the review and analysis of information required pursuant to section 26A as it relates to
5 the employees contribution rate changes and benefit changes. Such analysis shall focus on the
6 contributions made by members and the normal cost of benefit, plus any other liabilities
7 determined by the actuary to be a result of benefit changes pursuant to said section 26A.
8 Beginning January 1, 2022, and every 5 years thereafter, the actuary shall forward their analysis
9 to the respective system.

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

12 (b) The treasurer or other disbursing officer in charge of payroll in any governmental unit
13 to which a system pertains, and the treasurer or other disbursing officer in charge of payrolls in
14 any free public library the employees of which are eligible for membership in a system, shall,
15 upon written notice from the board:

16 (i) withhold on each pay day 5 per cent of the regular compensation of each employee
17 who is a member in service of the system, which is received on the day by the member on
18 account of service rendered to the member on or after January 1, 1946, and not later than the date
19 of their attaining the maximum age for their group, in the case of an employee who entered the
20 service of the commonwealth or a political subdivision thereof prior to January 1, 1975;

21 (ii) withhold on each pay day 7 per cent of the regular compensation of each employee
22 who is a member in service of the system, which is received on the day by the member on
23 account of service rendered by the member on or after January 1, 1975, and not later than the
24 date of their attaining the maximum age for their group, in the case of an employee who entered
25 the service of the commonwealth or a political subdivision thereof on or after January 1, 1975,
26 but prior to January 1, 1984;

27 (iii) withhold on each pay day 8 per cent of the regular compensation of each employee
28 who is a member in service of the system, which is received on the day by the member on
29 account of service rendered by the member on or after January 1, 1984, and not later than the
30 date of their attaining the maximum age for their group, in the case of an employee who entered
31 the service of the commonwealth or a political subdivision thereof on or after January 1, 1984,
32 but before July 1, 1996;

33 (iv) withhold on each pay day 9 per cent of the regular compensation of each employee
34 who is a member in service of the system, which is received on the day by the member on
35 account of service rendered by the member on or after July 1, 1996, and not later than the date of
36 their attaining the maximum age for their group, in the case of an employee who entered the
37 service of the commonwealth or a political subdivision thereof on or after July 1, 1996;

38 (v) withhold on each pay day 12 per cent of the regular compensation of each employee
39 who is a member of the department of state police appointed pursuant to section 10 of chapter
40 22C, and is a member in service of the system, which is received on the day by the member on
41 account of service rendered by the member on or after July 1, 1996, and not later than the date of
42 their attaining the maximum age for their group, in the case of an employee who is eligible to
43 receive benefits provided for pursuant to section 26A.

44 In the case of any teacher the withholding shall be made upon written notice from the
45 school committee, board of trustees or other employing authority, to the treasurer or other
46 disbursing officer of the political subdivision by which the teacher is employed.

47 SECTION 3. Said chapter 32 of the General Laws is hereby amended by inserting after
48 section 26 the following section:—

49 Section 26A. (1) As used in this section, the term “public safety officer” shall, unless the
50 context clearly requires otherwise, mean any member of a municipal police department as
51 classified to be in Group 4 pursuant to paragraph (g) of subdivision (2) of section 3 or sheriff or
52 employee of a sheriff’s department so classified; provided, the employee of a sheriff’s
53 department is not a member of the state employees’ retirement system.

54 (2) Any public safety officer employed as of the effective date of this section shall be
55 retired by the appropriate retirement board upon their attaining age 65; provided, that any such
56 public safety officer who has performed service as a public safety officer for not less than 20
57 years, including creditable service granted by paragraph (h) of subdivision (1) of section 4 and
58 who has not attained the age of 65 may elect to retire pursuant to this section. Any public safety
59 officer employed after the effective date of this section shall be retired by the appropriate
60 retirement board upon their attaining age 65; provided, that any such public safety officer who
61 has performed service as a public safety officer for not less than 20 years, including creditable
62 service granted by paragraph (h) of subdivision (1) of section 4 and who has not attained the age
63 of 65 shall be retired pursuant to this section.

64 (3) Upon retirement pursuant to this section, a member shall receive a retirement
65 allowance to become effective on the date of the member's retirement. Payments under such
66 retirement allowance shall be made as provided for in sections 12 and 13 and the normal yearly
67 amount shall be equal to 60 per cent of the average annual rate of the member's regular
68 compensation received by such member during any period of 3 consecutive years of creditable
69 service for which such rate of compensation was the highest, or on the average annual rate of
70 regular compensation received by such member during the period or periods, whether
71 consecutive or not, is constituting the member's last 3 years of creditable service preceding the
72 member's retirement, whichever is the greater; provided, that the total amount of the allowance
73 shall be increased by 1/12 of 3 per cent for each full month of service in excess of 20 years of
74 service; provided, however, that such retirement allowance shall in no case exceed 75 per cent of
75 such regular compensation. Any such member retired pursuant to this section who is a veteran as
76 defined in section 1 shall receive an additional retirement allowance of \$15 for each year of

77 creditable service or fraction thereof; provided, that the total amount of the additional retirement
78 allowance shall not exceed \$300.

79 (4) Any provision of sections 1 to 28, inclusive, which are inconsistent with this section,
80 shall not apply to any member so classified under this section; provided, however, that any
81 member with less than 20 years of creditable service as a public safety officer upon retirement
82 shall be retired in accordance with the provisions of paragraphs (a) and (b) of subdivision (2) of
83 section 5 and subject to the limitations set forth in paragraphs (c) and (d) of said subdivision (2)
84 and shall be based on the member's age and number of years and full months of creditable
85 service on the date the retirement allowance becomes effective.

86 (5) The actuary, acting pursuant to paragraph (h) of subdivision (3) of section 21, shall
87 require each board to obtain certain information from each member eligible for the retirement
88 benefit authorized pursuant to this section, including the name, date of birth, prior contribution
89 rate, date of hire and any other information required by the actuary for the purposes of the report
90 required under said paragraph (h).

91 SECTION 4. Any member of a retirement system who meets the definition of public
92 safety officer as defined in section 26A of chapter 32 of the General Laws on the effective date
93 of this act may elect in writing to participate in the alternative public safety retirement benefit
94 provided for pursuant to said section 26A within 180 days of the effective date this act. Any such
95 election shall become effective on the first day of the next pay period following such election,
96 and shall constitute a waiver of any retirement benefits provided pursuant to section 5 or section
97 10 of said chapter 32. Any member making such an election shall be required to make a
98 minimum of 3 years of retirement contributions at the rate of 12 per cent; provided, however,

99 that if the member chooses to retire before the member has made 3 years of contributions at 12
100 per cent, the member shall pay into the annuity savings fund or have deducted from their
101 retirement allowance an amount equal to the contributions that would have been made had such
102 member remained in service for 3 years at the rate of regular compensation from which the
103 member retired. The election by an eligible member to participate in the alternative public safety
104 retirement benefit provided for under said section 26A shall be irrevocable.

105 SECTION 5. The additional contributions required under paragraph (b ½) of subdivision
106 (1) of section 22 of chapter 32 of the General Laws shall not apply to any public safety officer as
107 defined in section 26A of said chapter 32.