HOUSE No. 2668

The Commonwealth of Massachusetts

PRESENTED BY:

Alyson M. Sullivan-Almeida

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:
Alyson M. Sullivan-Almeida	7th Plymouth	1/18/2023
David F. DeCoste	5th Plymouth	2/9/2023

HOUSE No. 2668

By Representative Sullivan-Almeida of Abington, a petition (accompanied by bill, House, No. 2668) of Alyson M. Sullivan-Almeida and David F. DeCoste relative to the retirement benefits of certain public safety employees. Public Service.

[SIMILAR MATTER FILED IN PREVIOUS SESSION SEE HOUSE, NO. 3800 OF 2021-2022.]

The Commonwealth of Alassachusetts

In the One Hundred and Ninety-Third General Court (2023-2024)

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 2020 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
- determined by the actuary to be a result of benefit changes pursuant to said section 26A.
- 8 Beginning January 1, 2024, and every 5 years thereafter, the actuary shall forward their analysis
- 9 to the respective system.

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

- (b) The treasurer or other disbursing officer in charge of payroll in any governmental unit to which a system pertains, and the treasurer or other disbursing officer in charge of payrolls in any free public library the employees of which are eligible for membership in a system, shall, upon written notice from the board:
- (i) withhold on each pay day 5 per cent of the regular compensation of each employee who is a member in service of the system, which is received on the day by the member on account of service rendered to the member on or after January 1, 1946, and not later than the date of their attaining the maximum age for their group, in the case of an employee who entered the service of the commonwealth or a political subdivision thereof prior to January 1, 1975;
- (ii) withhold on each pay day 7 per cent of the regular compensation of each employee who is a member in service of the system, which is received on the day by the member on account of service rendered by the member on or after January 1, 1975, and not later than the date of their attaining the maximum age for their group, in the case of an employee who entered the service of the commonwealth or a political subdivision thereof on or after January 1, 1975, but prior to January 1, 1984;
- (iii) withhold on each pay day 8 per cent of the regular compensation of each employee who is a member in service of the system, which is received on the day by the member on account of service rendered by the member on or after January 1, 1984, and not later than the date of their attaining the maximum age for their group, in the case of an employee who entered

the service of the commonwealth or a political subdivision thereof on or after January 1, 1984, but before July 1, 1996;

- (iv) withhold on each pay day 9 per cent of the regular compensation of each employee who is a member in service of the system, which is received on the day by the member on account of service rendered by the member on or after July 1, 1996, and not later than the date of their attaining the maximum age for their group, in the case of an employee who entered the service of the commonwealth or a political subdivision thereof on or after July 1, 1996;
- (v) withhold on each pay day 12 per cent of the regular compensation of each employee who is a member of the department of state police appointed pursuant to section 10 of chapter 22C, and is a member in service of the system, which is received on the day by the member on account of service rendered by the member on or after July 1, 1996, and not later than the date of their attaining the maximum age for their group, in the case of an employee who is eligible to receive benefits provided for pursuant to section 26A.
- In the case of any teacher the withholding shall be made upon written notice from the school committee, board of trustees or other employing authority, to the treasurer or other disbursing officer of the political subdivision by which the teacher is employed.
- SECTION 3. Said chapter 32 of the General Laws is hereby amended by inserting after section 26 the following section:—
 - Section 26A. (1) As used in this section, the term "public safety officer" shall, unless the context clearly requires otherwise, mean any member of a municipal police department as classified to be in Group 4 pursuant to paragraph (g) of subdivision (2) of section 3 or sheriff or

employee of a sheriff's department so classified; provided, the employee of a sheriff's department is not a member of the state employees' retirement system.

- (2) Any public safety officer employed as of the effective date of this section shall be retired by the appropriate retirement board upon their attaining age 65; provided, that any such public safety officer who has performed service as a public safety officer for not less than 20 years, including creditable service granted by paragraph (h) of subdivision (1) of section 4 and who has not attained the age of 65 may elect to retire pursuant to this section. Any public safety officer employed after the effective date of this section shall be retired by the appropriate retirement board upon their attaining age 65; provided, that any such public safety officer who has performed service as a public safety officer for not less than 20 years, including creditable service granted by paragraph (h) of subdivision (1) of section 4 and who has not attained the age of 65 shall be retired pursuant to this section.
- (3) Upon retirement pursuant to this section, a member shall receive a retirement allowance to become effective on the date of the member's retirement. Payments under such retirement allowance shall be made as provided for in sections 12 and 13 and the normal yearly amount shall be equal to 60 per cent of the average annual rate of the member's regular compensation received by such member during any period of 3 consecutive years of creditable service for which such rate of compensation was the highest, or on the average annual rate of regular compensation received by such member during the period or periods, whether consecutive or not, is constituting the member's last 3 years of creditable service preceding the member's retirement, whichever is the greater; provided, that the total amount of the allowance shall be increased by 1/12 of 3 per cent for each full month of service in excess of 20 years of service; provided, however, that such retirement allowance shall in no case exceed 75 per cent of

such regular compensation. Any such member retired pursuant to this section who is a veteran as defined in section 1 shall receive an additional retirement allowance of \$15 for each year of creditable service or fraction thereof; provided, that the total amount of the additional retirement allowance shall not exceed \$300.

- (4) Any provision of sections 1 to 28, inclusive, which are inconsistent with this section, shall not apply to any member so classified under this section; provided, however, that any member with less than 20 years of creditable service as a public safety officer upon retirement shall be retired in accordance with the provisions of paragraphs (a) and (b) of subdivision (2) of section 5 and subject to the limitations set forth in paragraphs (c) and (d) of said subdivision (2) and shall be based on the member's age and number of years and full months of creditable service on the date the retirement allowance becomes effective.
- (5) The actuary, acting pursuant to paragraph (h) of subdivision (3) of section 21, shall require each board to obtain certain information from each member eligible for the retirement benefit authorized pursuant to this section, including the name, date of birth, prior contribution rate, date of hire and any other information required by the actuary for the purposes of the report required under said paragraph (h).

SECTION 4. Any member of a retirement system who meets the definition of public safety officer as defined in section 26A of chapter 32 of the General Laws on the effective date of this act may elect in writing to participate in the alternative public safety retirement benefit provided for pursuant to said section 26A within 180 days of the effective date this act. Any such election shall become effective on the first day of the next pay period following such election, and shall constitute a waiver of any retirement benefits provided pursuant to section 5 or section

10 of said chapter 32. Any member making such an election shall be required to make a minimum of 3 years of retirement contributions at the rate of 12 per cent; provided, however, that if the member chooses to retire before the member has made 3 years of contributions at 12 per cent, the member shall pay into the annuity savings fund or have deducted from their retirement allowance an amount equal to the contributions that would have been made had such member remained in service for 3 years at the rate of regular compensation from which the member retired. The election by an eligible member to participate in the alternative public safety retirement benefit provided for under said section 26A shall be irrevocable.

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