

HOUSE No. 2494

By Mr. Falzone of Saugus, petition of Mark V. Falzone relative to the retirement benefits of certain employees of the Department of Youth Services. Public Service.

The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

AN ACT FURTHER REGULATING RETIREMENT BENEFITS OF CERTAIN EMPLOYEES OF THE DEPARTMENT OF YOUTH SERVICES.

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, as
2 amended by Section 1 of Chapter 17 of the acts of 1997, is hereby
3 further amended by inserting after paragraph (f) the following para-
4 graph:— (g) the review and analysis of information required under
5 section twenty-six A as it relates to the employees contribution rate
6 changes and benefit changes under said Section 26A. Such analysis
7 shall focus on the contributions made by members and the normal
8 cost of benefit, plus any other liabilities determined by the actuary to
9 be a result of such benefit changes under said Section 26A. Begin-
10 ning January first, two thousand and four and every five years there-
11 after, the actuary shall forward to the respective system such
12 analysis.

1 SECTION 2. Paragraph (b) of subdivision (1) of section twenty-
2 two of said Chapter 32, is hereby amended by adding after the words
3 “July first nineteen hundred and ninety-six” the last time they appear
4 the following words “;and withhold on each payday twelve percent
5 of the regular compensation of each employee who is eligible to
6 receive benefits provided for pursuant to section twenty-six A of this
7 chapter.

1 SECTION 3. Chapter 32 of the General Laws is hereby amended
2 by inserting fter section twenty-six the following section:—

3 Section 26A. (1) As used in this section, the following words
4 shall, unless the context otherwise requires, have the following
5 meanings:—

6 “Public Safety Officer” an employee of the Department of Youth
7 Services employed as a Youth Service Case Worker I, Youth Service
8 Case Worker II, Youth Service Transportation Officer 1 and 2, and
9 Group Worker 1,2, and 3.

10 (2) Any public safety officer shall be retired by the appropriate
11 retirement board upon his attaining age sixty-five; provided that any
12 such public safety officer who has performed service as a public
13 safety officer for not less than twenty years but including creditable
14 service granted by paragraph (h) of subdivision (1) of section four
15 and who has not attained the age of sixty-five may elect to retire pur-
16 suant to the provisions of this subdivision.

17 (3) Upon retirement under the provisions of this subdivision, a
18 member shall receive a retirement allowance to become effective on
19 the date of his retirement. Payments under such retirement allowance
20 shall be made as provided for in sections twelve and thirteen and the
21 normal yearly amount thereof shall be equal to sixty percent of the
22 average annual rate of his regular compensation received by such
23 member during any period of three consecutive years of creditable
24 service for which such rate of compensation was the highest, or on
25 the average annual rate of regular compensation received by such
26 member during the period or periods, whether consecutive or not,
27 constituting his last three years of creditable service preceding his
28 retirement, whichever is the greater, provided, that the total amount
29 of the allowance shall be increased by one-twelfth of three percent
30 for each full month of service in excess of twenty years of service;
31 provided, however, that such retirement allowance shall in no case
32 exceed seventy-five percent of such regular compensation. Any such
33 member retired under the provision of this subdivision who is a vet-
34 eran as defined in section one shall receive an additional retirement
35 allowance of fifteen dollars for each year of creditable service or
36 fraction thereof; provided, that the total amount of said additional
37 retirement allowance shall not exceed three hundred dollars in any
38 case.

39 (4) Sections five, six, eight and sixteen, subdivisions(1) to (3),
40 inclusive, of section ten, and all other provisions of sections one to
41 twenty-eight, inclusive, which are inconsistent with any provisions

42 of this section, shall not apply to any member so classified under this
43 section.

44 (5) The actuary, acting under the provisions of paragraph(g) of
45 subdivision (3) of section twenty one, shall require each board to
46 obtain certain information from each member eligible for the retire-
47 ment benefit under this section, including the name, date of birth,
48 prior contribution rate, date of hire and any other information
49 required by the actuary for the purposes of the report required under
50 said paragraph (g).

1 SECTION 4. Any member of a retirement system who meets the
2 definition of public safety officer as defined by section twenty-six A
3 of chapter thirty-two on the effective date of this act may elect in
4 writing to participate in the alternative public safety retirement ben-
5 efit provided under said section twenty-six A within one hundred
6 eighty days of the date this act takes effect. Any such election shall
7 become effective on the first day of pay period next following such
8 election, and shall constitute a waiver of any retirement benefits pro-
9 vided under section five or section ten of chapter thirty-two. Any
10 member making such an election shall be required to make a min-
11 imum of three years of retirement contributions at the rate of twelve
12 percent; provided, however that if said member chooses to retire
13 before he has made said three years of contributions at twelve per-
14 cent, said member shall pay into the annuity savings fund or have
15 deducted from his retirement allowance an amount equal to the con-
16 tributions that would have been made had such member remained in
17 service for three years at the rate of regular compensation from
18 which he retired. The election by an eligible member to participate
19 in the alternative public safety retirement benefit provided for under
20 said section twenty-six A shall be irrevocable.