

# HOUSE . . . . . No. 3765

By Mr. Nangle of Lowell, petition of David M. Nangle and others relative to further regulating the retirement benefits of certain public safety employees. Public Service.

## The Commonwealth of Massachusetts

PETITION OF:

David M. Nangle  
Joseph R. Driscoll

Bruce J. Ayers

In the Year Two Thousand and Seven.

AN ACT FURTHER REGULATING 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, 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:—  
5 (g) the review and analysis of information required under Section  
6 twenty-six A as it relates to the employees contribution rate changes  
7 and benefit changes under said Section 26A. Such analysis shall  
8 focus on the contributions made by members and the normal cost of  
9 benefit, plus any other liabilities determined by the actuary to be a  
10 result of such benefit changes under said Section 26A. Beginning  
11 January first, two thousand and four and every five years thereafter,  
12 the actuary shall forward to the respective system such analysis.

1 SECTION 2. Subdivision (1) of Section 22 of Chapter 32 of the  
2 General Laws is hereby amended by striking out paragraph (b) as  
3 amended by Section 176 of Chapter 151 of the acts of 1996, and  
4 inserting in place thereof the following paragraph:—  
5 (b) The treasurer or other disbursing officer in charge of payroll in  
6 any governmental unit to which a system pertains, and the treasurer

7 or other disbursing officer in charge of payrolls in any free public  
8 library the employees of which are eligible for membership in a  
9 system, shall, upon written notice from the board, withhold on each  
10 pay day five per cent of the regular compensation of each employee  
11 who is a member in service of the system, which is received on such  
12 day by such member on account of service rendered to him on or  
13 after January 1, 1946, and not later than the date on his attaining the  
14 maximum age for his group, in the case of an employees who  
15 entered the service of the Commonwealth or a political subdivision  
16 thereof prior to January 1, 1975; withhold on each pay day seven per  
17 cent of the regular compensation of each employee who is a member  
18 in service of the system, which is received on such day by such  
19 member on account of service rendered by him on or after January 1,  
20 1975, and not later than the date of his attaining the maximum age  
21 for his group, in the case of an employee who entered the service of  
22 the Commonwealth or a political subdivision thereof on or after Jan-  
23 uary 1, 1975, but prior to January 1, 1984; and withhold on each pay  
24 day eight per cent of the regular compensation of each employee  
25 who is a member in service of the system, which is received on such  
26 day by such member on account of service rendered by him on or  
27 after January 1, 1984, and not later than the date of his attaining the  
28 maximum age for his group in the case of an employee who entered  
29 the service of the Commonwealth or a political subdivision thereof  
30 on or after January 1, 1984, but before July 1, 1996; and withhold on  
31 each pay day nine per cent of the regular compensation of each  
32 employee who is a member in service of the system, which is  
33 received on such day by such member on account of service ren-  
34 dered by him on or after July 1, 1996, and not later than the date of  
35 his attaining the maximum age for his group in the case of an  
36 employee who entered the service of the Commonwealth or a polit-  
37 ical subdivision thereof on or after July 1, 1996; and withhold on  
38 each pay day twelve per cent of the regular compensation of each  
39 employee who is a member of the state police appointed pursuant to  
40 Section 10 of Chapter 22C, and is a member in service of the  
41 system, which is received on such day by such member on account  
42 of service rendered by him on or after July 1, 1996, and not later  
43 than the date of his attaining the maximum age for his group in the  
44 case of such employee who entered the service of said state police  
45 on or after July 1, 1996; and withhold on each pay day twelve per

46 cent of the regular compensation of each employee who is eligible to  
47 receive benefits provided for pursuant to Section 26A; provided,  
48 however, that in the case of any teacher such withholding shall be  
49 made upon written notice from the school committee, board of  
50 trustees or other employing authority, to the treasurer or other dis-  
51 bursing officer of the political subdivision by which such teacher is  
52 employed.

1 SECTION 3. Chapter 32 of the General Laws is hereby amended  
2 by inserting after 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” a probation officer; or trial court officer;  
7 or a police officer; or a corrections officer; or a firefighter; or an  
8 environmental police officer.

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

17 Any public safety officer employed after the effective date of this  
18 act shall be retired by the appropriate retirement board upon his  
19 attaining age sixty-five; provided that any such public safety officer  
20 who has performed service as a public safety officer for not less than  
21 twenty years but including creditable service granted by paragraph  
22 (h) of subdivision (1) of Section four and who has not attained the  
23 age of sixty-five shall be retired pursuant to the provisions of this  
24 subdivision.

25 (3) Upon retirement under the provisions of this subdivision, a  
26 member shall receive a retirement allowance to become effective on  
27 the date of his retirement. Payments under such retirement allowance  
28 shall be made as provided for in Sections twelve and thirteen and the  
29 normal yearly amount thereof shall be equal to sixty percent of the  
30 average annual rate of his regular compensation received by such  
31 member during any period of three consecutive years of creditable

32 service for which such rate of compensation was the highest, or on  
33 the average annual rate of regular compensation received by such  
34 member during the period or periods, whether consecutive or not,  
35 constituting his last three years of creditable service preceding his  
36 retirement, whichever is the greater, provided, that the total amount  
37 of the allowance shall be increased by one-twelfth of three percent  
38 for each full month of service in excess of twenty years of service;  
39 provided, however, that such retirement allowance shall in no case  
40 exceed seventy-five percent of such regular compensation. Any such  
41 member retired under the provision of this subdivision who is a vet-  
42 eran as defined in Section one shall receive an additional retirement  
43 allowance of fifteen dollars for each year of creditable service or  
44 fraction thereof; provided, that the total amount of said additional  
45 retirement allowance shall not exceed three hundred dollars in any  
46 case.

47 (4) Any provision of Sections one to twenty-eight, inclusive,  
48 which are inconsistent with any provision of this section, shall not  
49 apply to any member so classified under this section; provided how-  
50 ever that any member with less than twenty years of creditable  
51 service as a public safety officer upon retirement shall be retired in  
52 accordance with the provisions of paragraph (a) and (b) of subdivi-  
53 sion (2) of Section five of Chapter 32, and subject to the limitation  
54 set forth in paragraphs (c) and (d) of said subdivision (2), and shall  
55 be based on such member's age and number of years and full months  
56 of creditable service on the date the retirement allowance become  
57 effective.

58 (5) The actuary, acting under the provisions of paragraph (g) of  
59 subdivision (3) of Section twenty one, shall require each board to  
60 obtain certain information from each member eligible for the retire-  
61 ment benefit under this section, including the name, date of birth,  
62 prior contribution rate, date of hire and any other information  
63 required by the actuary for the purposes of the report required under  
64 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 two hundred

6 and seventy days of the date this act takes effect. Any such election  
7 shall become effective on the first day of pay period next following  
8 such election, and shall constitute a waiver of any retirement bene-  
9 fits provided under Section five or Section ten of Chapter thirty-two.  
10 Any member making such an election shall be required to make a  
11 minimum of three years' of retirement contributions at the rate of  
12 twelve percent; provided, however that if said member chooses to  
13 retire before he has made said three years of contributions at twelve  
14 percent, 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.

1 SECTION 5. The additional contributions required under para-  
2 graph (b½) of subdivision (1) of Section 22 shall not apply to any  
3 public safety officer as defined by Section twenty-six A of said  
4 Chapter thirty-two.