

SENATE NO. 1514

AN ACT RELATIVE TO CREDITABLE SERVICE FOR MATERNITY AND PATERNITY LEAVE

*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. Sub-section (1) of section 4 of Chapter 32 of the General Laws as appearing in the
2 2004 Official Edition is hereby amended by inserting paragraph (g^{3/4}) as follows:

3 “Notwithstanding chapter 32 of the General Laws or any other general or special law to
4 the contrary an eligible member in service of the State Employees’ Retirement System as
5 defined herein shall be allowed as creditable service the period or periods during which said
6 member: (1) resigned for the purposes of maternity, paternity, adoption leave, to care for an ill
7 immediate family member, or, (2) was on unpaid leave of absence for such purposes from the
8 governmental unit in which the member was employed, and (3) had established membership in
9 the State Employees’ Retirement System for which no creditable service was granted. For
10 purposes of this sub-section “immediate family member” shall mean spouse, son, daughter or
11 parent. Said creditable service shall be determined by the State Board of Retirement according
12 to rules and regulations adopted by the Board and approved by the public employee retirement
13 administration commission;

14 Provided, that no credit shall be allowed unless and until such eligible member has paid
15 into the Annuity Savings Fund of the State Employees' Retirement System in one sum or in
16 installments, upon such terms and conditions as the Board may prescribe, an amount equal to
17 the deductions that would have been withheld had the member continued in service, as
18 determined by the Board, together with buyback interest, when said member subsequently
19 purchases the certified creditable service; provided, that no credit shall be allowed, unless an
20 eligible member can certify that during the period or periods in question he did not engage in
21 gainful employment or receive income from employment.

22 No credit shall be allowed and no payment shall be accepted under this paragraph until
23 such member shall have completed ten or more years of membership service. A leave covered
24 by this section must be immediately preceded by membership service. The maximum creditable
25 service allowable under this paragraph for any member shall not exceed four years, regardless
26 of the number of leaves taken.

27 The provisions of this paragraph shall apply only to those otherwise eligible members of
28 the State Employees' Retirement System who are in active service as of the effective date of
29 this Act, or become members in active service subsequent to the effective date of this Act.

30 This paragraph may apply to eligible members in service of a public employee
31 retirement system governed by c.32, upon its acceptance by a majority vote of the board of such
32 system, subject to the approval of the legislative body. For the purpose of this paragraph,
33 "legislative body" shall mean, in the case of a city, the city council in accordance with its
34 charter, in the case of a town, the town meeting, in the case of a county, the county retirement
35 board advisory council, in the case of a district, the district members, and, in the case of an
36 authority, the governing body.”

