

SENATE NO. 1635

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 amended by section 1 of chapter 17 of the
2 acts of 1997, is hereby further amended by inserting after paragraph (f) the following paragraph:

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

9 SECTION 2. Subdivision (1) of section 22 of chapter 32 of the General Laws is hereby amended by
10 striking out paragraph (b) as amended by section 176 of chapter 151 of the acts of 1996, and inserting
11 in place thereof the following paragraph:-

12 (b) The treasurer or other disbursing officer in charge of payroll in any governmental unit to which a
13 system pertains, and the treasurer or other disbursing officer in charge of payrolls in any free public
14 library the employees of which are eligible for membership in a system, shall, upon written notice
15 from the board, withhold on each pay day five per cent of the regular compensation of each employee
16 who is a member in service of the system, which is received on such day by such member on account
17 of service rendered to him on or after January 1, 1946, and not later than the date on his attaining the
18 maximum age for his group, in the case of an employees who entered the service of the
19 commonwealth or a political subdivision thereof prior to January 1, 1975; withhold on each pay day
20 seven per cent of the regular compensation of each employee who is a member in service of the
21 system, which is received on such day by such member on account of service rendered by him on or
22 after January 1, 1975, and not later than the date of his attaining the maximum age for his group, in the
23 case of an employee who entered the service of the commonwealth or a political subdivision thereof
24 on or after January 1, 1975, but prior to January 1, 1984; and withhold on each pay day eight per cent
25 of the regular compensation of each employee who is a member in service of the system, which is
26 received on such day by such member on account of service rendered by him on or after January 1,
27 1984, and not later than the date of his attaining the maximum age for his group in the case of an
28 employee who entered the service of the commonwealth or a political subdivision thereof on or after
29 January 1, 1984, but before July 1, 1996; and withhold on each pay day nine per cent of the regular
30 compensation of each employee who is a member in service of the system, which is received on such
31 day by such member on account of service rendered by him on or after July 1, 1996, and not later than
32 the date of his attaining the maximum age for his group in the case of an employee who entered the
33 service of the commonwealth or a political subdivision thereof on or after July 1, 1996; and withhold
34 on each pay day twelve per cent of the regular compensation of each employee who is a member of the

35 state police appointed pursuant to section 10 of chapter 22C, and is a member in service of the system,
36 which is received on such day by such member on account of service rendered by him on or after July
37 1, 1996, and not later than the date of his attaining the maximum age for his group in the case of such
38 employee who entered the service of said state police on or after July 1, 1996; and withhold on each
39 pay day twelve per cent of the regular compensation of each employee who is eligible to receive
40 benefits provided for pursuant to section 26A; provided, however, that in the case of any teacher such
41 withholding shall be made upon written notice from the school committee, board of trustees or other
42 employing authority, to the treasurer or other disbursing officer of the political subdivision by which
43 such teacher is employed.

44 SECTION 3. Chapter 32 of the General Laws is hereby amended by inserting after section twenty-six
45 the following section:-

46 Section 26A. (1) As used in this section, the following words shall, unless the context otherwise
47 requires, have the following meanings:-

48 “Public Safety Officer” a probation officer; or trial court officer; or a police officer; or a corrections
49 officer; or a firefighter; or an environmental police officer.

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

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

60 (3) Upon retirement under the provisions of this subdivision, a member shall receive a retirement
61 allowance to become effective on the date of his retirement. Payments under such retirement
62 allowance shall be made as provided for in sections twelve and thirteen and the normal yearly amount
63 thereof shall be equal to sixty percent of the average annual rate of his regular compensation received
64 by such member during any period of three consecutive years of creditable service for which such rate
65 of compensation was the highest, or on the average annual rate of regular compensation received by
66 such member during the period or periods, whether consecutive or not, constituting his last three years
67 of creditable service preceding his retirement, whichever is the greater, provided, that the total amount
68 of the allowance shall be increased by one-twelfth of three percent for each full month of service in
69 excess of twenty years of service; provided, however, that such retirement allowance shall in no case
70 exceed seventy-five percent of such regular compensation. Any such member retired under the
71 provision of this subdivision who is a veteran as defined in section one shall receive an additional
72 retirement allowance of fifteen dollars for each year of creditable service or fraction thereof; provided,
73 that the total amount of said additional retirement allowance shall not exceed three hundred dollars in
74 any case.

75 (4) Any provision of sections one to twenty-eight, inclusive, which are inconsistent with any provision
76 of this section, shall not apply to any member so classified under this section; provided however that

77 any member with less than twenty years of creditable service as a public safety officer upon retirement
78 shall be retired in accordance with the provisions of paragraph (a) and (b) of subdivision (2) of section
79 five of chapter 32, and subject to the limitation set forth in paragraphs (c) and (d) of said subdivision
80 (2), and shall be based on such member's age and number of years and full months of creditable
81 service on the date the retirement allowance become effective.

82 (5) The actuary, acting under the provisions of paragraph (g) of subdivision (3) of section twenty one,
83 shall require each board to obtain certain information from each member eligible for the retirement
84 benefit under this section, including the name, date of birth, prior contribution rate, date of hire and
85 any other information required by the actuary for the purposes of the report required under said
86 paragraph (g).

87 SECTION 4. Any member of a retirement system who meets the definition of public safety officer as
88 defined by section twenty-six A of chapter thirty-two on the effective date of this act may elect in
89 writing to participate in the alternative public safety retirement benefit provided under said section
90 twenty-six A within two hundred and seventy days of the date this act takes effect. Any such election
91 shall become effective on the first day of pay period next following such election, and shall constitute
92 a waiver of any retirement benefits provided under section five or section ten of chapter thirty-two.
93 Any member making such an election shall be required to make a minimum of three years' of
94 retirement contributions at the rate of twelve percent; provided, however that if said member chooses
95 to retire before he has made said three years of contributions at twelve percent, said member shall pay
96 into the annuity savings fund or have deducted from his retirement allowance an amount equal to the
97 contributions that would have been made had such member remained in service for three years at the
98 rate of regular compensation from which he retired. The election by an eligible member to participate

99 in the alternative public safety retirement benefit provided for under said section twenty-six A shall be
100 irrevocable.

101 SECTION 5. The additional contributions required under paragraph (b1/2) of subdivision (1) of
102 section 22 shall not apply to any public safety officer as defined by section twenty-six A of said
103 chapter thirty-two.

