

MEMORANDUM

TO: All Retirement Boards

FROM: Joseph E. Connarton, Executive Director

RE: New Information Required for Accidental Disability Allowance Calculations

DATE: September 2, 2009

Chapter 21 of the Acts of 2009 amended G.L. c. 32, § 7(2)(a)(ii), and as a result, the amount of regular compensation to be used in the calculation of an accidental disability allowance has changed. In the amended section below, deleted language has been crossed out and new language has been underlined:

ii) A yearly amount of pension equal to seventy-two per cent of the annual rate of his regular compensation on the date such injury was sustained or such hazard was undergone, ~~or equal to seventy-two per cent of the average annual rate of his regular compensation for the twelve-month period for which he last received regular compensation immediately preceding the date his retirement allowance becomes effective, whichever is greater; provided, however, provided, however, that if an individual was in a temporary or acting position on the date such injury was sustained or hazard undergone~~ the amount to be provided under this subdivision shall be based on the average annual rate of the individual's regular compensation during the previous 12-month period for which he last received regular compensation immediately preceding the date such injury was sustained or such hazard was undergone; provided, further that for any employee who was not a member in service on or before January first, nineteen hundred and eighty-eight or who has not been continuously a member in service since that date, the total yearly amount of the sum of such pension and the annuity as determined in accordance with the provisions of clause (i) shall not exceed seventy-five per cent of the annual rate of regular compensation as determined in this paragraph; and provided further, that no individual who is a member in service on January first, nineteen hundred and eighty-eight, whose allowance is limited by the seventy-five per cent limitation as established in this paragraph shall receive an amount of



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pension that is less than seventy-two per cent of such individual's regular compensation on said January first, nineteen hundred and eighty-eight; and

As you can see from the foregoing, the allowances of members serving in an acting or temporary position on the date of injury are calculated using a different amount of regular compensation than those not in an acting or temporary position.

- If the member was not in an acting or temporary position, the pension portion of the allowance calculated pursuant to G.L. c. 32, § 7(2)(a)(ii) is 72% of the annual rate of his regular compensation on the date such injury was sustained or such hazard was undergone.
- If the member was in an acting or temporary position, the pension portion of the allowance calculated pursuant to G.L. c. 32, § 7(2)(a)(ii) is 72% of the average annual rate of the individual's regular compensation during the previous 12-month period for which he last received regular compensation immediately preceding the date such injury was sustained or such hazard was undergone.

Attached is a form that must accompany all calculations for accidental disability retirement that are submitted after this date. If you have questions, please contact this office.

Attachment