

LETTER FROM THE EXECUTIVE DIRECTOR

I wish to recognize the recent passing of three long-time retirement board members: Robert E. Ford of Watertown, Lawrence Sullivan of Lowell, and R. Arnold Wakelin, Jr., of Wellesley. Each exemplified the best traditions of public service. In their own individual way, they made a great difference in their respective communities, where they served selflessly. On behalf of the Commission and our staff, I extend our sympathies to the families and communities of these fine men.

On December 2, 2004, PERAC presented the last of six classes the Commission offered on the audit cycle and findings and pension related changes in the Massachusetts General Laws and Federal Statutes. One hundred and eighty-five attendees from ninety retirement systems participated. Twenty-five boards were represented by three or more individuals.

I am very encouraged by this strong turnout. It was especially gratifying to read the evaluation forms that students completed. One veteran administrator wrote, "All four presentations were very important and worthwhile for me

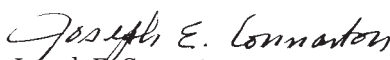
as the Administrator of our System. The presenters were all excellent and did a great job. The material[s] will be great reference tools. The questions and answers were very helpful." And to my amusement, another even noted, "Really enjoyed [the presentations]. I didn't even want to sleep!"

To those who participated, thanks for coming. For those who could not attend, please visit PERAC's Home Page: www.mass.gov/perac to download copies of the reference materials (see Publications/Educational Materials.)

These classes were an equally positive experience for our PERAC staff members, and we look forward to sponsoring additional course offerings in the coming months.

In closing, I want to extend my best wishes to everyone for a very happy holiday season.

Sincerely,


Joseph E. Connarton

IMPORTANT NOTICE TO SYSTEMS & THEIR EMPLOYERS

Beginning on January 1, 2005 each new employee is to be given a copy of the form, *Statement Concerning Your Employment in a Job Not Covered by Social Security*, prior to the start of his or her employment. The employee is to sign the form, and a copy is to be filed with the retirement board. Copies of the form can be obtained from the PERAC Web site, (www.mass.gov/perac/04memos/4504a.pdf).

The completion of this form is mandated by a new provision of federal law. Please share the form and instructions with all of the governmental units with employees

who are members of your system. When an employee becomes a member of the system, the employer must provide the board with a signed copy of the form. The form must be retained in the member's file.

For information about the Government Pension Offset and the Windfall Elimination Provisions, you may wish to review the materials contained on the Social Security Administration's Web site, (www.ssa.gov/gpo-wep/).

If you have questions, please feel free to contact PERAC's Legal Counsel, Barbara Phillips at ext. 902.

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NEW RULING ON INVOLUNTARY RETIREMENT PROCESS

The Division of Administrative Law Appeals recently ruled that a member who is being retired for involuntary disability may not prevent or delay the approval of his or her retirement. A Fire Chief filed an involuntary accidental disability retirement application on behalf of an injured fire fighter. After the retirement board approved his disability, the member sought to have the board reconsider its

approval because of the possibility of an early retirement incentive.

The member appealed both the board's refusal to reconsider its approval without the Fire Chief's assent and PERAC's approval of the disability. The Magistrate ruled, "The fact that [the member] cooperated with this application ... did not take away the right of the Chief to control

whether to withdraw the application or to agree to have the Retirement Board table its determination on it." The Magistrate distinguished this case from *Nasuti v. Saugus Retirement Board*, which allows a member who was not retired for involuntary disability to appeal the denial. Objections to this decision have been filed with the Contributory Retirement Appeal Board.

2005-2006 LEGISLATIVE SESSION APPROACHES

The 2005-2006 Session of the Massachusetts General Court will begin on January 5, 2005. As always, PERAC anticipates monitoring hundreds of bills impacting the Massachusetts public pension system.

Last session, as part of the FY'05 budget deliberations, the Legislature passed 16 Outside Sections proposed by PERAC. These included: a section that eliminates the possibility of a single individual

receiving two death benefits; sections to strengthen the Section 91A reporting for disability recipients; sections to assist surviving children of certain retirees who are enrolled in accredited educational institutions; and sections related to Section 15 notifications of those convicted of felonies related to the conduct of their public offices. PERAC is pleased to report that the Section 15 notification provisions are already beginning to provide solid information on Section 15-related cases.

This session PERAC filed a bill (H. 13) that would make the allowance paid to surviving children in cases where an accidental death benefit is payable equal to the supplemental benefit payable to dependents of accidental disability retirees.

PERAC will periodically inform the Massachusetts public pension community of important pension-related activities at the General Court during the 2005-2006 session.

JOIN THE PENSION NEWS E-MAIL LIST

If you're a member of the Massachusetts public pension administration community, PERAC welcomes you to join our e-mailing list for *Pension News*. You will receive

updates on public pension issues, PERAC activities, upcoming events, legislative activity, and recent legal decisions. The goal of *Pension News* is to bring a timely

and helpful focus on the issues of the day. Please send e-mail addresses to Sarah Kelly (Sarah.Kelly@state.ma.us).