

807 CMR 13.00: TRANSFER OF MEMBERSHIP OF RETIREMENTPLUS MEMBERS

Section

- 13.01: Purpose
- 13.02: Definitions
- 13.03: Refunds
- 13.04: Transfers In
- 13.05: Transfers Out

13.01: Purpose

The purpose of 807 CMR 13.00 is to bring certainty and definiteness to the requirements of M.G.L. c. 32, § 5(4) and St. 2022, c. 134, governing the elections regarding the enhanced superannuation retirement plan, “RetirementPlus,” provided in that statute for Transferees. Specifically, the purpose is to clarify the election opportunities available to:

- (1) members transferring into the Massachusetts Teachers’ Retirement System (“MTRS”) whether they have already made an election regarding RetirementPlus, or who have failed to do so;
- (2) members who have taken refunds;
- (3) members transferring out of the MTRS, consistent with the statutory requirement that all such elections be irrevocable; and
- (4) members who are mandatory RetirementPlus participants who transfer out of the MTRS.

13.02: Definitions

For purposes of 807 CMR 13.00, the following terms shall have the following meanings:

Elect or Election shall mean the filing with the MTRS of a written decision, in a form prescribed by the MTRS, to participate or not to participate in the RetirementPlus program.

Election Opportunity shall mean the 180-day election “window” available to some Transferees in M.G.L. c. 32, § 5(4). Said election “window” shall begin on the date when the MTRS notifies the member that it has received the transfer of the member’s account from the other contributory retirement system. A surviving spouse who is eligible for a member survivor allowance may make an election within this period if the member had not previously made an election. An election made during the “window” will relate back to the first day the MTRS received payroll deductions on behalf of the member.

Make up Payments shall mean payments the amount of which equals the difference between the contributions received by the MTRS, and the contribution rate in effect for RetirementPlus from the member's regular compensation through the date the MTRS first invoices the member, plus buyback interest accruing after the initial due date of this invoice through the date of MTRS’s receipt of its full payment.

RetirementPlus shall mean the enhanced superannuation retirement allowance provided for in M.G.L. c. 32, § 5(4). This term includes the Teachers’ Alternate Retirement Program (“TARP”) of the State-Boston Retirement System.

Transferee shall mean any member of another M.G.L. c. 32 contributory retirement system who is transferring his or her membership to the MTRS, or a member of the MTRS who is transferring to a M.G.L. c. 32 contributory retirement system other than the MTRS or the State-Boston Retirement System.

13.03: Refunds

Any MTRS member who takes a refund of accumulated total deductions pursuant to M.G.L. c. 32, § 10(4) and after July 1, 2001 re-establishes membership with the MTRS or the State-Boston Retirement System shall be a mandatory participant in RetirementPlus.

Any MTRS member who takes a refund of accumulated total deductions pursuant to M.G.L. c. 32, § 10(4) and after July 1, 2001 establishes membership with another contributory retirement system other than the State-Boston Retirement System, and later transfers to the MTRS, shall be treated like any other Transferee.

13.04: Transfers In

(1) Except as provided in 807 CMR 13.04(2) and (3), any Transferee into the MTRS who is not a mandatory RetirementPlus participant shall have an Election Opportunity.

(2) Because an election opportunity is irrevocable, any Transferee into the MTRS who, since his/her date of membership (or re-establishment of membership after a refund), has made an election to participate or not participate in RetirementPlus (or who failed to so elect when an opportunity was available), shall not have another Election Opportunity. The rights of such a Transferee shall be governed by his or her previous election or non-election.

(3) Any Transferee into the MTRS who is or was a mandatory participant in RetirementPlus shall not have an Election Opportunity.

13.05: Transfers Out

In transferring the account of a Transferee who was not a mandatory participant in RetirementPlus to another contributory retirement system, the MTRS will transfer the entire account and break out for the other retirement system the difference between the “excess” RetirementPlus contributions and the non-RetirementPlus retirement contribution rate.

REGULATORY AUTHORITY

807 CMR 13.00: M.G.L. c. 15, § 16 and c. 32, § 20(5)(b).