

## 807 CMR: TEACHERS' RETIREMENT BOARD

### 807 CMR 21.00: MATERNITY SERVICE CREDIT

#### Section

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#### 21.01: Purpose

The purpose of 807 CMR 21.00 is to establish the procedure for the granting of creditable service for maternity leave, as authorized by M.G.L. c. 32, § 4(1)(g<sup>3/4</sup>), and to provide guidance as to the Board's interpretation of the statute. 807 CMR 21.00 supplements the provisions of M.G.L. c. 32, § 4(1)(g<sup>3/4</sup>).

#### 21.02: Definitions

For purposes of 807 CMR 21.00:

Leave is an authorized unpaid absence from employment as a teacher in Massachusetts, a period of unemployment after resignation as a teacher in Massachusetts, or a period following a break in active membership as a teacher due to the member working on a basis of less than half time. The Leave must be immediately preceded by membership service. A termination of employment as a teacher for cause (other than maternity) shall not be considered a Leave. The Leave will be considered terminated upon re-entry into membership service in a Massachusetts contributory retirement system on at least a half time basis.

Maternity Leave is a Leave that begins no more than nine months before the birth or adoption of a child. The Board may request any documents that it determines are needed to make this determination including, but not limited to, birth certificates, adoption records, or documents establishing termination of employment or the Leave. A Leave that the Board determines is for a reason other than the birth or adoption of a child is not a Maternity Leave.

Member is a retired member of the Teachers' Retirement System, or if deceased such retired member's estate or Option C beneficiary, who was alive on April 2, 2012 and who retired before September 1, 2000. "Member" does not include a member who was an inactive member of the System if the member retired on or after September 1, 2000.

#### 21.03: Applicability

807 CMR 21.00 applies to all eligible members regardless of gender.

#### 21.04: Service That Can Be Credited

- (1) A Member may receive creditable service pursuant to M.G.L. c. 32, § 4(1)(g<sup>3/4</sup>) for any Maternity Leave that begins before January 1, 1975, even if such Leave extended beyond that date.
- (2) A Member may receive creditable service equal to the duration of each Maternity Leave, up to a maximum of four years.
- (3) In no event may a Member receive more than the statutory maximum of four years, regardless of the number of Maternity Leaves.
- (4) A Member shall receive full creditable service equal to the full years and full months of the Maternity Leave (*i.e.*, full-time credit, not pro-rated).
- (5) One year shall equal the Member's normal work year immediately preceding the Maternity Leave. A Member can receive only those months normally worked immediately before the Maternity Leave.

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### 21.05: Implementation

A Member must apply to receive creditable service pursuant to M.G.L. c. 32, § 4(1)(g<sup>3/4</sup>) on the form provided by the System for that purpose.

### REGULATORY AUTHORITY

807 CMR 21.00: M.G.L. c. 15, § 16; c. 32, §§ 4(1)(g<sup>3/4</sup>) and 20(5)(b).