

807 CMR: TEACHERS' RETIREMENT BOARD

807 CMR 6.00: REGULAR COMPENSATION

Section

6.01: Definition

6.02: Regular Compensation

6.03: Early Retirement Incentives

6.01: Definition

The purpose of 807 CMR 6.00 is to clarify and standardize what shall be considered as regular compensation for purposes of retirement. Standardizing and clarifying regular compensation will enable the retirement board to ensure consistency and accurate calculation of all member retirements, and to guarantee compliance with its fiduciary responsibility as provided in M.G.L. c. 32.

For the purpose of 807 CMR 6.00, annual contract shall have the following meaning: In the case of a member covered by a collective bargaining agreement, the annual contract is the collective bargaining agreement for the unit which governs the rights of that member whether it is a one year or multi-year agreement. In the case of a member not covered by a collective bargaining agreement, the annual contract is the individual employment agreement which governs the rights of the member whether it is a one year or multi-year agreement.

6.02: Regular Compensation

(1) The term regular compensation as defined by M.G.L. c. 32, § 1 and further defined by 840 CMR 15.03: *Regular Compensation* shall include salary payable under the terms of an annual contract for additional services so long as:

- (a) The additional services are set forth in the annual contract;
- (b) The additional services are educational in nature;
- (c) The remuneration for these services is provided in the annual contract;
- (d) The additional services are performed during the school year.

(2) During such period the term regular compensation as so defined shall not include:

- (a) Any amounts paid for special projects involving tasks which are not performed on a year to year basis;
- (b) Any amounts paid for work performed during the summer months unless the member's position in which he or she is employed during the school year requires that he or she work for 11 or 12 months and the annual contract provides for same;
- (c) Any amounts paid as an allowance which the Board considers a necessary cost of employment;
- (d) Any amounts paid as a reimbursement for a necessary cost of employment;
- (e) Any amounts paid as a career incentive which do not become part of the member's base salary;
- (f) Any other payment made as a result of the employer having knowledge of the member's retirement.

6.03: Early Retirement Incentives

(1) The term early retirement incentive shall include but not be limited to the following and shall not be considered as regular compensation:

- (a) Any amounts termed a longevity which are paid as a result of the employer having knowledge of the member's retirement;
- (b) Any amounts paid as a retroactive increase in salary provided in an annual contract that has been renegotiated as a result of the employer having knowledge of the member's retirement;

807 CMR: TEACHERS' RETIREMENT BOARD

6.03: continued

- (c) Any amounts paid as salary which in prior years were paid as a reimbursement or an allowance for the necessary costs of employment as a result of the employer having knowledge of the member's retirement;
- (d) Any amounts paid as salary for additional duties which do not become a permanent component of the job description as a result of the employer having knowledge of the member's retirement.

REGULATORY AUTHORITY

807 CMR 6.00: M.G.L. c. 15, § 16.