

840 CMR 12.00: SERVICE AFTER AGE 65

Section

12.01: Notice to Members

840 CMR 12.00 is the standard rule for service after age 65 promulgated by the Public Employee Retirement Administration Commission pursuant to M.G.L. c. 7, § 50 and St. 1987, c. 415.

Except as otherwise provided by the Commission, by supplementary rules of a particular retirement board approved by the Commission pursuant to 840 CMR 14.02: *Supplementary Rules*, or by statute, 840 CMR 12.00 shall govern the procedures of all retirement boards relating to service after age 65.

12.01: Notice to Members

(1) No member may continue in service after age 65 if the member is in an occupation or position classification for which the personnel administrator determines by regulation that age is a *bona fide* occupational qualification or is in one of the following occupations or position classifications unless the personnel administrator determines by regulation that age is not a reasonably necessary *bona fide* occupational qualification:

- (a) uniformed member of a paid fire department;
- (b) uniformed member of a police department;
- (c) member of the department of fisheries and wildlife, as determined by the personnel administrator;
- (d) correctional officer;
- (e) permanent crash crewman, crash boatman, fire controlman, or assistant fire controlman employed at the General Edward Lawrence Logan International Airport.

(2) If the board determines that the member is in an occupation or position classification which requires that the member retire at age 65, the board shall notify the member 120 days prior to the date the member is required to retire.

REGULATORY AUTHORITY

840 CMR 12.00: M.G.L. c. 7, § 50; c. 32, § 21.