



# Instructions

## Application For a Waiver of Education Restrictions

Pursuant to Massachusetts General Laws, Chapter 32, Section 20(7)

Form Last Revised: April, 2020

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### Who Should Complete this Form?

Retirement board members are required to complete 18 credits of training per term with a minimum of 3 credits and a maximum of 9 credits per year. Members who experience Individual Extenuating Circumstances (IECs) may apply for a waiver of the annual credit requirement, provided they complete the mandatory 18 credit requirement before the end of their term.

### What are Individual Extenuating Circumstances?

Retirement board members may experience difficulties, problems and illnesses which are part of normal life. Such issues do not constitute Individual Extenuating Circumstances. IECs must be extraordinary in nature and more specifically they must:

- Be unexpected
- Be beyond the retirement board member's control
- Have a significant impact on the member's ability to complete the educational requirements

It is not possible to be entirely descriptive in relation to what does and does not constitute valid IECs. However, the Commission will use the following guidance in determining if particular circumstances may be accepted as valid IECs.

### Circumstances That Qualify as IECs

The following examples would be likely to be considered as valid IECs if the timing were such as to have a significant impact on the retirement board member's ability to complete training hours during a term:

- Death or sudden serious illness of a close relative or household member
- A serious or incapacitating injury, illness, or medical condition (or a sudden, marked deterioration in an on-going or longer-term condition), or an emergency operation
- Serious unexpected disruption of personal life

In order to qualify for an IEC you must submit your supported request explaining the qualifying circumstances. All documents will be protected from public disclosure as legally required.

### Circumstances That Do Not Qualify as IECs

Generally, the following would be unlikely to be considered as valid IECs:

- Minor illnesses or ailments
- Personal/domestic events which could have been anticipated and/or planned otherwise (e.g., relocating; marrying; routine childcare)
- Choices and preferences in personal life (e.g., attending a wedding; holidays; attending social events)
- Poor management of time or misunderstanding deadlines/dates
- Failure of computer or other equipment being used to perform training hours
- Individual transport/travel problems
- Inability to demonstrate that member participated in a training course
- Demands of employment
- Failure of staff to inform the retirement board member that training hours must be performed by said retirement board member

## Other Ineligible Extenuating Circumstances

From time to time, a structural or weather problem will occur with a training. For example, a fire alarm may disrupt training hours from taking place or weather will cause a training to be cancelled. These circumstances are referred to as General Extenuating Circumstances and will usually have impacted a group of retirement board members. Members should plan their 12-month education commitment accordingly, as unforeseen circumstances such as snowstorms will cause cancellations. This is not the type of circumstance that would warrant relief under this statute.

## Where to submit this form

You may mail, email, or fax your completed form to our office. Please send a copy to your board administrator.

**Mail:** PERAC, Attn: Compliance Unit, 5 Middlesex Avenue, Suite 304, Somerville, MA 02145

**Email:** TJODonnell@per.state.ma.us

**Fax:** 617-628-4002

## G.L. c. 32, § 20(7)

### Retirement Board Member Training

During each full term of service retirement board members shall undertake 18 hours of training; provided, however, that not less than 3 hours of such training shall take place each year and not more than 9 hours may take place in any single year; provided, however, that nothing in this subdivision shall prohibit such retirement board members from undertaking more than 18 hours of training. ***A board member may petition the commission for a waiver of the restrictions pertaining to training hours per year due to extenuating circumstances, provided that the member completes the required 18 hours of training during their term.***

Such training shall consist of 9 hours sponsored by the commission, which shall include, at a minimum, the topics of fiduciary responsibility, ethical conduct and conflict of interest and 9 hours of training on topics prescribed by the commission provided by the Massachusetts Association of Contributory Retirement Systems or other local, state, regional and national organizations recognized by the commission as having expertise in retirement issues of importance to retirement board members or other entities, as the commission may determine.

The commission shall arrange for at least 18 sessions during each year for members to complete this requirement. In addition, the commission shall schedule additional sessions or otherwise make accommodations to ensure that members are afforded the maximum opportunity to complete this requirement.

The commission shall annually provide retirement boards with a statement of completion of education form on or before December 31. The board shall provide the forms to their members. The form shall set forth the training as required by this subdivision the member has undertaken during that year. Board members shall submit the completed form to the commission by January 31 of the year following. The commission shall annually provide the member with a summary of the member's status regarding the completion of this requirement by March 1.

Failure to successfully complete the requirements of this subdivision shall prohibit a board member from serving beyond the conclusion of the term in which the failure took place. If the non-complying member is an ex-officio member or a second member, of a board the appointing authority for the second member shall appoint a different individual to serve on the board; provided, however, that the replacement of an ex-officio member shall be an individual experienced in the field of finance or auditing; and provided further, that in a regional retirement system non-complying members shall be replaced in the same manner as is set forth for the selection of the members.

Each retirement board shall notify all board members and prospective board members of the requirement to complete education requirements at the time of receiving information about seeking election to a retirement board or prior to being appointed to a retirement board.

The commission shall annually notify board members of the requirement to complete continuing education.

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### Board Member Information:

Member Name:

Member Email Address:

Phone:

Retirement Board:

Your Retirement Board Term Dates (mm/dd/yy-mm/dd/yy):

Term Year for Which You are Seeking a Waiver:

### Extenuating Circumstances

Please describe Extenuating Circumstances and/or attach documentation evidencing extenuating circumstances (please do not submit medical records with this form):

What is your proposed plan to achieve 18 credits before the end of your term?

Signature:

Date: