

MEMORANDUM

TO: All Retirement Boards

FROM: Joseph E. Connarton, Executive Director

RE: Disability Regulations and Signed Transmittals

DATE: April 13, 2016

On March 25, 2016 the Commission issued Memorandum #13 of 2016 which detailed some of the changes that have been made to the disability retirement regulations (840 CMR 10.00). The regulations became effective March 11, 2016 and require that all voting members of a board sign each disability transmittal which is sent into PERAC for its review pursuant to G.L. c. 32, §§ 21(1)(d) and 21(4).

The provisions of 840 CMR 10.13(1)(a) now require:

(a) Decision to Grant Application: Information to be sent to PERAC. If the retirement board decides to grant an application for disability retirement, a copy of the decision approved and **signed by the voting members of the board** shall be sent to PERAC on the appropriate form...(Emphasis added).

All voting members must sign the transmittal, regardless of whether they voted for or against the disability. Those voting against the disability may indicate that next to his or her signature. We may amend the disability transmittal form as part of our ongoing form project in order to allow for a board member to indicate whether they voted for or against a disability. However, all as indicated above, all voting board members must sign the transmittal.

We understand that many of the boards may have met and voted just prior to the issuance of Memorandum #13 and were unaware of the signature requirement. In order to give boards the opportunity to conform their practices to this new requirement, we will process and approve all accidental and ordinary disability applications and accidental death applications received, even without conforming signatures, until April 29, 2016. Effective May 2, 2016, any application which is sent to PERAC without the required signatures on the transmittal of each voting board member will be remanded to the Board.

If you have any questions, please contact this office.

