

MEMORANDUM

TO: All Retirement Boards
FROM: Joseph E. Connarton, Executive Director
RE: Forfeiture of Retirement Allowance for Dereliction of Duty by Members
DATE: August 30, 2016

As you are aware, under G.L. c. 32, §15, a member who is charged with misappropriation of funds or convicted of an offense related to funds of the governmental unit/system or of certain enumerated crimes or crimes related to the laws applicable to his/her office or position may lose the right to his/her retirement allowance and/or accumulated total deductions.

It is important to note that the different provisions of G.L. c. 32, § 15 have different effective dates, different requirements, and different penalties. The effective dates of G.L. c. 32, § 15 are as follows:

- § 15(1) and (3) have been in effect from the origin of G.L. c. 32 through the present.
- § 15(3A) applies to any applicable convictions on or after January 4, 1983.
- § 15(4) applies to any applicable criminal offenses committed on or after January 12, 1988.
- § 15(5) require District Attorneys (“DA”) and the Attorney General (“AG”) to advise PERAC of a final conviction that could mandate the forfeiture of the retirement allowance of a current or former public employee (July 1, 2004).

On October 25, 2002 the Commission, pursuant to the provisions of G.L. c. 32, § 23(4) and 840 CMR 27.00 et seq., issued an Order to all retirement boards directing them to provide the Commission with an informational summary related to any investigations, hearings, findings, and decisions that had been made pursuant to the provisions of § 15.

The Commission is forwarding a partial list, derived from the DAs and the AG notifications, as well as prior board notifications, of those public employees that may or may not be affected by the mandates of G.L. c. 32, § 15. Please review the attached respective list as reported by the DA’s and the AG. Notify the Commission of any updates, discrepancies, or additions and provide the Commission with copies of all relevant documents related to any investigations, hearings, findings, and decisions since the date of the Order of October 26, 2002 to the current date. Please provide the above information to Kim Boisvert by September 30, 2016. You may mail or e-mail Kim Boisvert at KEBoisvert@per.state.ma.us. It is our intention to make a list available to all retirement boards of all public employees who are no longer statutorily eligible to join a C. 32 retirement system.

Thank you for your attention in this matter and please contact this office with any questions or concerns relative to this request.

Attachment

