

**MASSACHUSETTS**  
Public Employee Retirement Administration Commission  
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## M E M O R A N D U M

TO: All Retirement Boards

FROM: Joseph E. Connarton, Executive Director

RE: ADEA Correction Bill

DATE: July 10, 2000

The Governor has signed Chapter 123 of the Acts of 2000. After many years of effort by PERAC, the State and Teachers' Retirement Boards, the Office of the Attorney General, and other retirement boards, this important bill will take effect on September 28, 2000. This Act removes the age limitations in G.L. c. 32 which have been or likely will be found to violate the federal Age Discrimination in Employment Act and the Older Worker Benefit Protection Act. It is expected that the passage of this act will minimize the litigation on this issue and save money for the Commonwealth and retirement systems.

A section by section analysis and copy of this Act is enclosed. While many of the sections of the Act are only intended to remove previously invalidated provisions from the law, some important issues are addressed:

- The definition of maximum age has been changed to only include public safety employees. Non-public safety employees will no longer have a maximum age.
- Removes the prohibition on members receiving a return of their accumulated deductions if they are eligible for a retirement allowance and over age 55.
- Removes the age limits for receiving a G.L. c. 32, § 10 allowance.
- Removes the age limit of 55 for receiving an ordinary disability retirement. Any eligible member may now apply for an ordinary disability retirement.
- Removes the limitation on working past maximum age for all employees, except public safety employees.

We trust the foregoing is of assistance. If you have further questions or concerns, please contact this office.