



## Memorandum # 34/2004

Commonwealth of Massachusetts | Public Employee Retirement Administration Commission  
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### MEMORANDUM

TO: All Retirement Boards

FROM: Joseph E. Connarton, Executive Director

RE: Reinstatement to Service under G.L. c. 32, § 105

DATE: September 13, 2004

As boards were notified in PERAC Memorandum # 25/2005, the Legislature recently added G.L. c. 32, § 105 to the retirement law. This section allows members receiving superannuation or termination retirement allowances to reenter the retirement system upon repayment (or repayment agreement) of the amount of superannuation/termination retirement allowance received to the date of reinstatement plus actuarial assumed interest. Enclosed please find a new form entitled *Application For Reinstatement To Service From Superannuation/Termination Retirement Pursuant To G.L. c. 32, § 105* which allows members to apply for reinstatement under this section.

Since some members must repay large amounts of money and all members must work at least five years of full time employment (though they need not necessarily earn five years of creditable service), interested individuals should carefully consider whether reinstatement is appropriate in their situations. Boards should carefully counsel interested members to assure that they are aware of the requirements and benefits of this section. Boards should complete the first portion of this form and provide it to such members. Upon signing this form, the members are transformed from retiree status to member in service status.

In situations where a member is being reinstated to a different retirement system than the one from which he or she retired, coordination between the two systems will be necessary. Payment(s) must be made to the system from which the member retired while the member contributes to the new system. Issues concerning payments made under G.L. c. 32, § 3(8)(c) are also relevant when two or more systems are involved. The Commission's staff is available to provide technical assistance to boards in making determinations related to G.L. c. 32, § 105.

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