

MEMORANDUM

TO: All Retirement Boards

FROM: Bill Keefe, Executive Director

RE: Repeal of the Social Security Windfall Elimination Provision and Government Pension Offset

DATE: January 7, 2025

On January 5, 2025, President Biden signed into law The Social Security Fairness Act, which repealed the Windfall Elimination Provision (“WEP”) and Government Pension Offset (“GPO”) provisions of Social Security. This law has a retroactive effective date of January 1, 2024, which means that the Social Security Administration (“SSA”) will be required to recalculate benefits for anyone impacted during 2024.

The WEP and GPO have negatively impacted thousands of Massachusetts public employees and their beneficiaries for decades. The WEP is a formula used to decrease Social Security worker benefits for individuals who receive “non-covered pensions” (i.e., Chapter 32 retirement benefits) and qualify for Social Security benefits based on Social Security-covered earnings. The GPO adjusts spousal Social Security or widow(er) benefits for individuals who receive “non-covered pensions.”

While this is not a specific Chapter 32 issue, between media coverage and the widespread impact of this development, it is bound to be an issue that retirement boards will face. From our understanding, there is nothing for members to do at this point. The SSA will need time to implement the changes in the law and process recalculations. Beyond general questions, it is best to direct any member or beneficiary inquiries to their local Social Security Office, which can be found by entering a ZIP code at this SSA website: <https://secure.ssa.gov/ICON/main.jsp>. If Boards can communicate this information via newsletter, website, email, mail or other means, it would help in ensuring notification to all who may be impacted.

Pursuant to Federal Law and PERAC Memoranda #45 of 2004 and #5 of 2006, members of Chapter 32 systems have been required to sign Form SSA-1945 upon becoming employed in the public sector in Massachusetts, acknowledging the potential impacts of the WEP and GPO. Given that the WEP and GPO have been repealed, PERAC advises that retirement boards pause on requiring the completion of this form until the SSA releases further guidance.

We trust the foregoing will be of assistance. If you have any further questions, please feel free to contact General Counsel Judith Corrigan at (617) 591-8904 or at judith.a.corrigan@mass.gov

