



PERAC HITS THE ROAD — NORTHAMPTON | HYANNIS | DANVERS

BOARD ADMINISTRATOR TRAINING

Dual Membership



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Definition

- Dual membership- active member in 2 or more systems after January 1, 2010
- Calculated as retiring solely from each system
- Each system shall pay the allowance attributable to membership in that system



Ch. 32 Section 5(2)(e)

- A person who has been a member of 2 or more systems and who, on or after January 1, 2010, has received regular compensation from 2 or more governmental units concurrently for greater than 60 days shall, upon retirement, receive a superannuation retirement allowance to become effective on the date of retirement that is equal to the sum of the benefits calculated pursuant to this section as though the member were retiring solely from each system...

NOTES:



Exceptions to the General Rule

- Vested in 2 or more systems as of 1/1/2010
- Greater than 60 days (2014 amendment)
- Positions with annual regular compensation less than \$5,000 (2014 amendment)
- Apply to last 5 years of service before retirement (2014 amendment)



Vested In One System - Retirement Options

- Withdrawal of contributions from non-vested system pursuant to Chapter 133 of 1992 (PERA Memo 21 of 1992)
- Retire from 2nd system with less than 10 years. This principle upheld in *Wesolowski v. Hampden County RRB*, CR-11-66.

NOTES:



Elected Officials and Dual Membership

- Ex-State employee and local elected official making more than 5K.
- MUST retire from both systems simultaneously
- Continue to serve without compensation
- Upon re-election, subject to earnings limitations



Vesting and 5(2)(e)

- Dual member worked 18 years total
- Does not have 10 years in either system
- Member is not eligible to retire

NOTES:



Refunds

- Member can take refund of lesser amount
- Does not undo 5(2)(e)
 - money from un-refunded system still not transferred to future System
 - no way to combine service
- What if member refunds both places?
 - cannot buy back the time



Miscellaneous

- There is no 3(8)(c) reimbursement
- Deductions are transferred
- Do not need 10 years in each Board, only in one of the Boards
- Does not apply to Ordinary Disability applications

NOTES:



Miscellaneous *(Continued)*

- 80% is applied to each benefit separately
- Dual membership must be after 1/1/10 and in the last 5 years of service
- Minimum allowance in Section 13 is N/A
- For post retirement earning capacity both salaries and pensions should be used



Conclusion

- 2014 amendments improved the application
- Membership education and counseling crucial in decision-making

NOTES:

COMMONWEALTH OF MASSACHUSETTS

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