

**HOUSE . . . . . No. 2367**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**James H. Fagan**

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to regulating the retirement benefits of certain public safety employees.

PETITION OF:

NAME:

James H. Fagan

DISTRICT/ADDRESS:

3rd Bristol

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 2475 OF 2007-2008.]

## The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine  
\_\_\_\_\_

### AN ACT RELATIVE TO REGULATING THE RETIREMENT BENEFITS OF CERTAIN PUBLIC SAFETY EMPLOYEES.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Subsection (3) of section 21 of Chapter 32 of the General Laws, as appearing in the 2006 Official  
2 Edition, is hereby amended by inserting after paragraph (f) the following subsection:—  
3 (g) the review and analysis of information required under section twenty-six A as it relates to the employees  
4 contribution rate changes and benefit changes under said section 26A. Such analysis shall focus on the contributions  
5 made by members and the normal cost of benefit changes under said section 26A. Beginning January first, two  
6 thousand and four and every five years thereafter, the actuary shall forward to the respective system such analysis.

7 SECTION 2. Subdivision (1) of section 22 of chapter 32 of the General Laws, as so appearing, is hereby amended  
8 by striking out paragraph (b) and inserting in place thereof the following paragraph:—

9 (b) The treasurer or other disbursing officer in charge of payroll in any governmental unit to which a system  
10 pertains, and the treasurer or other disbursing officer in charge of payrolls in any free public library the employees  
11 of which are eligible for membership in a system, shall, upon written notice from the board, withhold on each pay  
12 day five per cent of the regular compensation of each employee who is a member in service of the system, which is  
13 received on such day by such member on account of service rendered by him on or after January 1, 1946, and, not  
14 later than the date of his attaining the maximum age for his group, in the case of an employee who entered the  
15 service of the commonwealth or a political subdivision thereof prior to January 1, 1975; withhold on each pay day  
16 seven per cent of the regular compensation of each employee who is a member in service of the system, which is  
17 received on such day by such member on account of service rendered by him on or after January 1, 1975, and not  
18 later than the date of his attaining the maximum age for his group, in the case of an employee who entered the  
19 service of the commonwealth or a political subdivision thereof on or after January 1, 1975, but prior to January 1,  
20 1984; and withhold on each pay day eight per cent of the regular compensation of each employee who is a member  
21 in service of the system, which is received on such day by such member on account of service rendered by him on or  
22 after January 1, 1984, and not later than the date of his attaining the maximum age for his group, in the case of an  
23 employee who entered the service of the commonwealth or a political subdivision thereof on or after July 1, 1996;  
24 and withhold on each pay day twelve per cent of the regular compensation of each employee who is a member of the  
25 state police appointed pursuant to section 10 of chapter 22C, and is a member in service of the system, which is  
26 received on such day by such member on account of service rendered by him on or after July 1, 1996, and not later  
27 than the date of his attaining the maximum age for his group, in the case of such employee who entered the service

28 of said state police on or after July 1, 1996; and withhold on each pay day twelve percent of the regular  
29 compensation of each employee who is eligible to receive benefits provided for pursuant to section 26A; provided,  
30 however, that in the case of any teacher such withholding shall be made upon written notice from the school  
31 committee, board of trustees or other disbursing officer of the political subdivision by which such teacher is  
32 employed.

33 SECTION 3. Chapter 32 of the General Laws, as so appearing, is hereby amended by inserting after section 26 the  
34 following section:—  
35 Section 26A. (1) As used in this section, the following words shall, unless the context otherwise requires, have the  
36 following meanings:—  
37 “Public Safety Officer” a probation officer; or general or trial court officer; or a state corrections program officer; or  
38 a University of Massachusetts police officer; or an Alcoholic Beverages Control commission investigator; or a  
39 Bureau of Special Investigations investigator; or a social worker employed by the department of Mental Health,  
40 Forensic division.

41 (2) Any public safety officer employed as of the effective date of this act shall be retired by the appropriate  
42 retirement board upon his attaining age sixty-five; provided that any such public safety officer who has performed  
43 service as a public safety officer for not less than twenty years but including creditable service granted by paragraph  
44 (h) of subdivision (1) of section four and who has not attained the age of sixty-five may elect to retire pursuant to the  
45 provisions of this subdivision.  
46 Any public safety officer employed after the effective date of this act shall be retired by the appropriate retirement  
47 board upon his attaining age sixty-five; provided that any such public safety officer who has performed service as a  
48 public safety officer for no less than twenty years but including creditable service granted by paragraph (h) of  
49 subdivision (1) of section four and who has not attained the age of sixty-five shall be retired pursuant to the  
50 provisions of this subdivision.

51 (3) Upon retirement under the provisions of this subdivision, a member shall receive a retirement allowance to  
52 become effective on the date of his retirement. Payments under such retirement allowance shall be made as provided  
53 for in sections twelve and thirteen and the normal yearly amount thereof shall be equal to sixty percent of the  
54 average annual rate of his regular compensation received by such member during any period of three consecutive  
55 years of creditable service for which such rate of compensation was the highest, or on the average annual rate of  
56 regular compensation received by such member during the period or periods, whether consecutive or not, is  
57 constituting his last three years of creditable service preceding his retirement, whichever is the greater, provided,  
58 that the total amount of the allowance shall be increased by one-twelfth of three percent for each full month of  
59 service in excess of twenty years of service; provided, however that such retirement allowance shall in no case  
60 exceed seventy-five percent of such regular compensation. Any such member retired under the provision of this  
61 subdivision who is a veteran as defined in section one shall receive an additional retirement allowance of fifteen  
62 dollars for each year of creditable service or fraction thereof; provided, that the total amount of said additional  
63 retirement allowance shall not exceed three hundred dollars in any case.  
64 (4) Any provision of sections one to twenty-eight, inclusive, which are inconsistent with any provisions of this  
65 section, shall not apply to any member so classified under this section; provided, however, that any member with  
66 less than twenty years of creditable service as a public safety officer upon retirement shall be retired in accordance  
67 with the provisions of paragraphs (a) and (b) of subdivision (2) of section five of chapter 32, and subject to the  
68 limitations set forth in paragraphs (c) and (d) of said subdivision (2), and shall be based on such member’s age and  
69 number of years and full months of creditable service on the date the retirement allowance becomes effective.

70 (5) The actuary, acting under the provisions of paragraph (g) of subdivision (3) of section twenty-one, shall require  
71 each board to obtain certain information from each member eligible for the retirement benefit under this section,  
72 including the name, date of birth, prior contribution rate, date of hire and any other information required by the  
73 actuary for the purposes of the report required under said paragraph (g).

74 SECTION 4. Any member of a retirement system who meets the definition of public safety officer as defined by  
75 section twenty-six A of chapter thirty-two on the effective date of this act may elect in writing to participate in the  
76 alternative public safety retirement benefit provided under said section twenty-six A within one hundred eighty days  
77 of the date this act takes effect. Any such election shall become effective on the first day of pay period next  
78 following such election, and shall constitute a waiver of any retirement benefits provided under section five or

79 section ten of chapter thirty-two. Any member making such an election shall be required to make a minimum of  
80 three years' of retirement contributions at the rate of twelve percent; provided, however, that if said member chooses  
81 to retire before he has made said three years of contributions at twelve percent, said member shall pay into the  
82 annuity savings fund or have deducted from his retirement allowance an amount equal to the contributions that  
83 would have been made had such member remained in service for three years at the rate of regular compensation  
84 from which he retired. The election by an eligible member to participate in the alternative public safety retirement  
85 benefit provided for under said section twenty-six A shall be irrevocable.

86 SECTION 5. The additional contributions required under paragraph (b<sup>1/2</sup>) of subdivision (1) of section 22 shall not  
87 apply to any public safety officer as defined by section twenty-six A of said chapter thirty-two.