

HOUSE No. 2433

The Commonwealth of Massachusetts

PRESENTED BY:

Bruce J. Ayers

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 adoption of the accompanying bill:

An Act relative to group classification.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Bruce J. Ayers</i>	<i>1st Norfolk</i>	<i>1/20/2023</i>
<i>Deborah B. Goldberg</i>	<i>Treasurer, Office of the State Treasurer and Receiver General</i>	<i>1/23/2023</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>3/1/2023</i>

HOUSE No. 2433

By Representative Ayers of Quincy, a petition (accompanied by bill, House, No. 2433) of Bruce J. Ayers, Deborah B. Goldberg and Lindsay N. Sabadosa relative to public employee retirement group classifications. Public Service.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act relative to group classification.

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. Section 3 of chapter 32 of the General Laws, as appearing in the 2020
2 Official Edition, is hereby amended by striking out, in line 275, the words “and employees of the
3 commonwealth or of any county whose regular and major duties require them to have the care,
4 custody, instruction or other supervision of parolees or persons who are mentally ill or mentally
5 defective or defective delinquents or wayward children and employees of Cushing hospital” and
6 inserting in place thereof the following words:- and employees or former employees of the
7 commonwealth or of any county who are active members of a retirement system, and members
8 of the state employees retirement system whose regular and the recurring majority of their duties
9 require them to have care, custody, instruction or other supervision, or require them to provide
10 services to parolees, persons who are mentally ill, or persons with physical, functional,
11 intellectual, or developmental disabilities, or delinquent youth, and employees of Cushing
12 hospital

13 SECTION 2. Section 5 of chapter 32 of the General Laws, as so appearing, is hereby
14 amended by inserting, in line 126, after the words “rendered in each group;” the following:-
15 provided, however, that classification of the eligible prior service rendered by the member in
16 each group shall be made by the retirement board from which the member is retiring;

17 SECTION 3. Said section 5 of said chapter 32, as so appearing, is hereby further
18 amended by inserting, in line 130, after the words “rendered in each group” the following:-
19 provided, however, that classification of the eligible prior service rendered by the member in
20 each group shall be made by the retirement board from which the member is retiring

21 SECTION 4. Subsection (2) of section 5 of chapter 32 of the General Laws, as so
22 appearing, is hereby amended in subparagraph (a) by striking out the fourth sentence and
23 inserting in place thereof the following sentence:-A member who entered service on or before
24 April, 2, 2012 and seeks Group 2 or Group 4 classification and is no longer a public employee at
25 the time of the member's retirement shall be classified based on the position from which the
26 member was last employed; provided that said member who entered service on or before April 2,
27 2102 and who is no longer a public employee at the time of the member’s retirement and who
28 has served in more than 1 group may elect to receive a retirement allowance consisting of pro-
29 rated benefits based upon the percentage of total years of service that the member rendered in
30 each group.

31 SECTION 5. Subsection (4) of section 26 of Chapter 32 of the General Laws, as so
32 appearing, is hereby amended in subparagraph (c) by inserting after the last paragraph the
33 following paragraphs:-

34 Any member in service who has attained the age of 55, who has accrued not less than
35 twenty years of creditable service in the department of state police, and who has served in more
36 than 1 group may elect to receive a retirement allowance consisting of pro-rated benefits as
37 determined by the state retirement board based upon the percentage of total years of service that
38 the member rendered in each group; provided, that such retirement allowance shall in no case
39 exceed 75 per cent of such regular compensation.

40 Any member in service as of April 2, 2012 who has not attained the age of 55, who has
41 accrued less than twenty years of creditable service in the department of state police, and who
42 has served in more than 1 group may elect to receive a retirement allowance consisting of pro-
43 rated benefits as determined by the state retirement board based upon the percentage of total
44 years of service that the member rendered in each group; provided, that such retirement
45 allowance shall be calculated in accordance with the provisions of section 5 or 10 of Chapter 32;
46 provided further that any such service with the department of state police for purposes of this
47 paragraph shall be considered as Group 4. The retirement allowance provided in this paragraph
48 shall consist of pro-rated benefits based upon the percentage of total years of service that the
49 member rendered in each group; provided further, that the retirement allowance set forth in this
50 paragraph for members who became members on or after April 2, 2012, and who served in more
51 than one group, shall consist of pro-rated benefits based upon the percentage of total years of
52 service that member rendered in each group.