

**SENATE . . . . . No. 2137**

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The Commonwealth of Massachusetts

PRESENTED BY:

*James B. Eldridge*

*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 to manage the other post-employment benefits liability of the town of Harvard.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

*James B. Eldridge*

*Middlesex and Worcester*

*Jennifer E. Benson*

*37th Middlesex*

**SENATE . . . . . No. 2137**

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By Mr. Eldridge, a petition (accompanied by bill, Senate, No. 2137) of James B. Eldridge and Jennifer E. Benson (by vote of the town) for legislation to manage the other post-employment benefits liability of the town of Harvard. Public Service. [Local Approval Received.]

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The Commonwealth of Massachusetts

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**In the Year Two Thousand Fourteen**

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An Act to manage the other post-employment benefits liability of the town of Harvard.

*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. Notwithstanding any general or special law to the contrary including, but  
2 not limited to chapter 32B of the General Laws, the town of Harvard, in the discretion of its  
3 board of selectmen, may adopt eligibility rules and regulations, establishing, and changing from  
4 time to time, eligibility and/or premium contribution rates based on one or more of the following  
5 factors:
- 6           (1) Years of service as an employee of the town of Harvard;
- 7           (2) Years of creditable service for the purposes of chapter 32 of the General Laws;
- 8           (3) Receipt of a retirement allowance/pension under chapter 32 of the General Laws;
- 9           (4) The length of time between the employee's separation from employment and  
10 application for retirement benefits under chapter 32 of the General Laws, including the  
11 application for and/or receipt of such allowance/pension immediately after the separation of  
12 employment from the town of Harvard;
- 13           (5) Participation in the town of Harvard's health plan at the time of retirement and/or for a  
14 period of time prior thereto;
- 15           (6) Age, provided no benefit shall be offered to younger retirees that is not also available  
16 to older similarly-situated retirees on the same terms;
- 17           (7) Status as a retired employee, surviving spouse of a retired or deceased employee, or  
18 dependent of retired or deceased employee;

- 19 (8) Date of hire;
- 20 (9) Date of retirement;
- 21 (10) Reason for separation from employment;
- 22 (11) Average hours worked over a defined period of time;
- 23 (12) And any other such factor the town of Harvard deems necessary and appropriate to  
24 limit its Other Post-Employment Benefit Liability.

25 SECTION 2. The Town of Harvard, in establishing premium contribution rates, may set,  
26 and change from time to time, different premium contribution rates based upon the criteria set  
27 forth above including, but not limited to, the prorating of premium contributions based on the  
28 average number of hours worked over a defined period of time; provided said premium  
29 contribution rates shall be otherwise subject to the requirements of sections 7, 7A, 9, 9A, 9B, 9C,  
30 9D, 90D1/2, 90D3/4, 9E, 9G and/or 16, as accepted, of chapter 32B of the General Laws.

31 SECTION 3. Nothing in this special act shall result in the termination of the health  
32 coverage of a retiree, surviving spouse or dependent who is currently participating in the town of  
33 Harvard's health plan; provided said individual(s) continue to participate in said health plan.

34 SECTION 4. The implementation of any rules in accordance with this special act shall  
35 not be subject to collective bargaining pursuant to chapter 150E of the General Laws or any other  
36 general or special law to the contrary.

37 SECTION 5. Nothing in this special act shall limit or in any way restrict the Town of  
38 Harvard in the exercise of its rights under chapter 32B of the General Laws.

39 SECTION 6: This act shall be effective upon passage.