

By Mr. Harmon, a petition of Samuel Harmon and William Carey for legislation to make certain employees eligible for membership in the contributory retirement service. Public Service.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty-Eight.

AN ACT MAKING CERTAIN EMPLOYEES ELIGIBLE FOR MEMBERSHIP IN THE CONTRIBUTORY RETIREMENT SYSTEM.

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. Paragraph (a) of subdivision (2) of section 3 of
2 chapter 32 of the General Laws, is hereby further amended by
3 striking out clause (iv), as most recently amended by chapter
4 381 of the acts of 1959, and inserting in place thereof the fol-
5 lowing clause:—

6 (iv) Any person, except as specifically otherwise provided
7 for in sections one to twenty-eight, inclusive, who, while under
8 age sixty-eight in Group 1 or under age sixty-three in Group 2,
9 enters or re-enters the service as an employee of the common-
10 wealth, a teacher as defined in section one, or an employee of
11 any political subdivision of the commonwealth for which a sys-
12 tem established under the provisions of such sections or under
13 corresponding provisions of earlier laws, is in operation on the
14 date when he becomes an employee; provided, that any such
15 person who becomes regularly employed, as determined by the
16 board as provided for in paragraph (d) of this subdivision, on a
17 part-time, provisional, temporary, temporary provisional, sea-
18 sonal or intermittent basis, shall become a member in service,
19 if he is to be classified in Group 1, upon the completion of six
20 calendar months of service, and any other such person shall be-
21 come a member in service upon his entry into service; and pro-
22 vided, further, that a physician or dentist who is employed as
23 an intern in a municipal hospital shall not become a member

24 unless he files a written application for membership within
25 ninety days of his appointment.

1 SECTION 2. Said paragraph (a) of said subdivision (2) of
2 said section 3 of said chapter 32 is hereby further amended by
3 striking out clauses (v) and (vi) and inserting in place thereof
4 the following two clauses:—

5 (v) Any state official as defined in section one hereafter ap-
6 pointed to office, if under age sixty-eight on the date of his ap-
7 pointment, who files with the board on a prescribed form a
8 written application for membership within ninety days after
9 the date of assuming the duties of his position; provided, that a
10 member becoming a state official shall retain his membership
11 and a state official who is a member shall remain a member
12 upon his reappointment or upon his appointment or election to
13 any other position which would otherwise entitle him to mem-
14 bership.

15 (vi) Any person hereafter elected by popular vote to a state,
16 county or municipal office or position, if under age sixty-eight
17 on the date of his election, who files with the board on a pre-
18 scribed form a written application for membership within
19 ninety days after the date of assuming office; provided, that a
20 member becoming an elected official shall retain his member-
21 ship and an elected official who is a member shall remain a
22 member upon his re-election or upon his election or appoint-
23 ment to any other position which would otherwise entitle him
24 to membership:

1 SECTION 3. Said subdivision (2) of said section 3 of said
2 chapter 32 is hereby further amended by striking out para-
3 graph (f), as most recently amended by section 2 of chapter
4 609 of the acts of 1956, and inserting in place thereof the
5 following paragraph:—

6 (f) No person who originally enters or re-enters the service
7 of any governmental unit as an employee after attaining age
8 sixty-eight in Group 1 or age sixty-three in Group 2, and after
9 the date when a system becomes operative therein, shall be-
10 come a member except as otherwise provided for in this sec-
11 tion. No such employee other than an elected official or a state

12 official as defined in section one shall remain in the service of
13 such governmental unit after attaining the maximum age for
14 the group in which he would have been classified if he had be-
15 come a member, except under the same conditions which are
16 applicable to a member as set forth in paragraph (e) of this
17 subdivision. Any employee who was not eligible for member-
18 ship because of originally entering the service of any govern-
19 mental unit after attaining age sixty-eight in Group 1 or age
20 sixty-three in Group 2, may apply for and be admitted to
21 membership upon the terms and conditions set forth in sub-
22 divisions (3) and (3A) if under the maximum age for his
23 group on the date of his application.

1 SECTION 4. Subdivision (5) of section 20 of said chapter 32
2 is hereby further amended by striking out paragraph (e) as
3 amended by section 3 of chapter 609 of the acts of 1956, and in-
4 serting in place thereof the following paragraph:—

5 (e) The board of each such system shall keep a record of the
6 date of birth of each member of the system, and also shall keep
7 a record of the date of birth of each other employee who en-
8 tered or re-entered the service of the governmental unit to
9 which such system pertains after attaining age sixty-eight in
10 Group 1 or age sixty-three in Group 2 and after the date when
11 the system became operative therein. It shall be the duty of
12 such board to notify each such member or employee, the head
13 of his department and the treasurer or other disbursing officer
14 responsible for paying his compensation, of the date when such
15 member or employee will attain the maximum age for his
16 group, and such member or employee shall not be employed in
17 any governmental unit after such date except as otherwise
18 provided or in sections one to twenty-eight, inclusive. Such
19 notification shall be made in writing not less than thirty days
20 nor more than four months prior to such date.

1 SECTION 5. The provisions of paragraph (f) of subdivision
2 (2) of section three of chapter thirty-two of the General Laws
3 and the provisions of paragraph (e) of subdivision (5) of sec-
4 tion twenty of said chapter thirty-two of the General Laws,
5 as amended by sections three and section four of this act, shall

6 be applicable to any person who re-entered the service of any
7 governmental unit as an employee after the date when a re-
8 tirement system became operative therein, and who was em-
9 ployed on the effective date of this act and who on the date
10 of such re-entry had attained an age which would have ex-
11 cluded from membership a person originally entering the
12 service.

13 This act shall be Retroactive to January 1, 1967.