

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-three

**SENATE . . . . . No. 2268****The Commonwealth of Massachusetts**

SENATE, November 23, 1983.

The committee on Ways and Means, to whom was committed the House bill relative to the eligibility of William J. P. Cleary for membership in the contributory retirement system for state employees (House, No. 6789), reports recommending that the same ought to pass, with an amendment, striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2268.

For the Committee,

ROBERT C. BUELL

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In the Year One Thousand Nine Hundred and Eighty-three.

*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 the provisions of any gen-  
2 eral or special law to the contrary, William J. P. Cleary, an  
3 employee of the industrial accident board, shall be given full  
4 credit for his prior service with the Massachusetts Bay Trans-  
5 portation Authority, including all services with said industrial  
6 accident board, for the purposes of determining his vacation  
7 and retirement benefits as provided in this act. Said William  
8 J. P. Cleary shall file with the state employees' retirement  
9 board an application on forms prescribed by said board for  
10 membership in the state employees' retirement system.

1 SECTION 2. Notwithstanding the provisions of any general  
2 or special law to the contrary, said authority shall within sixty  
3 days of the effective date of this act transfer to said board the  
4 amount of total accumulated contributions and earnings there-  
5 on which are credited to said William J. P. Cleary under the  
6 retirement plan of said authority. Said board shall calculate  
7 the amount equal to the contribution said William J. P. Cleary  
8 would have paid to said system for the periods of prior serv-  
9 ice to the authority if he had been in service to the state dur-  
10 ing said periods together with regular interest to the date of  
11 said transfer. If the amount transferred by said authority to  
12 said board is greater than or equal to said amount calculated  
13 by said board for said periods of prior service to said author-  
14 ity, then said William J. P. Cleary shall be entitled for retire-  
15 ment credit in the state employees' retirement system for said  
16 periods and for determining vacation credit. If said amount  
17 transferred by said authority to said board is less than said  
18 amount calculated by said board for said periods of prior serv-  
19 ice to said authority, then said William J. P. Cleary shall not  
20 be entitled to such retirement time unless he has, within one  
21 hundred and twenty days of said transfer, paid into the an-

22 nuity savings fund of said system, in one lump sum, an  
23 amount equal to the difference between said amount trans-  
24 ferred by said authority and said amount calculated by said  
25 board for said periods of prior service to said authority.

1 SECTION 3. Notwithstanding the provisions of any general  
2 or special law to the contrary, said authority shall reimburse  
3 in full said system for the portion, computed by the actuary  
4 of the division of public employee retirement administration,  
5 of any pension paid to said William J. P. Cleary attributed to  
6 his service with said authority. The state treasurer shall an-  
7 nually on or before January fifteenth, upon the certification  
8 of disbursements for a pension to said William J. P. Cleary  
9 by said board of said system, notify the treasurer of said  
10 authority of the amount of reimbursements due therefrom for  
11 the prior calendar year. The treasurer of said authority shall  
12 forthwith take such steps as may be necessary to ensure  
13 prompt payment of such amount. All payments received from  
14 said authority shall be credited to the pension fund of said  
15 system. In default of any such payment or transfer by said  
16 authority, said board of said system may maintain an action  
17 of contract to recover such payment or transfer.

1 SECTION 4. After said William J. P. Cleary has received  
2 full credit for his prior service with said authority as provided  
3 herein, he shall not be entitled to receive a pension from said  
4 authority nor shall he be allowed to repay the amount of his  
5 contributions plus interest into the pension fund of said au-  
6 thority for the purpose of reinstating his eligibility for such  
7 a pension.

22 duly savings fund of said system, in one lump sum, an  
 23 amount equal to the difference between said amount minus  
 24 ferred by said authority and said amount calculated by said  
 25 board for said periods of prior service to said authority.

1 Section 3. (a) Notwithstanding the provisions of any general  
 2 or special law to the contrary, said authority shall withhold  
 3 in full said system for the portion computed by the authority  
 4 of the division of public employee retirement administration  
 5 of any pension held in said system. The rate therefor shall be  
 6 the same as the rate applicable to the authority.  
 7 (b) Notwithstanding the provisions of any general or special  
 8 law to the contrary, said authority shall withhold from said  
 9 system the amount of any pension held in said system for the  
 10 portion computed by the authority for the portion of service  
 11 to said system for which the authority is liable. The rate  
 12 therefor shall be the same as the rate applicable to the  
 13 authority.  
 14 (c) Notwithstanding the provisions of any general or special  
 15 law to the contrary, said authority shall withhold from said  
 16 system the amount of any pension held in said system for the  
 17 portion computed by the authority for the portion of service  
 18 to said system for which the authority is liable. The rate  
 19 therefor shall be the same as the rate applicable to the  
 20 authority.

21 (d) Notwithstanding the provisions of any general or special  
 22 law to the contrary, said authority shall withhold from said  
 23 system the amount of any pension held in said system for the  
 24 portion computed by the authority for the portion of service  
 25 to said system for which the authority is liable. The rate  
 26 therefor shall be the same as the rate applicable to the  
 27 authority.