

**THE COMMONWEALTH OF MASSACHUSETTS**  
Public Employee Retirement Administration Commission  
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[www.state.ma.us/PERAC](http://www.state.ma.us/PERAC)

MEMORANDUM

TO: All Retirement Boards

FROM: Joseph I. Martin, Deputy Executive Director

RE: Option (C) Pop-up Statutory Change

DATE: August 19, 1998

**Section 288** of chapter 194, of the Acts of 1998, (FY99 State Budget), made a change concerning the so called “Option (C) Pop-Up” provision, of Chapter 32. The new change would allow for a pension allowance adjustment for those members who retired before January 12, 1988, chose Option (C) and whose beneficiary predeceased them. Any such member would be eligible for the adjustment to their retirement allowance.

**This change is subject to local acceptance and must be approved by the respective retirement board and the “legislative body”, as defined in Section 288.** A copy of the retirement board minutes reflecting the vote and a certified copy of the “legislative body” vote should be forwarded to PERAC. Section 288 of Chapter 194 of the Acts of 1998, included with this memo, defines the appropriate definition of “legislative body”.

In addition, such adjustments could be made prospectively from July 1, 1998, only after acceptance of this language at the local level. **No retroactive benefits are authorized under Section 288.** In another words, no payment is to be made relative to the period, if any, from the date of the death of the spouse to July 1, 1998.

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**SECTION 288.** Notwithstanding the provisions of section 135 of chapter 697 of the acts of 1987, the provisions of the first paragraph of Option (c) of subdivision (2) of section 12 of chapter 32 of the General Laws shall apply to benefits received pursuant to applications for such benefits, allowances or other payments made prior to January 12, 1988. The provisions of this section shall be prospective from the effective date of this act and shall not entitle any member to any retroactive benefits. This section shall take effect in a city, town, county, district or authority system by majority vote of the board of such system subject to the approval of the legislative body. *For the purposes of this section, legislative body shall mean, in the case of a city, the city council in accordance with its charter, in the case of a town, the town meeting, in the case of a county, the county retirement board advisory council, in the case of a district, the district members, and, in the case of an authority, the governing body.*