

By Mr. Cox of Needham, petition of the Massachusetts Fire Chief's Association relative to the computation of the retirement allowance for certain persons in the public service. Public Service.

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Seventy-Four.

**AN ACT RELATIVE TO THE COMPUTATION OF THE RETIREMENT ALLOWANCE FOR CERTAIN PERSONS IN THE PUBLIC SERVICE.**

*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 5 of  
2 chapter 32 of the General Laws, as appearing in section 1 of  
3 chapter 274 of the acts of 1966, is hereby amended by striking  
4 out, in lines 8 and 11, the word "three" and inserting in place  
5 thereof, in each instance, the word: - two.

1 SECTION 2. Said subdivision (2) of said section 5 of said  
2 chapter 32 is hereby further amended by striking out paragraph  
3 (c), as most recently amended by section 2 of said chapter 274,  
4 and inserting in place thereof the following paragraph: -

5 (c) The total normal yearly amount of the retirement allow-  
6 ance of any member of Group 1 or Group 2, as determined in  
7 accordance with the provisions of this section, shall not exceed  
8 four fifths of the average annual rate of his regular compensation  
9 received during any period of two consecutive years of creditable  
10 service for which such rate of compensation was the highest or  
11 on the average annual rate of regular compensation received by  
12 such member during the period or periods, whether or not  
13 consecutive, constituting his last two years of creditable service  
14 preceding retirement, whichever is the greater.

1 SECTION 3. Subdivision (3) of said section 5 of said chapter  
2 32 is hereby amended by striking out paragraph (a), as most

3 recently amended by section 3 of said chapter 274, and inserting  
4 in place thereof the following paragraph: —

5 (3) (a) If any calculation involving the use of the average  
6 annual rate of regular compensation for any two-year period is  
7 required under the provisions of sections one to twenty-eight  
8 inclusive, in the case of any member whose creditable service for  
9 such period is actually less than two years, such calculation shall  
10 be made on the basis of the average annual rate of his regular  
11 compensation applicable to that portion of such period durin  
12 which such service was actually rendered.

1 SECTION 4. Said subdivision (3) of said section 5 of said  
2 chapter 32 is hereby further amended by striking out paragraph  
3 (b), as most recently amended by section 4 of said chapter 274,  
4 and inserting in place thereof the following paragraph: —

5 (b) Any duly authorized leave or period of absence for which  
6 any member is allowed creditable service under the provisions of  
7 sections one to twenty-eight inclusive, and any such leave  
8 or period of absence not in excess of one year for which he is not  
9 allowed creditable service, shall be included in any two-year  
10 period for the purpose of determining the average annual rate of  
11 his regular compensation therefor to the extent such leave or  
12 period of absence falls within such two-year period, anything in  
13 such sections to the contrary notwithstanding. In determining  
14 any such average annual rate of regular compensation for any  
15 member, the rate in effect for him immediately preceding any  
16 period of his absence without compensation shall be used as the  
17 rate for such period of absence.

1 SECTION 5. Anything in chapter thirty-two of the General  
2 Laws, as amended by this act, to the contrary notwithstanding,  
3 the retirement allowance of any person who on the effective date  
4 of this act was a member in service of a retirement system subje  
5 to sections one to twenty-eight, inclusive, of said chapter  
6 thirty-two, shall in no event be less than the retirement allowance  
7 provided by the provisions of law in effect immediately prior to  
8 the effective date of chapter two hundred and seventy-four of  
9 the acts of nineteen hundred and sixty-six; nor shall the benefit  
10 of any beneficiary of such person be less than the benefit so  
11 provided.