

By Mr. Thompson of Cambridge, petition of Alvin E. Thompson, Michael W. Morrissey, Shirley Owens-Hicks, Gloria L. Fox, Benjamin Swan and others for legislation to establish the Massachusetts retirement incentive for military division employees. Public Service.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Five.

AN ACT TO ESTABLISH THE MASSACHUSETTS RETIREMENT INCENTIVE FOR MILITARY DIVISION EMPLOYEES.

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 chapter thirty-
2 two of the General Laws or of any general or special law to the
3 contrary, the state retirement board, established under the provi-
4 sions of section eighteen of chapter ten of the General Laws; shall
5 establish and implement a retirement incentive for chapter thirty-
6 three sections fifteen (c) and (d) and federal employees of the
7 state retirement system who are military division employees,
8 hereinafter referred to as the retirement incentive program, in
9 accordance with the provisions of this act; provided, that, in order
10 to be deemed eligible by said board for any of the benefit options
11 under the retirement incentive program, an employee (i) shall be a
12 chapter thirty-three sections fifteen (c) and (d) or federal
13 employee of the military division on the effective date of this act,
14 (ii) shall have been a member in active service of the state retire-
15 ment system on July first, nineteen hundred and ninety-four, (iii)
16 shall be classified in Group 1 or Group 4 of said retirement
17 system in accordance with the provisions of paragraph (g) of sub-
18 division (2) of section three of said chapter thirty-two, (iv) shall
19 be eligible to receive a superannuation retirement allowance in
20 accordance with the provisions of subdivision (1) of section five
21 of said chapter thirty-two or of subdivision (1) of section ten of
22 said chapter thirty-two upon the date of his written application

23 with said board, and (v) shall have filed such written application
24 with said board in accordance with section two of this act. Said
25 retirement incentive shall be limited to forty-five eligible
26 employees as defined by this section; provided, that if participa-
27 tion is limited, the retirement of employees with greater creditable
28 service shall be approved before approval is given to employees
29 with lesser creditable service; provided, however, that said appli-
30 cations shall be delivered by mail. No employee shall be eligible
31 for more than one of the incentives offered herein; and no
32 employee may become eligible for one incentive by virtue of the
33 application of a different incentive.

34 For the purposes of this act, words shall have the same meaning
35 as in Chapter 32 of the General Laws, unless otherwise expressly
36 provided or unless the context clearly requires otherwise. Any
37 employee who retires and receives an additional benefit in accord-
38 dance with the provisions of this act shall be deemed to be retired
39 for superannuation under the provisions of said chapter thirty-two
40 and shall be so subject to any and all provisions of said chapter
41 thirty-two.

1 SECTION 2. Notwithstanding so much of the provisions of sec-
2 tion five of chapter thirty-two of the General Laws that requires a
3 retirement date within four months of the filing of an application
4 for superannuation retirement, in order to receive the retirement
5 benefit provided by this act, an eligible employee, shall file his
6 application for retirement under the provisions of this act with the
7 state retirement board after January fifteen, nineteen hundred and
8 ninety-five but no later than February twenty-eight, nineteen hun-
9 dred and ninety-five; provided, however, that the retirement date
10 requested shall be March thirtieth, nineteen hundred and ninety-
11 five or sixty days after the passage of this bill.

1 SECTION 3. Any employee who is eligible for the retirement
2 incentive program in accordance with the provisions of section
3 one of this act may request in his application for retirement that
4 the state retirement board credit him with an additional retirement
5 benefit in accordance with the provisions of this section; pro-
6 vided, however, that each such employee shall request and receive
7 a combination of years of creditable service and years of age, the

8 sum of which shall not be greater than five years, for the purposes
9 of determining his superannuation retirement allowance pursuant
10 to the provisions of paragraph (a) of subdivision (2) of section
11 five of chapter thirty-two of the General Laws

12 Notwithstanding such credit, the total normal yearly amount of
13 the retirement allowance, as determined in accordance with the
14 provisions of said section five of said chapter thirty-two, of any
15 employee who retires and receives the retirement benefit provided
16 by this act shall not exceed four-fifths of the average annual rate
17 of his regular compensation as determined in accordance with
18 said section five of said chapter thirty-two.

1 SECTION 4. For any married employee who retires and
2 receives an additional benefit under the retirement incentive pro-
3 gram, an election of a retirement option under the provisions of
4 section twelve of chapter thirty-two of the General Laws shall not
5 be valid unless (i) it is accompanied by the signature of the mem-
6 ber's spouse indicating the member's spouse's knowledge and
7 understanding of the retirement option selected, or (ii) the spouse
8 has received notice of such election. If any member who is mar-
9 ried files an election which is not so accompanied the state retire-
10 ment board shall within fifteen days notify the member's spouse
11 by registered mail of the option election, and the election shall
12 not take effect until thirty days following the date on which such
13 notification is sent, and such election may be changed by the
14 member at any time within said thirty days, or at any other time
15 permitted under said chapter thirty-two. Nothing in this section
16 shall be deemed to affect the effective date of any retirement
17 allowance, but in the event of any election having been filed
18 which is not so accompanied, the payment of any allowance so
19 elected shall not be commenced earlier than thirty days after the
20 sending by the retirement board of the notice required hereunder.

1 SECTION 5. The state retirement board, established under the
2 provisions of section eighteen of chapter ten, shall provide retire-
3 ment counseling services to employees who choose to retire under
4 the retirement incentive program. Said counseling shall include,
5 but not be limited to, the following provisions: (i) the additional
6 benefit options available under the retirement incentive program;

7 (ii) the election of a retirement option under the provisions of sec-
8 tion twelve of chapter thirty-two of the General Laws; (iii) restric-
9 tions on employment after retirement; (iv) the provision of health
10 care benefits under the provisions of chapter thirty-two A of the
11 General Laws; (v) the payment of cost of living adjustments;
12 (vi) the effect of federal and state income taxation. Each such
13 employee shall sign a sworn statement that he has received such
14 counseling prior to the approval by the state retirement board of
15 such employees' application for superannuation retirement and
16 additional benefits under said retirement incentive program.

1 SECTION 6. The commissioner of public employee retirement
2 administration shall analyze, study, and valuate the costs attribut-
3 able to the additional benefits payable under the retirement incen-
4 tive program in accordance with the provisions of this act;
5 provided that said commissioner shall file the report with the joint
6 committee on public service and the house and senate committees
7 on ways and means on or before December thirty-first, nineteen
8 hundred and ninety-five.

1 SECTION 7. The secretary of administration and finance shall
2 prepare a funding schedule to reflect the costs and liabilities
3 attributable to the additional benefits payable under the retirement
4 incentive program in accordance with the provisions of this act
5 which shall be designed to reduce the commonwealth's additional
6 pension liability attributable to such costs and liabilities to zero on
7 or before June thirtieth, two thousand and one; provided, that in
8 preparing such schedule, said secretary shall consider the analysis
9 of the commissioner of public employee retirement administration
10 filed in accordance with the provisions of section six of this act;
11 and provided further, that said secretary shall annually update
12 such schedule until said June thirtieth, two thousand and one. Said
13 secretary shall file such funding schedule with the joint committee
14 on public service and the house and senate ways and means com-
15 mittees on or before December thirty-first, nineteen hundred and
16 ninety-five and shall file updates thereto annually on or before
17 March first of each year; provided that if within forty-five days of
18 each such filing, none of the committees shall have taken action to
19 disapprove such schedule or update thereto, such schedule or

20 update shall be deemed to be approved; provided further, how-
21 ever, if such schedule is not so approved, said secretary shall
22 review any comments made by such committees and prepare and
23 submit another schedule in accordance with the provisions of this
24 section; provided, further, that such other schedule shall be filed
25 with the joint committee on public service and the house and
26 senate ways and means committees within thirty days of such dis-
27 approval.

1 SECTION 7. The personnel officer of the military division
2 shall list each position which shall be made vacant by the retire-
3 ment of an employee under the retirement incentive program and
4 who shall be receiving an additional benefit in accordance with
5 the provisions of this act and shall file such list with the joint
6 committee on public service and the house and senate committees
7 on ways and means on or before September fifteenth, nineteen
8 hundred and ninety-five provided that, for each such position,
9 such list shall include the line item of section two, two A or
10 two B of the general appropriations bill enacted for fiscal year
11 nineteen hundred and ninety-five in which such position is
12 funded, the classification title of such position, the salary range
13 for such title and the salary payable to the person who so retired
14 from such position.

Revised Budgetary Procedures

Statement of
[Name] [Title]
[Organization]

1. [Faint text]

2. [Faint text]

3. [Faint text]

