

# HOUSE . . . . No. 2134

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By Mr. Southgate of Worcester (by request), petition of Harold J. Tunison and others for certain amendments of the law relative to the retirement system of the city of Worcester. Pensions.

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## The Commonwealth of Massachusetts

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In the Year One Thousand Nine Hundred and Forty-One.

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AN ACT RELATIVE TO THE RETIREMENT SYSTEM FOR EMPLOYEES OF THE CITY OF WORCESTER.

*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. The second paragraph of section six of  
2 chapter four hundred and ten of the acts of nineteen  
3 hundred and twenty-three, as amended by chapter  
4 three hundred and forty-four of the acts of nineteen  
5 hundred and twenty-nine, is hereby further amended  
6 by striking out the aforesaid second paragraph and  
7 inserting in place thereof the following: —

8 The annuity savings fund shall be the fund to which  
9 shall be paid the deductions from the compensation of  
10 members. The treasurer of the city of Worcester shall  
11 withhold five per cent of the regular compensation due  
12 on each pay day to all employees who are members  
13 of this retirement system, provided that employees  
14 who receive more than forty dollars weekly in compen-  
15 sation shall not be assessed for contribution to this  
16 fund on the excess above that amount. Except as

17 provided in section six A no member shall pay further  
18 deductions from his compensation after the total sum  
19 of deductions paid by him shall have amounted with  
20 interest credited thereto, to a sum sufficient to pur-  
21 chase under section fifteen (1) (a) an annuity of six  
22 hundred and fifty dollars at the age of sixty, together  
23 with such increased annuity created by voluntary  
24 contributions on the part of the member as is provided  
25 for in section six A. Interest thereafter accruing upon  
26 the compulsory accumulated deductions shall be paid  
27 to the member on his retiring. If the accumulated  
28 deductions of any employee retired hereunder exceed  
29 the amount required to provide an annuity equal to  
30 one fourth of the average annual rate of compensation  
31 of such employee during the last five years prior to his  
32 retirement or resignation or dismissal as provided in  
33 paragraph (2) of section ten the excess above that  
34 amount shall be paid to such employee in a lump sum  
35 with the first monthly payment on the account of his  
36 retirement allowance. This provision, however, shall  
37 not apply to such member who voluntarily made  
38 additional contributions under section six A, for the  
39 purpose of receiving an increased annuity upon retire-  
40 ment. The amounts withheld by the treasurer of the  
41 city of Worcester shall be transferred immediately  
42 thereafter to the retirement board and credited to the  
43 account of each member so contributing and shall be  
44 paid into and become a part of said annuity savings  
45 fund.

1 SECTION 2. Chapter four hundred and ten of the  
2 acts of nineteen hundred and twenty-three is hereby  
3 amended by adding after section six a new section,  
4 to wit, section six A: —

5 *Section 6A.* In addition to the regular contribu-  
6 tions deducted from the regular compensation of mem-  
7 bers as provided in section six, subject to the approval  
8 of the retirement board, any member may in writing  
9 authorize the treasurer of the city to deduct from his  
10 regular compensation in excess of forty dollars weekly  
11 and to deposit in the annuity savings fund in the form  
12 of additional regular contributions, five per cent on  
13 an amount not in excess of sixty dollars weekly. If  
14 such member shall so request in writing, the board may  
15 permit a reduction, suspension or termination of such  
16 additional contributions, but no return of such addi-  
17 tional contributions shall be made except in the man-  
18 ner provided for return of regular deductions in section  
19 sixteen. The amounts deposited to purchase such  
20 additional annuity shall be treated as part of the  
21 member's accumulated deductions except that in the  
22 event of his retirement they shall not be used to in-  
23 crease the pension payable.

1 SECTION 3. Chapter four hundred and ten of the  
2 acts of nineteen hundred and twenty-three is hereby  
3 amended by adding after section six A a new section,  
4 to wit, section six B:—

5 *Section 6B.* In addition to the regular contribu-  
6 tions deducted from the regular compensation of  
7 members as provided in section six, subject to the  
8 approval of the retirement board any member may  
9 and if required by the board shall re-deposit in the  
10 annuity savings fund, by a single payment, or by an  
11 increased rate of contribution over a period not to  
12 exceed five years and before attaining age sixty, an  
13 amount equal to the total amount which he previously  
14 withdrew therefrom under section sixteen, with inter-

15 est thereon. Such member upon re-depositing his  
16 accumulated deductions with interest as provided in  
17 this section shall upon retiring receive credit for all  
18 the service represented by the amount so re-deposited,  
19 including the benefit of any prior service. This section  
20 shall apply to any member who has been reinstated in  
21 the service as an employee during the year nineteen  
22 hundred and forty.

1 SECTION 4. Chapter four hundred and ten of the  
2 acts of nineteen hundred and twenty-three is hereby  
3 amended by adding after section nine a new section,  
4 to wit, section nine A:—

5 *Section 9A.* If a member under age sixty ceases to  
6 be an employee, through no fault of his own, after this  
7 section becomes effective, and after having completed  
8 not less than twenty years as such an employee, he  
9 may at his election upon his own application or on  
10 application made in his behalf in lieu of receiving his  
11 accumulated deductions, receive a retirement allow-  
12 ance to be computed as prescribed in section ten and  
13 an additional pension of such an amount as will make  
14 his total annual retirement allowance four hundred  
15 and eighty dollars or equal to half of his average annual  
16 rate of regular compensation during the five years  
17 immediately preceding retirement, whichever is the  
18 lesser, provided he has been a contributing member  
19 to the Worcester retirement system for a period of not  
20 less than ten years before making such application.

1 SECTION 5. Section ten (2) of chapter four hundred  
2 and ten of the acts of nineteen hundred and twenty-  
3 three is hereby amended by striking out the words  
4 "six hundred dollars" in the fifth line thereof and

5 inserting in place thereof the words: — six hundred  
6 and fifty dollars, — so that section ten (2) will read as  
7 follows: — *Section 10.* (2) The sum of the accumula-  
8 tion applied to provide the pensions under (b) and (c)  
9 of this section shall not exceed the amount which at  
10 age sixty, and in accordance with paragraph (1) (a)  
11 of section fifteen is sufficient to provide a total pen-  
12 sion of six hundred and fifty dollars; except, that in no  
13 case shall the sum of the pensions hereunder exceed  
14 an amount which, when added to the annual rate of  
15 annuity payable to the member if he had chosen the  
16 annuity provided under paragraph (1) (a) of section  
17 fifteen, would provide a total retirement allowance of  
18 one half the average annual rate of his compensation  
19 during the five years prior to retirement, or, if such  
20 member resigns or is dismissed prior to the date of  
21 retirement, during the five years prior to such resigna-  
22 tion or dismissal. For the purpose of determining the  
23 maximum retirement allowance under this section,  
24 the rate of compensation received by a member on the  
25 date immediately preceding a period of absence with-  
26 out pay shall be used as the rate of pay which he  
27 would have received during such absence without pay.

1 SECTION 6. Chapter four hundred and ten of the  
2 acts of nineteen hundred and twenty-three is hereby  
3 amended by adding the following to section thirteen:  
4 — provided that the application for accidental disabil-  
5 ity shall have been made in writing to the retirement  
6 board not later than two years after the occurrence of  
7 the accident, — so as to read as follows: — *Section*  
8 *13.* Retirement for accidental disability shall be made  
9 by the retirement board upon the application of the  
10 head of the department in which the member is em-

11 ployed or, of the member or of a person acting in his  
12 behalf, stating that said member is physically or  
13 mentally incapacitated for the performance of duty  
14 as the result of an accident occurring during the per-  
15 formance and within the scope of his duty and, certify-  
16 ing the time, place and conditions of such service per-  
17 formed by said member resulting in such alleged dis-  
18 ability, and that such alleged disability was not the  
19 result of contributory negligence on the part of said  
20 member and that he ought to be retired; provided,  
21 that the medical board after examination shall report  
22 that said member is physically or mentally incapaci-  
23 tated for the performance of duty as a natural and  
24 proximate result of an accident occurring in the per-  
25 formance and within the scope of his duty, and that  
26 such disability is not the result of contributory negli-  
27 gence on the part of said member, and that said mem-  
28 ber should be retired, provided that the application  
29 for accidental disability shall have been made in  
30 writing to the retirement board not later than two  
31 years after the occurrence of the accident.



