HOUSE DOCKET, NO. FILED ON: 1/14/2009

**HOUSE . . . . . . . . . . . . . . No.**

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The Commonwealth of Massachusetts

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PRESENTED BY:

**Paul McMurtry**

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*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General
 Court assembled:*

 The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to early retirement options for public employees in Norfolk County.

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

PETITION OF:

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| --- | --- |
| Name: | District/Address: |
| Paul McMurtry | 11th Norfolk |

The Commonwealth of Massachusetts

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**In the Year Two Thousand and Nine**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

An Act relative to early retirement options for public employees in Norfolk County.

 *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

 SECTION 1. Notwithstanding chapter 32 of the General Laws or any other general law or special law to the contrary and upon acceptance of this section on or before August 1, 2008 by the legislative and executive authorities in any municipality in Norfolk County or by the legislative and executive authorities of Norfolk County, this section shall apply to an eligible employee of any city, town or county office who: (i) shall be an active member in service of the appropriate municipal or county retirement system; (ii) shall be eligible to receive a superannuation retirement allowance in accordance with subdivision (1) of section 5 of said chapter 32 or subdivision (1) of section 10 of said chapter 32 upon the effective date specified in his written application to the retirement system; and (iii) shall have filed a written application with the retirement system in accordance with paragraph (7).

(2) For the purpose of this section, “legislative authority” and “executive authority” shall mean the governing bodies of a city, town or county. The early retirement incentive program shall be administered by the respective retirement system and those systems shall promulgate regulations to implement the program.

(3) Notwithstanding said chapter 32 to the contrary, the normal yearly amount of the retirement allowance for an eligible employee shall be based on the average annual rate of regular compensation as determined under paragraph (a) of subdivision (2) of section 5 of said chapter 32 and shall be computed according to the table contained in said paragraph (a) based on the age of such member and the number of years and full months of creditable service at the time of a person’s retirement increased either by adding up to 5 years of age or by adding up to 5 years of creditable service or by a combination of additional years of age

and service the sum of which shall not be greater than 5. The executive authority may limit the total number of employees for whom it will approve a retirement calculated under this section or the total number of employees within each group

classification for whom it will approve a retirement calculated under this section and, if participation is limited, the retirement of employees with greater years of creditable service shall be approved before approval shall be given to employees with lesser years of creditable service.

(4) The total normal yearly amount of the retirement allowance, as determined in accordance with section 5 of said chapter 32, of an eligible employee who retires and receives an additional benefit under the early retirement incentive program in

accordance with this section shall not exceed 80 per cent of the average annual rate of the regular compensation received during any period of 3 consecutive years of creditable service for which the rate of compensation was the highest or of the average annual rate of the regular compensation received during the periods, whether or not consecutive, constituting an individual’s last 3 years of creditable service preceding retirement, whichever is greater.

(5) Notwithstanding any provisions of said section 5 of said chapter 32 that requires a retirement date within 4 months of the filing of an application for superannuation retirement in order to receive the retirement benefit provided by this section, an eligible employee shall file his application for retirement not later than a date determined by the executive authority, which shall be not later than August 15, 2008. The retirement date for eligible employees shall be determined by the executive authority and shall be not earlier than the effective date of this section and shall be not later than September 30, 2009.

(6) The executive director of the public employee retirement administration commission shall analyze, study and valuate the costs and the actuarial liabilities attributable to the additional benefits payable in accordance with the early retirement incentive program established by this section for each retirement system. The executive director shall file a report of his findings to the board, in writing, on or before March 1, 2009.

(7) a) In accordance with section 22D of said chapter 32, the retirement board of a system which administers this section shall revise its retirement funding schedule to reflect the costs and the actuarial liabilities attributable to the additional benefits payable under the retirement incentive program in accordance with this

section. In each of the fiscal years until the actuarial liability determined under this section shall be reduced to zero, it shall be an obligation of the entity to fund such liability and there shall be appropriated to the applicable pension reserve fund in each fiscal year the amount required by the funding schedule and the updates thereto.

(b) A city, town or county whose legislative and executive authorities have

accepted this section, shall provide to employees of the retirement board of said entity the same rights and privileges of the early retirement incentive program as provided in this section, under the same terms and conditions of such retirement program.

(c) The executive authority in consideration of the benefits conferred in this section, shall negotiate to agreement any proposed changes of payment due to the employees for total accrued vacation time and unused sick leave in accordance with chapter 150E.