

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

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Paul McMurtry**

*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:

NAME:

Paul McMurtry

DISTRICT/ADDRESS:

11th Norfolk

# The Commonwealth of Massachusetts

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:*

- 1           SECTION 1. Notwithstanding chapter 32 of the General Laws or any other general law  
2 or special law to the contrary and upon acceptance of this section on or before August 1, 2008  
3 by the legislative and executive authorities in any municipality in Norfolk County or by the  
4 legislative and executive authorities of Norfolk County, this section shall apply to an eligible  
5 employee of any city, town or county office who: (i) shall be an active member in service of the  
6 appropriate municipal or county retirement system; (ii) shall be eligible to receive a  
7 superannuation retirement allowance in accordance with subdivision (1) of section 5 of said  
8 chapter 32 or subdivision (1) of section 10 of said chapter 32 upon the effective date specified in  
9 his written application to the retirement system; and (iii) shall have filed a written application with  
10 the retirement system in accordance with paragraph (7).
- 11       (2) For the purpose of this section, "legislative authority" and "executive authority" shall mean  
12 the governing bodies of a city, town or county. The early retirement incentive program shall be  
13 administered by the respective retirement system and those systems shall promulgate  
14 regulations to implement the program.
- 15       (3) Notwithstanding said chapter 32 to the contrary, the normal yearly amount of the retirement  
16 allowance for an eligible employee shall be based on the average annual rate of regular  
17 compensation as determined under paragraph (a) of subdivision (2) of section 5 of said chapter  
18 32 and shall be computed according to the table contained in said paragraph (a) based on the  
19 age of such member and the number of years and full months of creditable service at the time of  
20 a person's retirement increased either by adding up to 5 years of age or by adding up to 5 years  
21 of creditable service or by a combination of additional years of age

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

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

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

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

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

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

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

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

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

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

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