

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

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Martin J. Walsh**

*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 retirement law.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Martin J. Walsh	13th Suffolk

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 2780 OF 2007-2008.]

## The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine

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### AN ACT RELATIVE TO RETIREMENT LAW.

*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 (b) of subdivision (1) of section twenty-two of chapter 32 is hereby  
2 amended by adding after the words "July first nineteen hundred and ninety-six" the last time  
3 they appear, the following words: - and withhold on each payday ten percent of the regular  
4 compensation of each employee who is eligible to receive benefits provided for pursuant to  
5 section twenty-six A of this chapter.

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7           SECTION 2. Chapter 32 of the General Laws is hereby amended by inserting after  
8 section twenty-six the following section: -

9           Section 26A. (1) As used in this section, the following words shall, unless the context  
10 otherwise requires, have the following meanings:

11 "Public Safety Officer" a uniformed member of a paid fire department or permanent  
12 member of a police department or to any permanent crash crewman, crash boatman, fire  
13 controlman or assistant fire controlman employed at the General Edward Lawrence Logan  
14 International Airport, or a probation officer and court officer employed by the trial court, or a  
15 parole officer, or a state environmental police officer, or a state corrections program officer, or  
16 a University of Massachusetts campus police officer, or a Bureau of Special Investigations  
17 investigator, all state and county corrections officer series currently governed under Chapter  
18 32, Section 28M, inclusive of inmate transportation officers or a social worker employed by the  
19 Department of Mental Health, Forensic Division.

20 (a) Any public safety officer shall be retired by the appropriate retirement board upon  
21 his attaining age sixty-five; provided that any such public safety officer who has performed  
22 service as a public safety officer for not less than twenty years and who has not attained the  
23 age of sixty-five may elect to retire pursuant to the provisions of this subdivision. (b) Upon  
24 retirement under the provisions of this subdivision, a member shall receive a retirement  
25 allowance to become effective on the date of his retirement. Payments under such retirement  
26 allowance shall be made as provided for in sections twelve and thirteen and the normal yearly  
27 amount thereof shall be equal to sixty percent of the average annual rate of his regular  
28 compensation received by such member during any period of three consecutive years of  
29 creditable service for which such rate of compensation was the highest, or on the average  
30 annual rate of regular compensation received by such member during the period or periods,  
31 whether consecutive or not, constituting his last three years of creditable service preceding his  
32 retirement, whichever is the greater, provided, that the total amount of the allowance shall be

33 increased by one-twelfth of three percent for each full month of services excess of twenty years  
34 of service; provided, however, that such retirement allowance shall in no case exceed 80  
35 percent of such regular compensation.

36 Any such member retired under the provision of this subdivision who is a veteran as  
37 defined in section one shall receive an additional retirement allowance of fifteen dollars for  
38 each year of creditable service or fraction thereof; provided, that the total amount of said  
39 additional retirement allowance shall not exceed three hundred dollars in any case.

40 (4) Section five, six, eight and sixteen, subdivisions (1) to (3), inclusive, or section ten,  
41 and all other provisions of sections one to twenty-eight, inclusive, which are inconsistent with  
42 any provisions of this section, shall not apply to any member so classified under this section.

43

44 SECTION 3. Any member of a retirement system who meets the definition of public  
45 safety officer as defined by section twenty-six A of chapter thirty-two on the effective date of  
46 this act may elect in writing to participate in the alternative public safety retirement benefit  
47 provided under said section twenty-six A within ninety days of the date this act takes effect.  
48 Any such election shall become effective on the first day of the pay period next following such  
49 election and shall constitute a waiver of any retirement benefits provided under section five or  
50 section ten of chapter thirty-two. Any member making such an election shall be required to  
51 make a minimum of three years of retirement contributions at the rate of ten percent; provided  
52 however, that if said member chooses to retire before he has made said three years of  
53 contribution at ten percent the member shall have deducted from his retirement allowance an

54 amount equal to the contributions that would have been made had such member remained in  
55 service for three years rate of regular compensation from which he retired. The election by an  
56 eligible member to participate in the alternative public safety retirement benefit provided for  
57 under said section twenty-six A shall be irrevocable.

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