

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Brian A. Joyce

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 the retirement options of certain educational personnel.

PETITION OF:

NAME:

Brian A. Joyce

DISTRICT/ADDRESS:

Norfolk, Bristol and Plymouth

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. S01524 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO THE RETIREMENT OPTIONS OF CERTAIN EDUCATIONAL PERSONNEL.

*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 (i) of subdivision (4) of section 5 of chapter 32 of the General Laws, as
2 appearing in the 2006 Official Edition, is hereby amended by striking out the sixth sentence and inserting
3 the following sentence:

4 A member of a contributory retirement system other than the teachers' retirement system or a teacher in
5 the State-Boston retirement system, who transfers into the teachers' retirement system or transfers into the
6 State-Boston retirement system as a teacher may elect to participate in the alternative superannuation
7 retirement benefit program but that election shall occur within 180 days after establishing membership in
8 the teachers' retirement system or the State-Boston retirement system.

9 SECTION 2. Paragraph (ii) of said subdivision (4) of said section 5 of said chapter 32, as so appearing, is
10 hereby amended by striking out the second sentence and inserting in place thereof the following
11 sentence:-

12 Such member shall have served for not less than 20 years as a teacher in order to be eligible to receive the
13 benefit provided under this subdivision but years of membership service in a contributory retirement
14 system while employed in a public day school in the commonwealth or an education collaborative under
15 section 4E of chapter 40, as a school nurse, school social worker, early childhood teacher, speech,

16 occupational or physical therapist or school business administrator shall be considered years as a teacher
17 for the purposes of this section.

18 SECTION 3. A school nurse, school social worker, early childhood, speech, occupational or physical
19 therapist, or school business administrator, who on or before July 1, 2001 was eligible to elect to
20 participate in the alternative superannuation retirement benefit program or who transferred from a
21 contributory retirement system to the teachers' retirement system or the State-Boston retirement system as
22 a teacher under paragraph (i) of subdivision (4) of section 5 of chapter 32 of the General Laws, may elect
23 to do so within 180 days of the effective date of this act on such form as the state teachers' retirement
24 board or the State-Boston retirement board shall prescribe; provided that said member shall make
25 retirement contributions to the system, prior to retirement, as if said member had elected into said
26 program on or before July 1, 2001, plus interest. The interest shall be calculated by using one half of the
27 actuarially assumed investment rate of return of the teachers' retirement system or the State-Boston
28 retirement system. The election to participate in the alternative superannuation retirement benefit program
29 shall be irrevocable and shall be subject to said subdivision (4) of section 5 of said chapter 32.

30 The election provided in this section shall also apply to any retired or other inactive member of the
31 teachers' retirement system or of the State-Boston retirement system who (a) was a member in service on
32 or before July 1, 2001 or transferred from a contributory retirement system to the teachers' retirement
33 system or the State-Boston retirement system after that date, (b) was eligible to elect to participate in the
34 alternative superannuation retirement benefit program, and (c) notified, in writing, the school district
35 payroll, business, or other administrative officer of an intention to elect to participate in the alternative
36 superannuation retirement benefit program established pursuant to paragraph (i) of subdivision (4) of
37 section 5 of chapter 32. The new benefit provided through such election shall be actuarially reduced, if
38 necessary, to meet the plan qualification requirements of the Internal Revenue Code (IRC), as provided in
39 paragraph (i) of subdivision (4) of section 5 of Chapter 32.