Acts (2022)

Chapter 134

AN ACT RELATIVE TO THE ALTERNATIVE SUPERANNUATION RETIREMENT BENEFIT PROGRAM FOR TEACHERS

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to clarify the mandatory participation in the alternative superannuation retirement benefit program through the teachers' retirement system or the Boston retirement system, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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. Paragraph (i) of subdivision (4) of section 5 of chapter 32 of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by striking out the fourth through eighth sentences, inclusive, and inserting in place thereof the following 2 sentences:-

A member of a contributory retirement system who transfers as a teacher into either the teachers' retirement system or the Boston retirement system and begins contributing to the teachers' retirement system or the Boston retirement system shall be a mandatory

participant in the alternative superannuation retirement benefit program. A member who participates in the alternative superannuation retirement benefit program shall contribute not less than 5 years of retirement contributions at the rate of 11 per cent of regular compensation pursuant to section 22.

SECTION 2. Said paragraph (i) of said subdivision (4) of said section 5 of said chapter 32 is hereby further amended by striking out the last sentence.

SECTION 3. (a) Notwithstanding paragraph (i) of subdivision (4) of section 5 of chapter 32 of the General Laws, an active or inactive member of the teachers' retirement system or of the Boston retirement system who: (i) is a teacher; (ii) transferred from another contributory retirement system pursuant to paragraph (a) of subdivision (8) of section 3 of said chapter 32 to either the teachers' retirement system or the Boston retirement system; (iii) became eligible for membership in either the teachers' retirement system or the Boston retirement system on or after July 1, 2001 and not later than June 30, 2022, inclusive; (iv) began contributing to either the teachers' retirement system or the Boston retirement system on or after July 1, 2001 and not later than June 30, 2022; and (v) did not provide a written election to participate in the alternative superannuation retirement benefit program to such retirement system on or before December 31, 2022 shall have a new 1 time opportunity to elect to participate in the alternative superannuation retirement benefit program.

(b) A qualifying member shall make the election provided under subsection (a) on or after January 1, 2023 but not later than June 30, 2023; provided, however, that a member entitled to make an election under this section who applies for retirement prior to the

foregoing election period shall be given a 1 time opportunity to participate in the alternative superannuation retirement benefit program prior to retirement; provided further, that if the teachers' retirement system or the Boston retirement system receives the transfer of the member's account on or after July 1, 2022, the member shall have 180 days from the date that the teachers' retirement system or the Boston retirement system receives the transfer of the member's account from the prior retirement system to elect out of the alternative superannuation retirement benefit program.

(c) A member who participates in the alternative superannuation retirement benefit program under this section shall make contributions at the rate of 11 per cent pursuant to section 22 of chapter 32 of the General Laws and may be required to provide make-up contributions at the rate of 11 per cent, upon such terms and conditions as the relevant retirement system may require, from the date that such member established membership in the teachers' retirement system or the Boston retirement system.

(d) An election made pursuant to this section shall be irrevocable. If the member has the opportunity to elect to participate in the alternative superannuation retirement benefit program and does not elect to participate within the prescribed period, the member shall be considered to have affirmatively elected not to participate in the alternative superannuation retirement benefit program. If the member has the opportunity to elect not to participate in the alternative superannuation retirement benefit program and does not elect not to participate within the prescribed period, the member shall be deemed to have affirmatively elected to participate in the alternative superannuation retirement benefit program. A member who

participates in the alternative superannuation retirement benefit program after having had the opportunity to elect to participate or not to participate in the alternative superannuation retirement benefit program and who pays additional contributions, but does not complete the creditable service or teaching service requirements of this subdivision, shall, upon termination from membership in or retirement from the system, be reimbursed for any additional contributions, plus regular interest, as determined by the teachers' retirement board or the Boston retirement board.

SECTION 4. Notwithstanding any general or special law to the contrary, the fourth and fifth sentences of paragraph (i) of subdivision (4) of section 5 of the General Laws, as inserted by section 1, shall apply to a member of a contributory retirement system who transfers as a teacher into either the teachers' retirement system or the Boston retirement system and begins contributing to the teachers' retirement system or the Boston retirement system on or after July 1, 2022; provided, however, that if the prior membership transferred includes service rendered prior to July 1, 2022, the member shall have 180 days from the date that the teachers' retirement system or the Boston retirement system receives the transfer of the member's account from the prior contributory retirement system to elect out of the alternative superannuation retirement benefit program.

Approved, August 3, 2022.