

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Petruccelli, Anthony (SEN)

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 improving the semi-private, financially independent, fully funded chapter 32 governed Massachusetts port authority employees retirement system.

PETITION OF:

NAME:

Petruccelli, Anthony (SEN)

DISTRICT/ADDRESS:

First Suffolk and Middlesex

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT IMPROVING THE SEMI-PRIVATE, FINANCIALLY INDEPENDENT, FULLY FUNDED
CHAPTER 32 GOVERNED MASSACHUSETTS PORT AUTHORITY EMPLOYEES RETIREMENT
SYSTEM.

*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. Adding the following subdivision, as amended by section 12 of chapter 68 of the
2 acts of 1999, hereby further amends section 5 of said Chapter 32: -

3

4 (5 a) Notwithstanding the provisions of this chapter or any other general or special law to
5 the contrary, there is hereby established a voluntary alternative superannuation retirement benefit
6 program for members of the Financially Independent, Fully Funded Massachusetts Port
7 Authority Employees Retirement System.

8

9 Participation in said program shall be offered as an alternative retirement option at time
10 of hiring for all group 1 and group 2 employees hired on or after July 1, 2009. Such members

11 opting to join shall make contributions to the Massachusetts Port Authority Employees
12 Retirement System at the rate of 14 per cent on all regular compensation.

13

14 Any current contributing Group 1 and Group 2 member of the Massachusetts Port
15 Authority Retirement System hired before July 1, 2009, may elect to participate in the alternative
16 superannuation retirement benefit program. Said election shall be made on or after July 1, 2009
17 and on or before December 31, 2009.

18

19 Any current contributing group 1 or group 2 member of a chapter 32 contributory
20 retirement system who transfers into the Massachusetts Port Authority Employees Retirement
21 System before July 1, 2009, may elect to participate in the alternative superannuation retirement
22 benefit program; provided, that said election shall occur within 180 days of establishing
23 membership in the Massachusetts Port Authority Employees Retirement System.

24

25 (5 b) Any current contributing Group 1 and Group 2 member who elects to so participate
26 shall be required to make contributions to the Massachusetts Port Authority Employees
27 Retirement System at the rate of 11% from regular compensation in place of established member
28 contribution rates, and the established 2% cap rate under chapter 32, thereby any current
29 contributing member presently contributing 5%, 7%, 9%, along with the 2% cap would then
30 have their contributions adjusted to 11% during the life of their membership in the Massachusetts
31 Port Authority Employees Retirement System.

32

33 Current contributing group 1 and group 2 members hired before January 1, 1975 that will
34 have 30 years of service, and would qualify to retire on or after their 55th birthday but would not
35 have the 5 year minimum contribution requirement fulfilled, shall be allowed to have
36 contributions made from their 50th to their 55th birthday credited toward their 5 year minimum
37 criteria, and shall be obligated to make additional contributions in conjunction with the credited
38 amount that shall equal the 5 year at 10% minimum contribution criteria.

39
40 Current contributing members that elect not to join this alternative program shall remain at their
41 present classification and contribution rates established under chapter 32.

42 At no time shall any member be allowed to opt into or out of the alternative program except
43 within the allowable time frame as stated herein. Once a member chooses his retirement option
44 he shall remain within that option, primary chapter 32 program or alternative program, until such
45 time as the member retires or leaves his membership in the system.

46
47 Current contributing members participating in this program are required to make a
48 minimum of five years of contributions at 11 per cent from of regular compensation pursuant to
49 section 22; provided, however, that if said member elects to retire before he has made said five
50 years of contributions at 11 per cent, said member shall pay, in one sum or in installments as the
51 board may prescribe, an amount equal to that which would have been withheld as regular
52 deductions at the rate of 11 per cent from his regular compensation for such five year period
53 based on his last 12 months of regular compensation less contributions made during said
54 member's last five years of creditable service; provided, further, that any inactive member who

55 elects to retire before he has made said five years of contributions at 11 per cent, said member
56 shall pay, in one sum or in installments as the board may prescribe, an amount equal to that
57 which would have been withheld as regular deductions at the rate of 11 per cent from his regular
58 compensation for such five-year period based on the last 12 months of regular compensation
59 which would have been paid to said inactive member had said member continued in the position
60 from which he is currently inactive less contributions made during said member's last five years
61 of creditable service. Any schedule permitting an acceleration of contributions shall be consistent
62 with the plan qualification requirements of the Internal Revenue Code and shall, where necessary
63 to meet the requirements of the Internal Revenue Code, provide for an actuarial reduction of
64 benefits by the actuary appointed by the commission in accordance with the provisions of section
65 21.

66

67 Any current contributing Group 1 and Group 2 member who elects to participate in the
68 alternative superannuation retirement benefit program and pays additional contributions pursuant
69 to this section and does not complete 30 years of creditable service, shall, upon termination from
70 membership in or retirement from the system, be reimbursed such additional contributions, plus
71 regular interest, as determined by the Massachusetts Port Authority Employees Retirement
72 System and shall be reclassified back into the chapter 32 group in which he was participating in
73 before employee voluntarily joined the alternative program and at the rate of contribution such
74 employee would have been obligated to pay if the member had remained in the primary chapter
75 32 program.

76

77 (5 c) The normal yearly amount of retirement allowance for an eligible employee
78 participating in this alternative program who has completed 30 years of creditable service and
79 has paid the full amount of regular deductions on the total amount of regular compensation as
80 determined under subsection 5 of chapter 32, shall be based on the average annual rate of
81 regular compensation as determined under said paragraph (a) and shall be computed according to
82 the table contained in said paragraph (a) titled group 2, based on the age of such member and his
83 number of years and full months of creditable service at the time of his retirement with the
84 percentage of salary average in such computation to be increased by 1 per cent per year for each
85 full year of service in excess of 24 years of creditable service; provided, however, that such
86 member shall have served for not less than 25 years as an employee of the Massachusetts Port
87 Authority in order to be eligible to receive the benefit provided under this subsection. For any
88 member who retires prior to age 55, his age factor shall be determined in accordance with
89 subdivision (1) of section 10. For any member who retires before completing 30 years of service,
90 such member shall receive a retirement allowance equal to the retirement allowance that the
91 member would have been eligible for had he not participated in the alternative superannuation
92 retirement benefit program.

93

94 (5 d) The total normal yearly amount of the retirement allowance, as determined in
95 accordance with the provisions of this subdivision, of any employee who retires and receives an
96 additional benefit under the alternative superannuation retirement benefit program shall not
97 exceed four-fifths of the average annual rate of his regular compensation received during any
98 period of three consecutive years of creditable service for which the rate of compensation was
99 the highest or of the average annual rate of his regular compensation received during the period

100 or periods, whether or not consecutive, constituting his last three years of creditable service
101 preceding retirement, whichever is greater.

102

103 (5 e) The Massachusetts Port Authority Employees Retirement System Board shall have
104 full responsibility implementing this alternative program on behalf of its current group 1 and
105 group 2 members and shall notify all members within 90 days after this program becomes active
106 of said members' eligibility and information to aid in members' decision to join the alternative
107 program or remain in the primary program.

108

109 Eligibility criteria to participate in this alternative program shall be met by the member if
110 at the date in which the member retires: (a) member must be a minimum age of 55; (b) member
111 must have a minimum of 30 years of service in a chapter 32 retirement system; (c) member must
112 have a minimum of 25 years with the Massachusetts Port Authority; (d) member agrees to
113 increase their contribution rate as required under section (5 a – 5 b) for the full term in which the
114 member participates in this program.

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