

# The General Laws of Massachusetts

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## PART I. ADMINISTRATION OF THE GOVERNMENT

### TITLE IV. CIVIL SERVICE, RETIREMENTS AND PENSIONS

#### CHAPTER 32. RETIREMENT SYSTEMS AND PENSIONS

##### Chapter 32: Section 10. Resignation, failure of re-election or reappointment, removal or discharge

Section 10. (1) *Right to a Superannuation Retirement Allowance.* — Any member classified in Group 1, Group 2 or Group 4 who after completing twenty or more years of creditable service, resigns or voluntarily terminates his service, ~~or fails of nomination or re-election,~~ or fails of reappointment, or whose office or position is abolished, or is removed or discharged from his office or position without moral turpitude on his part, or any member who, after having attained age fifty-five, resigns, ~~or fails of nomination or re-election, or fails to become a candidate for nomination or re-election,~~ or fails of reappointment or is removed or discharged from his office or position without moral turpitude on his part, or any such member whose office or position is abolished, shall, upon his written application on a prescribed form filed with the board, receive a superannuation retirement allowance to become effective as provided in subdivision (3) of this section. Such retirement allowance of any member classified in either Group 1 or Group 2 shall be determined and computed in accordance with the provisions of paragraphs (a) and (b) of subdivision (2) of section five, and subject to the limitations set forth in paragraphs (c) and (d) of said subdivision (2), and shall be based on such member's age and number of years and full months of creditable service on the date the retirement allowance becomes effective, and if such retirement allowance becomes effective before such member has attained age fifty-five the per cent to be used in computing such retirement allowance shall be the per cent for age fifty-five as appearing in the table in paragraph (a) of said subdivision (2) with one tenth of one per cent subtracted for each year the age at last birthday preceding retirement is under age fifty-five. If any such member, classified in either Group 1 or Group 2, has not attained age fifty-five on the date of his termination of service the normal yearly amount of such allowance shall be equal to that prescribed for a member classified in Group 1; otherwise it shall be equal to that prescribed for a member in the group in which he is classified. The retirement allowance of any member, classified in Group 4, who is eligible to receive a superannuation retirement allowance under the provisions of this subdivision shall be determined and computed in accordance with the provisions of paragraphs (a) and (b) of subdivision (2) of section five and subject to the limitations set forth in paragraphs (c) and (d) of said subdivision (2) shall be based on such member's age and number of years and full months of creditable service on the date the retirement allowance becomes effective, provided that if such member, classified in Group 4, has not attained age forty-five on the date of his termination of service the normal yearly amount of such

allowance shall be equal to that prescribed for a member classified in Group 1, and if such retirement allowance becomes effective before such member has attained age forty-five the per cent to be used in computing such allowance shall be the per cent for age forty-five as appearing in paragraph (a) of said subdivision (2) with one tenth of one per cent subtracted for each year the age at last birthday preceding retirement is under age forty-five.

(2) *Right to a Termination Retirement Allowance.* — (a) Any member who retires under the provisions of this section, who has completed twenty or more years of creditable service and who fails of nomination or re-election, or fails of reappointment, or whose office or position is abolished, or is removed or discharged from his office or position without moral turpitude on his part, or who has completed thirty or more years of creditable service and whose resignation becomes effective before he attains age fifty-five, shall receive a normal yearly amount of retirement allowance which shall not be less than the sum of his annuity, which shall be the actuarial equivalent of his accumulated regular deductions at his attained age on the date the allowance becomes effective, and a pension equal to a sum of not less than one-third of his average annual rate of regular compensation received during any period of three consecutive years of creditable service for which such rate of compensation was the highest; provided, that such member has paid the full amount of regular deductions on the total income of regular compensation, including deductions specified in subdivision (3A) of section three and in paragraph (d) of subdivision (1) of section twenty-two. Any member of Group 1 or Group 2 or Group 4, who is a veteran as defined in section one, shall receive an additional yearly retirement allowance of fifteen dollars for each year of creditable service or fraction thereof; provided, however, that the total amount of said additional retirement allowance shall not exceed three hundred dollars in any case. The retirement board shall require the employer of any employee applying for a termination retirement allowance to certify in writing, under the pains and penalties of perjury, that ~~one of the following circumstances applies: (1) that the employee has failed of nomination or re-election, (2) that the employee has failed of reappointment, (3) that the employee's office or position has been abolished, or (4) that~~ (1) the employee has failed of reappointment; (2) the employee's office or position has been abolished; or (3) the employee has been removed or discharged from his position without moral turpitude on his part.

(b) Any member classified in Group 1, Group 2 or Group 4, who has completed ~~six~~ 10 or more years of creditable service, and who fails of nomination or re-election, or fails to become a candidate for nomination, re-election or election, or fails of reappointment, or is removed or discharged from his office or position without moral turpitude on his part, or accepts during, or prior to the expiration of a term for which he was elected appointment to an office or position the acceptance of which requires under the constitution of the commonwealth resignation from the general court, or any such member whose office or position is abolished, who leaves his accumulated total deductions in the annuity savings fund of the system of which he is a member, shall have the right upon attaining age fifty-five, or at any time thereafter, to apply for a termination retirement allowance to become effective as provided for in subdivision (3) of this section. Such allowance shall be determined in accordance with the provisions of section five, or the provisions of any other section governing superannuation retirement applicable to such member upon the basis of such member's age on the date when the retirement allowance becomes effective, with an amount of creditable service equal to that with which he was credited on the date of his termination of service.

(b1/2) Any member classified in Group 1, Group 2 or Group 4, who has completed ten or more years of creditable service, and who resigns or voluntarily terminates his service and leaves his accumulated total deductions in the annuity savings fund of the system of which he is a member, shall have the right upon attaining age fifty-five, or at any time thereafter, to apply for a termination retirement allowance to become effective as provided for in subdivision (3) of this section. Such allowance shall be determined in accordance with the provisions of section five or the provisions of any other section governing superannuation retirement applicable to such member upon the basis of such member's age on the date

when the retirement allowance becomes effective, with an amount of creditable service equal to that with which he was credited on the date of his termination of service.

(c) Any member who is removed or discharged for violation of the laws, rules and regulations applicable to his office or position, or any member whose removal or discharge was brought about by collusion or conspiracy, shall not be entitled to the termination retirement allowance provided for in this subdivision.

(3) *Right to Defer Receipt of Allowance.* — The retirement allowance of any member entitled thereto under the provisions of subdivision (1) or (2) of this section shall become effective on the date of his termination of service if his written application therefor is filed with the board not more than sixty days after such date; otherwise his retirement allowance shall be deferred. Any such member may, at any time thereafter and before attaining the maximum age for his group, file with the board his written application for such retirement allowance, and thereupon such retirement allowance shall become effective on the date which shall be specified in such application and which shall be not less than fifteen days nor more than four months after the filing of such application but in no event later than the maximum age for his group. The retirement allowance of any such member who fails to file a written application therefor as provided for in this subdivision shall nevertheless become effective upon his attainment of the maximum age for his group unless prior to such age his accumulated total deductions have been returned as provided for in this section and in section eleven. Payments under such allowance shall be made as provided for in sections twelve and thirteen. The amount of such retirement allowance shall be based upon such member's creditable service only for the period prior to the actual date of his termination of service; provided, that if such member later becomes reinstated, re-employed or re-elected and restored to active membership in accordance with the provisions of section three, the amount of his retirement allowance shall also include credit for any subsequent period of his creditable service.

(4) *Right to a Return of Accumulated Total Deductions.* — Any retirement allowance granted to a member in accordance with the provisions of sections one to twenty-eight inclusive, except as otherwise provided for in subdivision (3) of section twenty-five, shall be in lieu of the payment to him of his accumulated total deductions. Any member not entitled to a retirement allowance in accordance with the provisions of sections one to twenty-eight inclusive, or any member entitled to a retirement allowance as provided for in this section whose allowance has not become effective, shall be paid the amount of his accumulated total deductions as provided for in subdivision (1) of section eleven upon his written request therefor on a prescribed form filed with the board on or after the date of his termination of service, except as provided for in section 11 or section fifteen.