



Offered by Councilor Annissa Essaibi-George

**CITY OF BOSTON
IN CITY COUNCIL**

**IN THE YEAR TWO THOUSAND AND TWENTY
HOME RULE PETITION**

- WHEREAS:** Our educators and nurses who have served this City for decades are some of the greatest public servants in the City of Boston; and
- WHEREAS:** Our educators and nurses ought to be able to increase the amount he or she contributes to the Boston Retirement System in order to improve their retirement benefits and secure a more manageable standard of living upon retirement, **THEREFORE, BE IT**
- ORDERED,** That a petition to the General Court, accompanied by a bill for a special law relating to the Boston Retirement System, approved by the Boston City Council and Mayor of Boston, that the legislation so approved be adopted precisely as follows, except that the General Court may make only clerical or editorial changes to the bill, unless the Boston City Councilors and Mayor approve amendments to the bill before enactment by the General Court. The Boston City Councilors and Mayor of Boston are hereby authorized to approve amendments which shall be within the scope of the public objectives of this petition.

**PETITION FOR A SPECIAL LAW RE: THE BOSTON RETIREMENT
SYSTEM AND THE ALTERNATIVE SUPERANNUATION RETIREMENT
BENEFIT PROGRAM**

- Section 1. Paragraph (i) of subdivision (4) of section 5 of chapter 32 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by adding the following paragraph:

Notwithstanding any provision of this chapter to the contrary, the following paragraphs shall apply to the Boston Retirement System only.

(a) A member of a contributory retirement system who transfers as a teacher or school nurse into the Boston retirement system on or after July 1, 2019 and begins contributing to 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.

(b) An active or inactive member of the teachers' retirement system or of the Boston retirement system who: (i) is a teacher or school nurse; (ii) transferred from another contributory retirement system pursuant to paragraph (a) of subdivision (8) of section 3 of said chapter 32 to the Boston retirement system; (iii) became eligible for membership in the Boston retirement system on or after July 1, 2001 and not later than June 30, 2019, inclusive; (iv) began contributing to the Boston retirement system on or after July 1, 2001 and not later than June 30, 2019; 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, 2019 shall have a new, 1 time opportunity to elect to participate in the alternative superannuation retirement benefit program.

(c) An active or inactive member of the Boston retirement system who: (1) is a teacher or school nurse; (ii) became eligible for membership in the Boston retirement system before July 1, 2001; (iii) began contributing to the Boston retirement system before July 1, 2001; and (iv) did not provide a written election to participate in the alternative superannuation retirement benefit program to the Boston retirement system before July 1, 2001 nor at any other time prior to December 31, 2019, shall have a new 1 time opportunity to elect to participate in the alternative superannuation retirement benefit program.

(d) A qualifying member shall make the election provided under subsections (b) or (c) on or after January 1, 2020 but not later than 180 days after the passage of this Act; 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 Boston

retirement system receives the transfer of the member's account on or after July 1, 2019, the member shall have 180 days from the date that 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.

(e) 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 makeup contributions at the rate of 11 per cent plus simple interest, upon such other terms and conditions as the retirement system may require, from the date that such member established membership in the teachers' retirement system or the Boston retirement system.

(f) 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 2.

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 appearing in section 1, shall apply to a member of a contributory retirement system who transfers as a teacher or school nurse

into the Boston retirement system and begins contributing to the Boston retirement system on or after July 1, 2019; provided, however, that if the prior membership transferred includes service rendered prior to July 1, 2019, the member shall have 180 days from the date that 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.

Section 3. This act shall take effect upon passage.

Filed: September 11th, 2020