

Rules and Regulations of the Franklin Regional Retirement System

March 10, 1965 through June 30, 1987

- I. The Board considers a part-time, part-time permanent, temporary, provisional, temporary provisional, seasonal, or intermittent employee eligible for membership in the retirement system if he has worked on 130 days, or its equivalent, within the calendar year and whose pay is at least \$720 per year.

- II. A part-time, part-time permanent, temporary, provisional, temporary provisional, seasonal, or intermittent employee receiving weekly or monthly salaries or wages for prescribed periods of employment be given creditable service based on actual service rendered, provided that in the case of any such employee whose work is found by the Board to be seasonal in its nature, the Board shall credit as the equivalent of one year of service actual full-time service of not less than seven (7) months during any one calendar year.

DEFINITION: A day to be based on a 7 ½ hour period of employment in a thirty-seven and one half (37 ½) hour week.

- III. RE: Chapter 32, Section 12B
“That the total annual allowance derived from and payable under the provisions of Chapter 32 of the General Laws, Section 12B shall at no time be greater than the annual rate of regular compensation, payable to such member on the date of his death, and that in the case of call firemen, special police and part-time workers, that the annual rate of regular compensation be considered the earnings, of the member for the twelve months immediately preceding his death.”

- IV. It was unanimously voted to allow any cafeteria worker who works five hours or more per day to be considered a full time employee and eligible for membership in the Franklin County Retirement System.

Notes:

December 22, 2005 – the board voted an interpretation of the 1965 to 1988 regulations.

1) Discussion: “In it there are two sections (or paragraphs) followed by a definition for “**A day** . . .” which is then followed by two additional sections. Our original understanding of the regulation was that each section stood alone and the definition for “A day” was related only to the second section. On more careful reading, the second section clearly contains no reference to “days” and would therefore have no need (on its own) of a definition for “A day”. But the first section does, and the second section does also if it’s taken into account in conjunction with the first section. The first section states one requirement for membership to be 130 days; section two then describes the calculation for creditable service for an eligible part-time employee to be based on “actual service rendered”. The definition that follows sections one and two then assists the reader in calculating the number of days to award, by allowing for the reader to divide the total number of hours worked, by a standard 7 ½ hour day. It all makes logical sense, in that the Board was then

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able to consider the annual amount of hours in deciding whether a part-time employee worked the equivalent of a twenty hour-a-week job (130 days is exactly half a year of work (M-F)). Section one reads very differently without the benefit of the definition of how many hours in a day (7 ½). Without the definition, section one would allow a part-time employee to work one hour a day on 130 separate days for an hourly rate of \$5.54 and receive the same benefits of membership that a truly half-time employee (20 hours per week, 1,040 hours per year) would receive. (working 130 hours per year is only 6% of a work year, working 1,040 hours is 50% of a work year)

The staff believes that the regulation is meant to be read applying the definition for “A day” to both sections one and two, and would like the board to decide if it agrees.

On a motion by D. Gendron and seconded by P. Mokrzecki, the Board voted and approved a directive to the staff that when establishing membership eligibility or creditable service allowable for the 3/10/1965-1/1/1988 time period, the regulation adopted by the Board on 3/30/1965 should be interpreted in full, Sections I-IV, including the definition of a day.

2) The Board also discussed the wording of “**Calendar Year**” used in the same regulation and agreed that it should be interpreted literally to mean January 1st to December 31st as a year’s period.

Discussion: “ We (staff) find that the requests for a make-up of creditable service based on the 130 days worked in a calendar year may not be equitable and would like some direction from the Board. The situation has been discussed in determining eligibility for school year employees. These members often transfer to another retirement system and subsequently ask FCRS for creditable service during their time in one of our units. For example, if an employee had an agreement for one school year, typically 180-185 days, the eligibility requirement would not be met in either “**calendar year**” of the agreement but would be met in a “**consecutive 12 month period.**”

If it is determined that the employee was eligible to be a member and the Board agrees to allow the make-up of creditable service due to “administrative error”, it is done so without interest due. It also suggests that the Board believes the 1965 regulation was not meant to exclude these employees.

Keep in mind that prior members of FCRS may not make-up creditable service unless it was administrative error. Active members of FCRS may make-up creditable service at a rate proportionate to actual time worked. (Voted and approved 12/18/1995)”