

# Rules and Regulations of the Franklin Regional Retirement System

February 27, 1997 through December 31, 2008

(Bolded print is new or amended language)

- 1. The Board considers that all permanent employees working 20 or more hours on a regular basis must belong to the Franklin County Retirement System. Effective 1/1/96, no temporary employees or employees working less than 20 hours per week on a regular basis shall be considered eligible for membership in the system, except that elected officials may elect to become members as provided by G.L. C. 32.**

**Any temporary or part-time employee hired after 1/1/96 who later becomes eligible for membership shall have the option of buying back creditable service time at the rate proportionate to actual time worked. (Actual time worked by employee to be provided and certified by unit Treasurer.)**

2. An employee, either full time or part time, receiving a salary or wage for prescribed periods of employment is to be given creditable full time service **retroactive to the date of membership for all members active on or after February 27, 1997.** (See the notes section below for subsequent clarification regarding “prescribed periods” and “regular basis”.)

Settlement of small allowances in one sum shall be regulated by MGL Chapter 32, Section 13 which states:

- a) Any member otherwise entitled to receive a retirement allowance under the provisions of sections one to twenty-eight inclusive, the normal yearly amount of which would be less than three hundred and sixty dollars, shall, in lieu of receiving such allowance, be paid the amount of his accumulated total deductions as of the date such allowance would otherwise become effective.
  - b) Any member otherwise entitled to receive a retirement allowance under the provisions of sections one to twenty-eight inclusive, the normal yearly amount of which would be less than six hundred dollars but not less than three hundred and sixty dollars, shall, in lieu of receiving such allowance, be paid the amount of his accumulated total deductions as of the date such allowance would otherwise become effective if his written request, therefore, as provided for in subdivision (1) of section eleven is filed with the board on a prescribed form prior to the date the first payment of such allowance would otherwise become due.
3. RE: Chapter 32, Section 12 (2) (d)  
“That the total annual allowance derived from and payable under the provisions of Chapter 32 of the General Laws, Section 12 (2)(d) together with any allowance payable under the provisions of Section 12B shall at no time be greater than the

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- annual rate of regular compensation payable to such member on the date of death of such member.
4. An employee who becomes a member after January 1, 1978 must have ten (10) years of creditable service to be eligible for a retirement allowance and also provides that an employee who becomes a member after January 1, 1984 and has less than sixty (60) months of creditable service shall receive no interest on the return of their deductions. For employees hired after January 1, 1984, you will receive 100% interest after 10 years of creditable service. Employees whose membership commenced after January 1, 1984 but whose withdrawal from service is not “voluntary” shall receive one hundred percent of the rate of interest payable.
  5. Employees who became members prior to January 1, 1975 contribute 5 percent of their regular compensation. Employees whose membership commenced on or after January 1, 1975 but prior to January 1, 1984 must contribute 7 percent. Those employees whose membership begins on or after January 1, 1984 must contribute 8 percent.
  6. Moved to accept Massachusetts General Laws Chapter 32 Section 90G (3/4) Election of members continuing services after age 70 to approve creditable service and receive regular compensation.
  7. If an employee withdraws his/her monies, they must come back into the system at 8% and be treated as a new employee.
  - 8. November 19, 1998 – Individuals who are not current members of the system will not be allowed to buy back creditable service for time the individual was employed by a member unit but not eligible for membership in the Franklin County Retirement System.**

Notes:

May 28, 2008 – the board voted the following clarification:

February 27, 1997 creditable service regulation: “An employee, either full time or part time, receiving a salary or wage for prescribed periods of employment is to be given creditable full time service retroactive to the date of membership. Retroactive clause is effective for all members active on or after February 27, 1997. Settlement of small allowances in one sum shall be regulated by MGL Chapter 32, Section 13.”

For the purposes of clarification, the application of the board’s February 27, 1997 creditable service regulation is interpreted as follows:

Full time creditable service will be given to members working full-time or part-time in positions where the work schedule was predetermined and followed a regular pattern. Members working occasionally and sporadically with no clear pattern of a regular work schedule, will be given creditable service equal to the

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actual time worked. Examples include, but are not limited to: substitute teachers, seasonal coaches, and other employees working occasional shifts.

In the case of School Department employees whose full-time employment requires them to work from on or about September 1<sup>st</sup> to on or about June 30<sup>th</sup>, including but not limited to cafeteria workers, clerical and secretarial staff, teacher's assistants and teaching professionals, such as therapists, said employees shall receive one month of creditable service for each full month the employee is receiving regular compensation, with ten (10) months being the equivalent of one (1) year of creditable service, based on the following conversion: the number of months worked in a ten month year is multiplied by 1.2 to yield the twelve month equivalent and the creditable service to be given. This conversion will apply in partial years worked as well, whether due to lay-off, resignation, transfer or retirement.

It is the intent of the board to grant full creditable service only to employees who work in a position with regularly scheduled hours, even if the schedule is less than 20 hours per week, as long as the schedule exhibits a clear pattern over a logical period of time. Employees working for small amounts of time sporadically do not fit the understanding of what a full member would be, and therefore would not be given full creditable service. This clarification of the creditable service regulation applies to the February 27, 1997 regulation only and does not apply to any future regulations that replace or modify the February 27, 1997 regulation unless expressly stated.

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