

M.G.L. 32 § 90G3/4 Optional Deductions after age 70

Notwithstanding the provisions of any general or special law to the contrary, any member continuing in service pursuant to said sections after having attained the age of seventy may elect to accrue creditable service and receive regular compensation, subject to the provisions of this section. Any member so electing shall continue to have deductions made from his regular compensation, and shall upon retirement receive a superannuation retirement or veteran's pension allowance, as applicable, based on the years and full months of service rendered and the regular compensation received prior to having attained said age seventy, together with the years and full months of service rendered and the regular compensation earned subsequent to such election.

The provisions of this section shall take effect for the members of any retirement system by majority vote of the board of such system, subject to the approval of the legislative body. For purposes of this paragraph, legislative body shall mean a town meeting in a town system, the city council, subject to the provisions of its charter, in a city system, the county commissioners in a county system, the district members in a district system, and the governing body of an authority in an authority system. Acceptance shall be deemed to have occurred upon the filing of a certificate of acceptance with the commission and shall be effective as of January first, nineteen hundred and eighty-eight. Any member of a system accepting this section who, on or after the effective date of such acceptance but prior to the date on which such acceptance occurred is continuing in service after having attained the age of seventy, may include any regular compensation received and creditable service rendered after having attained age seventy by depositing, upon such conditions as the board shall determine, in the annuity savings fund of the system an amount equal to the amount which would have been withheld from his regular compensation, without interest thereon, had said acceptance taken effect on the date such member attained said age seventy, and had such member made the election provided for in this section on such date. Any member of a system for which acceptance of this section occurred prior to the date such member attains age seventy may elect to be subject to the provisions of this section not earlier than the date such member attains the age of sixty-nine and not later than the sixtieth day before the date on which the member will attain the age of seventy. The board shall notify the member of his option to elect to be subject to the provisions of this section not earlier than the date on which such member attains the age of sixty-nine and not later than one hundred and eighty days before the date on which the member will attain the age of seventy. An election under this section may not be revoked. Any person having made deposits under the provisions of section ninety G1/2 shall be credited with both the creditable service and regular compensation to which such deposits are allocable, without any further deposits being required under this section on account of such service and regular compensation.

Note:

Franklin County Retirement Board approved this section at a meeting on September 21, 1993. The Advisory Council approved it on November 9, 1993.

Approval by County Commissioners yet to be researched – June 26, 2014.