

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.

- V. “Teachers Aides” and “Tutors” be held for a probationary period of six months before being considered eligible for membership.³

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

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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 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.

May 2015 – subsequent to the above discussion, it has been recognized that the retirement board in office during the period of these regulations (1965 to 1987) regularly approved membership, and collected deductions, for school-year personnel, which is somewhat contrary to the strict interpretation of “calendar year”, because neither half of the school year is greater than 130 days, and thus would not meet the strictest interpretation. Therefore, we will recognize the previous board’s membership approval, as indication that its intent was to think more broadly about “calendar year”, and we will do the same – at least with school-year employees.

3) Rule V was discovered in the Board minutes of 1969 – 1971 on December 8, 2018 and added to this document then.

- Page 183, April 24, 1969 – “Any teacher’s aide is not eligible to become a member of the retirement system because of the availability of the Teachers’ Retirement System.”
- Page 191, October 29, 1969 – rescinded the April 24, 1969 vote.
- Page 206, September 29, 1970 – ““Teacher’s Aides” be held for a probationary period of six months before being considered eligible for membership.”
- Page 326, October 28, 1971 – “Rule V of the rules and regulations of the Fr. County Board of Retirement be amended to read “Teachers’ Aides and “Tutors”.”