

Franklin Regional Retirement System Policy

Service Credit for Reserve Police and Call Firefighters as per MGL 32 § 4(2)(b)

Reserve Police, and call firefighters that were on the annual list of officers or call firefighters, in a particular town, and available to fill shifts in their respective departments, can receive up to five years credit for that period, but not until they are hired to a permanent position in that same town and become a member of the retirement system via that permanent position. Members receiving service will be required to pay an amount equal to the deductions on wages received for work performed during the service period. Availability is subject to consideration of the June 21, 2013 date of the “MacAloney” decision.

Must be on the “Respective List”

Police - MGL 41, §’s 96, 97, and 97A all provide that officers will be appointed either annually, or for terms not to exceed 3 years – so to be considered, the officer must appear on one of these lists - if the lists exist.

Fire - MGL 42 and 42A both provide for the appointment of firefighters, which would likely include the generation of a list of appointees, so to be considered, the firefighter must appear on one of these lists - if the lists exist.

Unless indicated otherwise, the above lists will be considered to be in effect for one year from the effective date. Where the above lists are not available, the Board will review alternative documentation.

Subject to the provisions of the “Under \$5,000 Rule,” see MGL c. 32, § 4(1)(o).

On or after July 1, 2009, for Section 4(2)(b) service to be purchased, a member must have received a minimum of \$5,000 in payment for such service in a calendar year. Otherwise, it is not eligible for purchase and cannot be creditable service.

For service in calendar year 2009, with its demarcation point of June 30, 2009, members will be credited with up to six months of full-time service for those members who fail to earn \$5,000 or more in the 2009 calendar year.

Members can receive up to 5 years maximum.

Members will receive full service credit from the effective date of the first “respective list” upon which they are listed, up to the date of their appointment to the permanent membership position with the same town or fire district, limited to five years total service for the period, and excluding any periods they are not on the applicable “respective list” for any period of time, and subject to the “under \$5000 rule”.

Service credit beyond the first five years is subject to the Board’s other regulations related to that type of service.

Members will have to pay for the service credit.

The member will have to pay to the retirement system the amount of retirement deductions on wages received for any typical “pension eligible” hours worked during the five years.

Franklin Regional Retirement System Policy

“Buyback” interest, as applied in regular “service makeup” purchases, will apply to these service purchases as well. Interest will start on January 1, 2014 or the start of the service period, whichever is later.

Uncompensated Service

People who were on their respective lists through June 30, 2009, who were available to be called into service, yet never were, will be granted creditable service at no cost. No payment shall be required from these members for the grant of service.

For those on their respective list and never called, who received no compensation for the period after June 30, 2009, such service will not be credited. This is because of the “Under \$5,000 Rule”.

4(2)(b) service group classification at retirement.

This type of service is “non-membership” service and thus has no group classification on its own and therefore is included with the service group from which the member is retiring (group 1, or 4). If the member is retiring as group 1 but requesting a prorated benefit based on service in both groups, this 4(2)(b) service will be included with the group 1 portion of the retirement calculation.

The member must be hired to a permanent, membership-eligible position with the town and become a member of the retirement system before receiving the service credit.

- Permanent position does not have to be full time – just membership eligible.
- Permanent position must be with same town as the reserve service.
 - **Police** - Permanent position does not have to be with the police department.
 - **Call Firefighter** - Permanent position must be with the same department.

Impact on Service already purchased and/or granted.

Retirees retired prior to June 21, 2013 will remain unaffected by these rules. Retirees retired on or after June 21, 2013 but before the implementation of this policy will have their service corrected to comply with these regulations without further payment by the retiree to the system.

Members not retired that have been denied or granted under MGL 32 § 4(2)(b) will have their service corrected to comply with all aspects of these regulations, and payment or refund¹ will be made by either the system or the member as applicable. Interest on corrective payments will not accrue back to the service period but will begin to accrue as of the date of payment request from the system to the member.

¹ To preserve all rights and options to the member, refunds will be held until it is clear that any legal challenges regarding this topic throughout the State, that would impact this policy, have ceased and been resolved. As per Board vote January 29, 2014.

Apr 2017 update – Gomes and Grimes removed the \$5k minimum, so refunds will be made for those situations.