

PERAC

COMMONWEALTH OF MASSACHUSETTS | PUBLIC EMPLOYEE RETIREMENT ADMINISTRATION COMMISSION

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November 7, 2019

Sandor Zapolin
Retirement Administrator
Revere Retirement Board
281 Broadway
Revere, MA 02151

Dear Mr. Zapolin:

We have completed our review of the proposed revised supplemental regulations of the Revere Retirement Board (the "Board"), which were originally submitted by letter dated January 17, 2019, and supplemented in amended form by email dated October 23, 2019. Pursuant to the authority vested in the Commission under G.L. c. 7, § 50, the Board's proposed supplemental regulations are APPROVED as follows:

Revere Retirement Board Supplemental Regulations

Membership:

The purpose of these regulations adopted by the City of Revere Retirement Board, hereinafter "the Board", is to more clearly define various types of employment with the City of Revere, hereinafter "the City" for membership and creditable service requirements within the City of Revere Retirement System, hereinafter "the System."

Section 1

Definitions:

A. "Employee" shall be defined as any person hired, employed or appointed to a permanent or provisional position by the City; non-teaching employees of the Revere School Department, herein after "the School Department," appointed by the School Committee and/or the Superintendent; employees of the Revere Housing Authority, hereinafter "the Housing Authority," appointed by the Housing Authority Board and/or the Executive Director; employees of the Metro North Regional Emergency Communication Center, hereinafter "MNRECC"; who are



regularly employed with a regular work schedule with commensurate salary and wages and are issued an annual IRS form W-2.

B. "Permanent full-time employee" shall be defined as any administrative, clerical or library employee who works not less than thirty-nine (39) hours per week, any laborer, custodian and/or all hourly rated employees who work not less than forty (40) hours per week, any uniformed members of the police and fire departments who work not less than forty-two (42) hours per week, non-teaching employees of the School Department who work not less than 35 hours per week, administrative employees of the Housing Authority who work not less than thirty-seven and a half hours (37.5) per week, maintenance employees of the Housing Authority who work not less than forty (40) hours per week and any employee of the MNRECC who work not less than 39 hours per week

C. "Permanent part-time employee" shall be defined as an employee who regularly works at least twenty (20) hours per week and who does not meet the requirements of full-time employment. School Department employees who work more than twenty (20) hours per week for ten (10) consecutive months shall be eligible for membership in the System.

D. "Temporary, seasonal and/or intermittent employee" —shall be defined as an employee who is regularly scheduled to work fewer than twenty (20) hours per week.

E. "Provisional employee" shall be defined as a person who is employed in a Civil Service position or appointed by a Board or Commission of the City for more than twenty (20) hours per week and holds a position that has annual compensation of at least \$5,000.

Section 2 Reporting and Notification Requirements:

A. All persons responsible for hiring, employing or appointing a person to a position within the City, non-teaching employees of the School Department, other than Teachers, the Housing Authority, or the MNRECC must notify the Board of

the appointment of any employee, aside from a temporary, seasonal and/or intermittent employee, at least five (5) days before the person receives his or her first paycheck.

B. A department head must, within seven (7) days notify the Board when a part-time employee subsequently becomes employed on a full-time basis. A department head must also notify the Board of any change in the employee's status, pay grade or address change. This includes, but is not limited to, promotion, reduction in hours, suspension, termination, leave of absence, and medical leave of absence. The department head must notify the Board of the reasons for the employee's change in status.

C. The Board shall require the department head to furnish other information regarding an employee in order for the member to be properly classified.

D. The Board is empowered to allow late entry into the System upon a Board vote, and the member shall only be entitled to the rights and benefits of an earlier membership date if the Board finds that his or her failure to become, or his or her election not to become, a member of the System was caused by circumstances other than those generally applicable to employees. Failure of the Department head to notify an employee of his or her membership rights shall not be deemed by the Board to be a circumstance other than one generally applicable to other employees within the meaning of Chapter 32, section 3(3), and shall not be deemed by the Board to be a circumstance permitting an earlier membership date in the System.

Section 3 Membership:

A. Permanent full-time employees of the City; permanent non-teaching employees of the School Department; permanent full-time employees of the Housing Authority; and permanent, full-time employees of the MNRECC; hereafter "employees" as defined in section 1, subsections A through G of this regulation, shall become members of the System upon date of employment in accordance with the provisions of Section 2, subsection A of this regulation. Notwithstanding the above, full-time ROTC Instructors who have received a written denial of

membership in the Massachusetts Teachers' Retirement System (MTRS) shall be permitted to become members of the Revere Retirement System following the Board's receipt of a completed application, along with a copy of the notice of denial from the Massachusetts Teachers' Retirement Board.

B. Employees who are provisional Civil Service employees as defined in section 1 of this regulation, shall become a member of the System upon the completion of six months of employment, provided that there is no change in the employment status of the provisional employee.

C. Temporary, seasonal or intermittent employees as defined in section 1 of this regulation shall not be considered for eligibility in the System. Any temporary employee who becomes a permanent part-time or full-time employee shall be allowed to buyback hours of employment worked as a temporary or intermittent employee working fewer than 20 hours per week.

D. Permanent part-time employees shall be eligible for membership in the System.

E. Full-time firefighters shall be eligible for membership in the system upon being sworn by the City, despite not having successfully completed the fire academy.

F. Full-time police officers shall be eligible for membership in the system upon beginning employment with the City, despite not having successfully completed the police academy.

G. Any employee who holds a position that has annual compensation of less than \$5,000 annually for employment occurring on or after July 1, 2009, shall not be eligible for membership in the System. Employees who hold a position that had annual compensation less than \$5,000 annually and who established membership in the System prior to July 1, 2009 shall continue to be members of the System. The regular compensation of such employee shall be subject to retirement withholding but such employee shall only accrue creditable service subject to the provisions of Section 25 of Chapter 21 of the Acts of 2009.

Section 4
Creditable Service:

Members of the System shall receive creditable service in whole-month increments in the following manner:

A. For a member-in-service who is employed in a permanent full-time capacity as defined above while an employee of the City, he or she will receive one month of creditable service for each month in which the employee receives regular compensation for such service and remits the appropriate contributions to the System, with said service not to exceed one (1) year of creditable service in any calendar year.

B. For a member-in-service who is employed in a permanent part-time capacity throughout his or her entire career while an employee of the City, the Board will prorate months of service. The percentage of service to be awarded to the employee by the Board will be determined by computing a fraction the numerator of which is the total regularly scheduled hours worked by the employee in a calendar year and the denominator of which is the full time hours required for qualification for permanent full-time employment as defined above, based on a forty-two week year for employees of the School Department whose regular employment requires them to work school years, and based on a fifty-two (52) week year for all other permanent employees. Said service shall not exceed (1) year of creditable service in any calendar year. For non-teaching employees of the School Department, full months of actual service as determined above shall be divided by ten (10) months for each academic year. The quotient will then be multiplied by twelve (12) to determine the number of months of creditable service to be allowed under the buyback.

C. For a member-in-service who has been employed in both a permanent full-time and a permanent part-time capacity while an employee of the City, the member will receive full-time credit for permanent full-time service, and prorated credit for permanent part-time service based on the full-time employment equivalency as defined in sections 1B and 1C of this regulation.

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D. For a member who is employed in a permanent part-time capacity as defined in section 1C of this regulation throughout his or her entire career while an employee of the City but who either purchases past refunded service, or who has transferred into the System service rendered in a permanent full-time capacity, the service attributable to the member's part-time employment shall be prorated based on the hours required for qualification for permanent full-time employment service as defined in section 1B of this regulation.

E. Employees whose positions were funded through the Comprehensive Employment Training Act (CETA), and would have otherwise been eligible for membership in the System at the time said service was actually rendered shall be considered eligible for membership in the System for the purpose of buyback upon the submission of information required herein.

F. In the case of non-teaching employees of the School Department whose permanent full-time employment requires them to work from on or about September 1st to June 30th, said employees shall receive one month of creditable service for each full month the employee is receiving regular compensation as defined in M.G.L. Chapter 32, section 1, with ten (10) months being the equivalent of one year of creditable service, and with said service not to exceed one (1) year of creditable service in any calendar year. A non-teaching employee, whose employment is terminated, voluntarily or involuntarily, prior to September 1st shall have their creditable service prorated.

G. In the case of non-teaching employees of the School Department, including but not limited to custodians and secretaries whose employment requires them to work the entire calendar year, in such a situation said employee's creditable service will be based on a twelve (12) month year.

H. Any member purchasing past permanent part-time service rendered shall have said service credited based on the percentage of permanent full-time employment service as defined herein.

I. Notwithstanding the provisions of Section 4 of this regulation relative to Creditable Service, members (both part and full time employees) as previously defined in this regulation shall not be subject to reductions in service credit resulting from temporary hour reductions to their specific positions incurred due to budgetary constraints.

Section 5

Creditable Service, Buybacks, Make-ups, and Re-deposits:

The following regulation is applicable to and mandatory for all current and future employees of the System.

A. Creditable service may be purchased as follows:

All prior creditable service must be purchased by means of a lump sum payment by check or money order made payable to the Revere Retirement Fund. Any employee requesting to purchase prior service credit must remit the full-required payment to the System to receive full credit for such service. The Board may upon presentation of documentation of financial hardship, may allow the purchase of creditable service by means of an installment plan over a term not to exceed five years under such terms and conditions as the Board may prescribe.

B. Employees shall be awarded service credit in accordance with the following:

Less than one (1) month — (no creditable service.)

One (1) month to eleven (11) months — (month for month.)

Twelve (12) months — (one (1) year)

One (1) year of credit for ten (10) months of service may only be granted for school employees whose work schedule is the academic school year.

C. When purchasing prior part-time service, official payroll records, pay stubs, W-2 forms, Internal Revenue Service records, Social Security Administration records, or a combination thereof, which provides the Board with documentation of the employee's wages and hours worked for each calendar year for which service credit is sought, shall be supplied by the applicant.

D. For the purpose of calculating buyback "months" for a member whose work schedule is the academic school year, the Board will pro-rate full months of service using the number of full months of actual service as determined above, divided by the ten (10) months of the academic school year. The quotient will then

be multiplied by twelve (12) to determine the number of months of creditable service to be allowed under the buyback.

E. Upon written request, and proper documentation of prior service reserve or permanent-intermittent police officer can receive up to 5 years of creditable service at no cost either for the time they served as a reserve or permanent-intermittent police, or for the time he or she was on the respective list and/or roster making him or her eligible for such duty as long as no compensation was paid to the police officer, because no deductions would have been made for this unpaid service, pursuant to PERAC Memo #29/2016 and MGL c. 32, s. 4(2)(b).

F. Upon written request, and proper documentation of prior service, a permanent firefighter can receive up to 5 years of creditable service at no cost either for the time they served as a reserve or permanent-intermittent firefighter, or for the time he or she was on the respective list and/or roster making him or her eligible for such duty as long as no compensation was paid to the firefighter, because no deductions would have been made for this unpaid service, pursuant to PERAC Memo #29/2016 and MGL c. 32, s. 4(2)(b.)

G. The Board will not accept liability for service for non-contributing employment service requested by members of other retirement systems, unless the former employees were wrongfully excluded from membership in the Revere Retirement System.

Section 6 Military Service Buyback:

The following regulation is applicable to and mandatory for all current and future employees of the System.

A. Employees who qualify as a "veteran" under M.G.L. Chapter 32, section 4(1)(h) can purchase up to four (4) years of active service in the Armed Forces of the United States which will be added to their creditable service as a member of the retirement system.

B. Any member seeking military service credit in accordance with the provisions of Chapter 71 of the Acts of 1996 must remit the full required payment in one lump sum to the Board on or before the last day of the forty- eighth month following the date of the Board's receipt of said member's initial application for such creditable service, or on or before the date immediately preceding the effective date of the member's retirement, whichever date first occurs. Any member whose required payment for such military service credit exceeds \$6,000.00 may petition the Board for an extension or installment plan. A written request for an extension or installment plan must be filed with the Board within 180 days of applicant's receiving written notice of the amount of the required payment. Each such request will be reviewed by the Board on a case by case basis.

Section 7

Creditable Service Under Chapter 235 of the Acts of 1994:

Any member seeking creditable service pursuant to the provisions of Chapter 235 of the Acts of 1994, must remit the full required payment in one lump sum on or before the last day of the thirty-sixth month following the date of the member's receipt of a notice of eligibility from the board, or on or before the date immediately preceding the effective date of the member's retirement, whichever date first occurs.

Section 8 — Procedures for Disability Retirement Processing — reserved.

Section 9

Administration:

Name: City of Revere Retirement System.

Board: Five members as designated by M.G.L. Chapter 32

Staff: Administrator, Assistant Administrator and Analyst.

Staff Salaries and Benefits: Determined by vote of Board.

Staff Hiring: Determined by vote of Board after interviews.

Chairperson of Board: Conducts all meetings, disseminates information from Board. Chairperson shall be elected annually from among the members pursuant to the Rules of Order of the Board.

Ex-Officio Member: Oversees administration of the Retirement Office and is available to confer with Administrator on important operations of this office.

Administrator: Administers Office in accordance with M.G.L. Chapter 32, 840 CMR, the Board's supplementary regulations and the Rules of Order, assigns workload to Assistant Administrator and Analyst.

Meetings: Second Wednesday of every month, subject to adjustments due to scheduling conflicts. Board Counsel shall be present when deemed necessary by the Board.

Warrants: Two Board members are required to sign all warrants. Copies of all warrants for the month shall be included in Administrator's Report in Board members' monthly meeting packets.

Minutes: Minutes of each Board meeting shall be read and approved by all members of the Board present at that meeting, and will not be certified until signed by all such Board members and the Administrator.

All communications prepared for submission to the Mayor and or City Council by the Board shall first be submitted to the Board for its approval. Upon approval of a majority of the Board members, said communication shall be transmitted to the Mayor and or City Council under the Board's signature. Electronic communication may be used to communicate with Board members to facilitate and secure timely approval of the communication.

Budget: Ninety days prior to the beginning of the Board's fiscal year, the Administrator shall submit to the Board for its review a proposed administrative expense budget which shall be a statement of the amounts recommended for expenditures of the Board for the subsequent year. Said budget proposal shall include projections of expected costs for the following year, year to date expenses for the current year, plus at least two years prior historical expense data for the following accounts as prescribed by PERAC:

- a. Salaries
- b. Board Member Compensation
- c. Investment Management Fees
- d. Consultant Fees
- e. Legal Fees
- f. Travel
- g. Fiduciary Insurance
- h. Service Contracts
- i. Furniture and Equipment

j. Administrative Expenses

The Board shall, in the month of December, by majority vote, adopt an annual budget, and may reduce, increase or reject any proposed appropriations as recommended by the Administrator. By majority vote, the Board may, pursuant to G.L. C. 32, s. 22(5), adopt supplemental budgets as it deems necessary during the year.

March 25, 2014

Simultaneous Election of Board Members:

The Revere Retirement Board shall conduct a simultaneous election for the two elected members of the Board. Both terms of the elected members shall be for three years and shall expire on the same date. In conducting the election, the Board shall place all candidates' names who have been nominated in conformance with 840 CMR 7.04 on one ballot. All eligible candidates shall be listed on the ballot in an order determined by a random drawing of the names of the candidates. In the event that only two candidates have been nominated, the Board shall declare said candidates to be the elected members of the Board, and no elections shall be held, and said candidates shall take office and serve in all respects as though he or she had been elected by election. If there are more than two candidates, an election shall be conducted and each member of or retired from the Revere Retirement System shall be allowed to vote for not more than two candidates. Upon tabulation of the ballots, the two candidates who received the most votes shall be declared the elected Members of the Board. Elections shall be conducted by mail. In the event of a vacancy in the position of an elected member of the Board, a new election shall be conducted to fill the vacancy within 120 days of vacancy.

Section 10

Repeal of Former Supplementary Regulations

The City of Revere Retirement Board Supplementary Regulations adopted on July 11, 1990 relative to membership, December 16, 1997, March 13, 1997, and September 30, 1991; July 11, 1990 relative to creditable service, July 11, 1990 relative to miscellaneous, and October 23, 2002 relative to travel, and June 13, 2013 and 2014 recodification of Supplementary regulations are hereby repealed upon [the effective date of the above new Supplementary Regulations contained herein].

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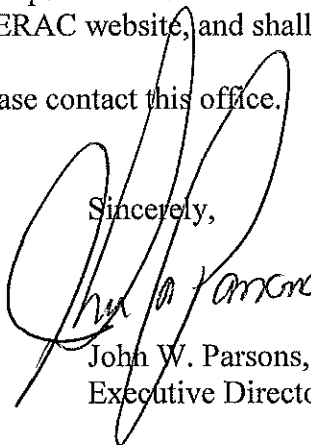
Section 11
Severability:

It is the intention of the Board that the provisions of these regulations shall be deemed severable, and if any portion of these regulations is for any reason determined to be unconstitutional, contrary to statute, in excess of authority, or otherwise inoperative, such determination shall not affect the validity of any other portion of these regulations.

Pursuant to our authority, these regulations, and a list of all retirement boards that have submitted supplemental regulations, shall be kept on file within the Public Employee Retirement Administration Commission, posted on the PERAC website, and shall be available upon request.

If you have further questions or concerns, please contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read "John W. Parsons", is written over the typed name and title.

John W. Parsons, Esq.
Executive Director