

Bond Case Briefs

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Retirement Bd. of Stoneham v. Contributory Retirement Appeal Bd.

Supreme Judicial Court of Massachusetts, Middlesex - December 22, 2016 - N.E.3d - 2016 WL 7390971

Municipal retirement board sought review of decision by Contributory Retirement Appeal Board that municipal board could not unilaterally terminate membership of part-time school department employee on ground that scheduled working hours dropped below 30.

The Superior Court Department reversed Appeal Board's decision. Employee appealed, and case was transferred from the Appeals Court.

The Supreme Judicial Court held that:

- Municipal board lacked absolute discretion to terminate membership when employee's second job ended, and
- Separation from service did not occur when second job ceased and employee continued working in first job for several more years.

Municipal retirement board's "full jurisdiction" to determine eligibility referred only to its authority to set initial eligibility criteria and did not give absolute discretion to terminate part-time municipal employee's membership when her second job with school department ended and she ceased to satisfy eligibility requirement of at least 30 hours of scheduled work per week. Statutorily enumerated events supporting termination of member's status did not include subsequent failure to satisfy eligibility criteria that led to that member's admission, and member's status as member in service continued even if member ceased to satisfy criteria that initially qualified member for admission into the retirement system.

Separation from service terminating membership in municipal retirement system did not occur when part-time municipal employee's second job with school department ceased and she continued working in first job for several more years, and, thus, she remained in service in non-full-time capacity and was eligible for retroactive membership.