

To the members of the MWRA Employees' Retirement System:

We have received several inquiries in regard to what happens to an employee's retirement benefits in the event of involuntary termination of employment. In order to correct some of the misconceptions we have heard, we wanted to provide some information directly to MWRA's employees.

Termination of employment does not equate to loss of retirement benefits. There are very limited circumstances which could result in pension forfeiture for public employees. The specific circumstances are outlined in MA General Laws C. 32, s. 15, and involve charges of misappropriation of the funds or property of the governmental unit, or final conviction for a criminal offense involving violation of the laws applicable to the employee's office or position. Please refer to <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleIV/Chapter32/Section15>

Terminations for other causes, for example tardiness or insubordination, unless they also involve misappropriation charges or a criminal conviction for an offense related to the employee's position, do not rise to the level of the forfeiture statute's requirements. Further, there have been recent developments in case law which have in some instances assessed total pension forfeiture to be an excessive fine under the U.S. Constitution, so there have been legislative filings which would seek to modify the "all-or-nothing" forfeiture statutes as they stand.

If you are terminated for cause other than charges of misappropriation or criminal conviction, and do not have enough service to be eligible to collect retirement benefits, you may receive a refund of your retirement contributions with interest.

If you are terminated for cause other than charges of misappropriation or criminal conviction, and have enough service to be eligible to collect retirement benefits but have not yet attained minimum age requirements, you may leave your contributions in the MWRA Employees Retirement System, and file an application for retirement benefits later, upon attaining the age requirement.

If you are terminated and take a job with another municipal or State employer in Massachusetts (other than the MBTA), then your service may be transferred to the new retirement system of which you become a member, and your previous MWRA service will be credited toward your future retirement benefits.

We would be happy to meet with any member seeking guidance individually, and encourage you to contact Retirement Office Staff with any questions. Thank you.

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