

Policy

LEGAL SERVICES FOR MTA RETIRED MEMBERS

The MTA Legal Services Policy provides access to MTA legal services by MTA retired members. In order to be eligible for legal services the following criteria must be met by retired members:

- A person seeking legal services in their first year as a retired member must have become a retired member of MTA and NEA prior to January 1 of that membership year.
- A person seeking legal services as a retired member in the second year of retired membership or thereafter, must have renewed MTA and NEA membership prior to January 1 of the membership year in which services are being requested and must have maintained continuous membership since retirement.
- Where the applicant was a member as required above, and without the specific written approval of the MTA does voluntarily terminate membership while receiving such assistance, they will not be eligible for any further assistance. Application of this subsection will not prevent the rendering of legal services to non-members because of the affiliate's duty of fair representation.
- Retired members seeking legal assistance must first contact the president of their former association to initiate the processing of a request for legal services.

Questions concerning eligibility for MTA retired membership and access to legal services for MTA retired members should be directed to Retired Member Organizer Lisa Lemieux at llemieux@massteacher.org.

Eligibility

Questions about Eligibility for Retired Membership

MTA members often have questions about eligibility for retired membership and the status of retired membership when they return to work and are eligible to join as an active member. The following policy was adopted by the MTA Board of Directors in 2007 and amended in 2018.

200.80 Eligibility for Retired Membership

In order to implement Article III, Section 3A(2) of the Bylaws, the Board adopts the following policy.

The following categories of members are eligible for retired membership:

- 1) Retired membership shall be open to any employee of a public school, college or university who is at least 50 years old and meets all requirements for membership in the National Education Association. The retired member must meet all requirements as stated in this policy.
- 2) Active member of a local affiliate: any person who was a member of a local association, MTA and NEA for each of the five membership years prior to retirement.
- 3) Individual active member: any person who was an individual active member of MTA and NEA for each of the five membership years prior to retirement because membership in a local association was not available to that person. *Example: member was a principal for 5 years prior to retirement.*
- 4) Combination of affiliate and individual membership: any person who, for each of the five membership years prior to retirement, was either a member as described in (1) above or a member as described in (2). *Example: teacher becomes principal or principal returns to teaching, but in either case the person has been a continuous member for 5 years prior to retirement.*
- 5) Newly affiliated local: an active member included in bargaining unit represented by a local which affiliates with MTA fewer than 5 years before the member retires. *Example: former SEIU members.*
- 6) Position added to existing collective bargaining unit: an active member whose position was added to an existing bargaining unit less than 5 years prior to retirement. *Example: a position has been in existence but is added to the bargaining unit less than 5 years before the person in that position retires.*
- 7) Return to work after retirement: a retired member who returns to work and becomes an active member of a local affiliate or an individual active member, may become a retired member again after any period of employment during which they are an active member. *Example: teacher or principal retires, becomes retired member, returns to education employment for any period of time during which they*

are an active member of a local affiliate or an individual active member. The member then stops working and returns to retired member status. Having satisfied the five-year requirement once under (1) or (2) above, or being excused from it because of impossibility under (3) – (5) above, the member is not required to satisfy the requirement again provided that they were a member during the return to work. (Note: if the retired member returns to work in the field of education but where MTA active membership is not available – e.g. a position in an AFT unit – that person may maintain MTA retired membership.)

The following persons would not be eligible for retired membership, even if they were members at the time of retirement:

- 1) Non-member or agency fee payer: any person who was eligible for membership in a local association but was a nonmember or agency fee payer or any person who was eligible for individual active membership only because no local affiliate membership was available but was a non-member, for any one or more of the five membership years prior to retirement.
- 2) Life member, but non-member of local or agency fee payer during one or more of the five years prior to retirement. *Example: person is a life member of MTA, but, though eligible to join local, is a non-member or agency fee payer in one or more of the 5 membership years prior to retirement.*
- 3) Second period of retired membership (for an annual payer): A person who retires and is qualified for retired membership under (1) –(5) above, who returns to work but is a non-member or agency fee payer during post-retirement employment, would not be entitled to resume retired membership.
- 4) Second period of retired membership for retired life member: A person who retires and is qualified for retired membership under (1) – (5) above, and who joins as a retired life member, who returns to work but is a non-member or agency fee payer during post-retirement employment, would not be entitled to resume retired membership, in effect forfeiting retired life membership.

Appeal to the Executive Committee

Any member denied membership by the MTA Division of Finance and Accounting pursuant to this policy will be notified that they may file an appeal with the MTA Executive Committee, which may make exceptions to this policy where warranted by extraordinary circumstances.

Questions

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