

**If  
you're  
RIF'd**

**A guide for MTA members**

**Published by  
Massachusetts Teachers Association**

## **A message to MTA members:**

This pamphlet is for MTA members who have received notice that their positions have been cut from their local school budget, MTA members who are laid off, and some guidelines for dealing with the prospect of a job loss.\*

We urge you to please contact your legislators and urge them to raise the revenues necessary to continue the commitment to public education. Feel free to call MTA's Division of Governmental Services (1-800-392-6175) if you don't know your legislators' names and phone numbers or check MTA's Web site at *www.massteacher.org*.

Your MTA leaders are working to persuade elected leaders to restore and sustain state support of education so that there will be no reduction in the work force (RIF) in our schools. In the interim, we hope you will find this pamphlet a helpful resource in addressing the difficult issues you are facing.

\* MTA's divisions of Legal Services, Professional Development, Personnel, and Affiliate Services provided the research and information contained in this pamphlet.

**T**his booklet is designed to provide basic information on the issues you are facing as a laid off employee and to direct you to people who can provide further assistance to you. We hope it helps you in answering the following questions:

1. Was my layoff in accordance with my legal rights?
2. What rights do I have as a laid off employee regarding health insurance, unemployment and retirement?
3. How should I conduct a job search?
4. Should I maintain my MTA membership?

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# Layoff — Your Legal Rights

## Contract Rights

If you are notified that you will be laid off, be sure to review the reduction in force (RIF) provisions of your collective bargaining agreement. If you have any questions about whether the school district followed the proper layoff procedures under the contract, contact your local association president immediately. Most contracts contain time limits for filing grievances and your contractual rights may be lost if the time limit is not met.

## Teachers: PTS Status and Layoffs

You have “professional teacher status” (PTS) if you are a teacher, school librarian, school adjustment counselor, school social worker, or school psychologist and you have completed three consecutive school years in your current school district. (We will use the term “teacher” in this pamphlet to refer to all of these positions.) PTS rights are set forth in Chapter 71, Sections 41 and 42, of the General Laws. *To obtain PTS, a teacher must hold a certificate and have taught in the area covered by that certificate for three consecutive school years, but it does not matter whether that certificate is a provisional, advanced provisional or standard certificate.*

### PTS Teachers

Even if you have PTS, you can be laid off because of a “reduction in force” (RIF) or other budgetary reasons. However, there is a condition in the statute: if there is a teacher without PTS who is holding a position for which you are “currently certified,” the school district is required to offer you that position. Because the term “currently certified” has not yet been interpreted by a court, it is not clear whether it would include both active and inactive certificates.

➤ An “inactive certificate” is one that was valid until the most recent five-year recertification cycle but was not renewed during that cycle. Inactive certificates become invalid after five years. An inactive certificate can be renewed if professional development requirements are completed within two years after starting a job requiring that certificate.

Some contracts permit more senior teachers to displace (“bump”) less senior teachers when a RIF occurs. If you are a teacher with PTS, however, the law permits you to “bump” a less senior PTS teacher only if you are “currently qualified” for that teacher’s position. Your contract may indicate what qualifications are necessary for you to bump into another position.

If you have questions about your layoff rights as a PTS teacher under your contract or under the PTS law, contact your local president as soon as possible.

## Non-PTS Teachers

Under conditions other than layoff, teachers who do not have PTS can be “non-renewed” for the next school year, but must be given a nonrenewal notice on or before June 15. The statute does not prohibit layoffs after June 15. Some contracts may require that nonrenewal notices be given to non-PTS teachers earlier than June 15. Some school districts facing uncertain funding for the next school year may give blanket nonrenewal notices to nontenured teachers, eventually recalling some or all of them for the next school year.

Non-PTS teachers may have layoff rights under their collective bargaining agreement, such as seniority rights over other non-PTS teachers and other procedural requirements that the employer must follow.

## Civil Service and ESPs

Particularly in larger towns and cities, Education Support Professionals (“ESPs”) may have layoff and bumping rights under the state Civil Service Law (Chapter 31 of the General Laws). If you are not covered by Civil Service, your rights in a layoff are governed by your contract. Most Civil Service layoff and bumping rights apply only to employees who hold a permanent Civil Service appointment. The only exception is that provisional appointees must be laid off before any temporary appointees.

**Seniority under the Civil Service Law** begins on the date of the employee’s first permanent appointment within the appointing authority. In most cases, the “appointing authority” is the municipal school department. *Seniority does not begin on the employee’s date of hire.*

**Order of Layoff under Civil Service.** All provisional appointees must be laid off first and then all temporary appointees must be laid off before any permanent appointees. Within the groups of provisional and temporary employees, the Civil Service Law does not grant any seniority rights or require any particular order of layoff. If it is necessary to lay off permanent appointees, layoffs are in order of reverse Civil Service seniority within the “departmental unit.” The “departmental unit” is usually the school department.

If you are an ESP holding a permanent appointment in a lower grade position and you work in a higher grade position under a provisional or temporary appointment, layoff and bumping rights under the Civil Service Law apply only to your permanent position. In your higher position, you are treated as provisional or temporary. However, you have the right to resume your lower, permanent position, provided that position continues to exist and is not held by a more senior permanent appointee.

**Bumping Rights under Civil Service.** If you are a permanent employee who is about to be laid off, you may “bump” or displace a provisional, temporary or less senior permanent employee in a position in the next lower title or titles in their job series. To exercise this right, you must file a written consent within seven days after you receive your official layoff notice. If you choose to bump, you waive

the right to a hearing or to challenge your layoff under Civil Service procedures.

**Recall and Reemployment Rights under Civil Service.** If you are a laid-off permanent employee and a position in your permanent title becomes available in the school department, you are entitled to be recalled to that position in order of your Civil Service seniority. These recall rights last for ten years, and also apply if you have elected to “bump down” as noted above.

You may also request the state Personnel Administrator to place your name on a special Civil Service reemployment list in order of your seniority. You must make this request within two years of your layoff. Your name is then certified to other Civil Service appointing authorities for vacancies, in order of seniority in the title you formerly held, just as if your name appeared on a Civil Service appointment list.

**Procedural Requirements and Appeal Rights under Civil Service.** Before you, as a permanent Civil Service employee, may be laid off, you must be given a written notice stating the reasons for the layoff and provided with a copy of sections 41 through 45 of the Civil Service Law. Upon at least seven days’ notice, the school department must conduct a hearing about the contemplated layoff and then decide whether the layoff is justified.

There are two ways you can challenge the school department’s layoff decision. First, you can appeal to the state Civil Service Commission in Boston, but you must do so within *ten days* (not including Saturdays, Sundays and holidays). The Civil Service Commission will conduct a hearing, similar to a trial in court, to review the layoff and the losing party can seek Court review of the Civil Service Commission’s decision. Second, instead of going to the Civil Service Commission, you could file an appeal in Superior Court and you would have to do so within six months of receiving the school department’s layoff decision. Both the Civil Service Commission and the courts are likely to uphold a school department’s good faith judgment that a layoff was necessary. However, if the employer made a mistake in the process (for example, by laying off the more senior employee), you can be reinstated with back pay and benefits.

**Civil Service and the Collective Bargaining Agreement:** ESPs represented by the MTA, who have permanent Civil Service appointments, are usually covered by collective bargaining agreements. ***If there is a clash between RIF provisions in the contract and Civil Service requirements, the Civil Service requirements take priority.*** For example, a contract could not give a provisional employee seniority rights over a permanent employee, because that would conflict with the Civil Service law. However, your contract may give you additional rights that are not granted or governed by the Civil Service Law. For example, a contract could provide for the order of layoff among the groups of provisional or temporary employees.

**Address and Web sites for Civil Service Issues:**

Massachusetts Division of Human Resources  
One Ashburton Place, Room 203  
Boston, MA 02108  
(617) 727-3777

<http://www.state.ma.us/hrd>

Massachusetts Civil Service Commission  
One Ashburton Place, Room 503  
Boston, MA 02108  
(617) 727-2293  
<http://www.state.ma.us/csc>.

## Health Insurance after a Layoff

**Over the Summer:** If you are a teacher and you are laid off at the conclusion of a school year, you are entitled to remain in the school district's health insurance plan *with the employer continuing to contribute its usual portion of the monthly premiums for July and August*. If you are paid on a 10-month basis, your portion of the monthly premiums for July and August should be deducted from your last paycheck. If this does not occur, contact your local president immediately. Again, your right to file a grievance may be lost if you do not act promptly. If you are laid off in the middle of the school year, your employer is not required to contribute toward your July and August premiums.

**COBRA and other continuation laws:** All laid off employees are entitled to remain in their health (and, where available, dental) insurance plans. This is required under COBRA (a federal law) and also under G. L. c. 32B, § 17 (a state law). The state law entitles the employee to remain in the plan up to 39 weeks paying 100% of the premium. COBRA provides longer coverage (up to 18 months), but permits the employer to charge you 102% of the premium. The 39 weeks under state law and the 18 months under COBRA run concurrently. Under both laws, the plan benefits must be identical to those provided to current employees.

Your employer must provide you with notice of your COBRA rights and an opportunity to accept or decline. We recommend that you elect COBRA at the outset of your layoff, unless you already have other adequate coverage, so that you do not waive your rights. However, under the state law you are entitled to pay only 100% of the premium for the first 39 weeks. After 39 weeks, COBRA may "kick in" at 102% for the remainder of the 18 months, unless and until you obtain other comparable coverage. If you do not elect COBRA right away, you may be considered to have waived their COBRA rights. You can find additional COBRA information on the Department of Labor's web site, including a set of Q & A's located at: <http://askpwba.dol.gov/faq-consumer-cobra.html>

**If you retire after being laid off,** you are eligible for your school district's retiree health insurance plan. If you have questions about your health insurance benefits as a retiree, you should ask your local association president.

**If you defer retirement:** If you are eligible to retire at the time you are laid off (see section on Retirement for eligibility information), but choose to defer retirement until a later date, you may remain in the school district's group health insurance plan until you retire (even after the 18-month COBRA period), provided

you pay the full premium during that time.

**While you are collecting unemployment compensation**, you may be eligible for health insurance assistance under the Massachusetts Medical Security Plan. The Division of Employment and Training (“DET”) will provide you with information about this program when you apply for unemployment compensation. If you meet the DET’s family income eligibility test, the state will contribute 80 percent toward your actually monthly COBRA premium. The financial eligibility test is based upon your family income in the six months prior to applying for unemployment compensation plus your projected income (including unemployment compensation) during the next six months. That income must be no more than four times the federal poverty income guidelines for the size of your family. If your family income is low enough to meet the DET’s “hardship” standard (no more than twice the federal poverty guidelines), you may be able to participate in the DET’s health insurance plan at no cost. You can obtain information about the Medical Security Plan at this Web site: <http://www.detma.org/workers/msp.htm>.

If you have questions about insurance coverage, contact your local association president.

## **Laid-off Employees Entitled**

### **to Collect Unemployment Compensation**

**Y**ou should file your claim for unemployment compensation as soon as you are out of work. If you are laid off at the end of a school year, you should file as soon as the school year is over, i.e., at or near the end of June. Normally there is a one-week waiting period, but currently the state is waiving that requirement. You are eligible to collect benefits during the summer after your layoff, unless and until you receive “reasonable assurance” of a job for the upcoming school year or find other “suitable employment.” If you are a teacher, you may collect benefits over the summer even if you are still receiving paychecks during those months, since your salary is considered to have been earned during the school year and “deferred” over the summer.

To be eligible for unemployment compensation you must be actively seeking employment. The exact amount of your benefit depends on your salary. According to the DET’s Web site, the maximum benefit is currently \$507 per week. A person who worked the entire school year and did not work during the preceding summer would reach the maximum benefit on an annual salary of approximately \$40,000. Eligibility continues for up to 30 weeks (and perhaps longer, depending on whether the federal government has implemented an “extended benefits” program). If you obtain part time employment, you may be eligible to collect reduced benefits.

You may file a claim with the Department of Employment and Training (DET) either by telephone or in person. If you are filing by telephone and you are in area codes 351, 413, 508, 774, or 978, you call 1-877-626-6800. From all other area codes, call 617-626-6800. DET suggests that you telephone on the day of the **5** week that corresponds to the last digit of your Social Security number: 0 and 1 on



Monday, 2 and 3 on Tuesday, 4 and 5 on Wednesday, 6 and 7 on Thursday, and 8 and 9 on Friday.

To file in person, you should visit one of the walk-in centers listed at the end of this section.

When you file, be prepared to give DET the following information: your Social Security number, the year you were born, your home address and telephone number, whether you have filed a claim in Massachusetts or any other state during the past 12 months, your last day of employment, the names and addresses of all employers for whom you have worked during the 15 months prior to filing your claim and the dates you worked for each of them, the names, dates of birth and Social Security numbers for any dependent children, and your alien registration number if you are not a U. S. citizen.

Full information on filing claims can be found on the DET Web site at the following URL: <http://www.detma.org/workers/howtofile.htm>.

If your claim is denied, contact your local association president. As an MTA member, you are entitled to be represented by an MTA attorney at no charge in any hearing regarding your unemployment compensation eligibility.

The DET Web site (<http://www.detma.org/>) and Walk-in Centers have a wide range of free services to help persons seeking employment, including a computerized job bank, employment counseling, job search workshops and local labor market information.

The locations and phone numbers of the offices of the DET Walk-in Centers are as follows:

**GREATER BOSTON:**

**Boston**

1010 Harrison Ave. 02119  
(617) 536-1888

210 South St. 02111  
(617) 338-0809

99 Chauncy St. 02111  
(617) 737-0093

**Cambridge**  
185 Alewife Brook Pky.  
02138  
(617) 661-7867

**Chelsea**  
121 Webster Ave. 02150  
(617) 887-1222

**Framingham**  
201 Boston Post Rd.  
(West) 01702  
(508) 786-0928

**Newtonville**  
288 Walnut St. 02460  
(617) 928-0530

**Norwood**  
275 Prospect St. 02062  
(781) 769-4120

**Woburn**  
Trade Ctr. Park  
100 Sylvan Rd. 01801  
(781) 932-5500

**CENTRAL  
Dudley**  
6 Airport Rd. 01571  
(508) 943-1240

**Gardner**  
25 Main St. 01440  
(978) 632-5050

**Leominster**  
100 Erdman Way 01453  
(978) 534-1481

**Milford**  
P.O. Box 220  
14 Beach St. 01757  
(508) 478-4300

**Worcester**

44 Front St. 01608  
(508) 799-1600

**NORTHEAST****Gloucester**

11 Parker St. 01930  
(978) 283-4772

**Lawrence**

11 Lawrence St. 01840  
(978) 683-4194

**Lowell**

18 John St. 01852  
(978) 458-2503

**Lynn**

181 Union St. 01901  
(781) 593-0585

**Salem**

70 Washington St. 01970  
(978) 739-4331

**SOUTHEAST****Attleboro**

67 Mechanic St. 02703  
(508) 222-1950

**Brockton**

34 School St. 02302

(413) 858-2800

**Retirement**

**Y**ou are eligible to retire (1) if you are laid off at any age and have 20 or more years of service as a public employee and (2) if you are 55 years of age and have at least 10 years of service.

The first kind of retirement is called a “termination retirement.” If you take a termination retirement allowance, your annual pension will consist of 1/3 of your average regular compensation for your highest three consecutive years, plus an annuity based upon the amount of your contributions.

**7** The second kind of retirement is a superannuation retirement. Your allowance

(508) 513-3400

**Fall River**

1567 North Main St.  
02720  
(508) 730-5000

**Hyannis**

77 High School Rd. Ext.  
02601  
(508) 862-6601

**New Bedford**

618 Acushnet Ave. 02740  
(508) 990-4000

**Plymouth**

40 Industrial Park Rd.  
02360  
(508) 732-5300

**Quincy**

152 Parkingway 02169  
(617) 745-4050

**Taunton**

72 School St. 02780  
(508) 977-1400

**Wareham**

3088 Cranberry Highway  
02532  
(508) 295-6170

**WESTERN****Greenfield**

One Arch Place 01301  
(413) 774-4361

**Holyoke**

850 High St. 01040  
(413) 532-4900

**North Adams**

37 Main St. 01247  
(413) 663-1111

**Northampton**

243 King St. 01060  
(413) 586-6506

**Palmer**

Palmer Public Library  
1085 Park St. 01069  
(413) 283-3330

**Pittsfield**

160 North Street 01201  
(413) 499-2220

**Springfield**

One Federal St. Bldg.  
103-3 01105

will be determined by a formula using your years of service, your age at retirement, and your average regular compensation for your highest three consecutive years. It could also be affected by your status as a veteran.

Whether retirement is best for you, and which type of retirement allowance is most advantageous, will depend upon your age, years of service, and expectation of returning to public service. MTA provides consultation for members with MTA Retirement Consultants. These consultants can assist you in evaluating your retirement options. You can make an appointment to see an MTA Retirement Consultant in the MTA's Boston office by calling 1-800-392-6175. MTA Retirement Consultants also hold office hours on Saturdays in the MTA Regional Offices and are available for phone consultation. A listing of MTA Regional Offices appears at the end of this pamphlet. The Regional Office schedule and phone numbers for MTA Retirement Consultants are published in *MTA Today*. In addition, the Client Service representatives of the Teachers Retirement Board (or your local retirement board, if you are not a teacher) can assist you in evaluating your options. The TRB's offices and telephone numbers, along with other helpful information, can be found at the following Web site: <http://www.state.ma.us/mtrb/>.

If any legal problems arise, as long as you maintain your MTA membership, you are entitled to be represented by an MTA attorney at no charge.

**Should you withdraw your contributions?** If you are involuntarily laid off and do not retire, you have a right to withdraw the money that was deducted from your paychecks for retirement contributions, plus all accrued interest. It takes approximately 60 days for the retirement board to process your request. Once those contributions are returned to you, you will not be required to pay them back unless you return to service and wish to purchase credit for your prior years. However, there are important considerations:

➤ If you return to public service after withdrawing your contributions, the retirement board will treat you as a new member of the retirement system and you will have to pay the rate of contribution that applies to new members. While you will have the option of purchasing your prior service, you will still be treated as a new member. For example, at this time new members of the Teachers Retirement System must contribute 11 percent of their salaries toward retirement. Depending on when you became a member and whether you have opted for RetirementPlus, you may be contributing at a lower rate than that which applies to new members. *If you do not withdraw your contributions and return to service, you will be able to maintain your previous lower rate of contribution.*

➤ There are likely to be substantial federal tax implications if you take a direct refund without rolling the funds over into another qualified retirement plan. You should discuss this with your retirement board's Client Service representatives and/or a tax adviser *beforehand*.

## **Job Search Suggestions**

### **Planning Your Job Search**

Successful job search involves commitment and careful preparation. This first step is to investigate the job market to identify openings. Speak to relatives, friends, coworkers (current/former), fellow members of professional organizations and other acquaintances and tell them that you are looking for employment. These personal contacts can provide valuable job leads or referrals. Read the Employment section of local newspapers especially the Sunday editions of major urban papers (e.g., *The Boston Globe*). Read periodicals and trade journals, attend job fairs, and use the Internet (e.g., Monster.com and Bostonworks.com). Contact potential sources directly via telephone or the Internet. If you register with a professional search firm, make sure the employer pays the placement fee.

The next step is to prepare for the interview process. There are three critical components to this process: the cover letter, the resume, and the interview.

### **Cover Letter**

The cover letter is a brief (one page, three or four paragraphs) business letter of introduction that accompanies and compliments your resume. Cover letters are usually tailored to a specific position and should highlight your most notable qualifications, skills and achievements that are related to that position. Be sure to include the position for which you are applying, how your qualifications will benefit the company, and a brief statement of noteworthy accomplishments.

### **Résumé**

Your résumé is a snapshot of your relevant skills, experiences and accomplishments. It should be no more than two pages in length and should focus on areas of specific relevance to the position you seek. Although there are many ways to construct your résumé, you should include the following information: name, address, telephone number, education, summary statement of qualifications, professional experience and major accomplishments. The design should be simple and easy to read and should emphasize your relevant strengths.

### **Interview**

Successful interviews require careful preparation. Your preparation starts with research. Become knowledgeable about the position, the company, and the community. Next, prepare honest but dynamic oral responses to the general type of interview questions that you can expect to be asked. Start by reviewing your skills, experiences and accomplishments that are relevant to the job opening. Practice responses to interview questions that include the relevant information you want to convey. Be sure to talk about accomplishments and successes. Remember when answering questions always try to refer to your skills, experiences and accomplishments.

## **Common Interview Questions**

Tell me about yourself?

*Refer to your qualifications.*

What are your strengths?

*Relate to the job qualifications.*

What are your weaknesses?

*State a weakness and your improvement efforts.*

Why are you applying for this position?

*Refer to the reputation of the company.*

Why should we hire you?

*Refer to your qualifications and accomplishments.*

## **Other Questions**

Why did you choose this field of work?

How did you handle a difficult work situation?

What are your outstanding achievements?

What are your career goals?

Remember to remain positive in your answers and while promoting your skills.

## **Job Search Resources**

### **Massachusetts Department of Employment and Training**

The same offices of the Department of Employment and Training which process unemployment claims also provide a wide range of free services to help persons seeking employment, including the largest computerized job bank in New England, employment counseling, job search workshops and local labor market information. See the section on Unemployment for a list of those offices with their addresses and phone numbers or go to DET's Web site, [www.detma.org](http://www.detma.org).

### **Other Sources of Information**

Unfortunately there is no central clearinghouse of information about available school positions. Most school systems do advertise in the major newspapers in their area. These announcements also can be found on the newspaper's Web page. For example: *The Boston Globe* classifieds can be found at <http://bostonworks.boston.com>/ *The New Bedford Standard-Times* can be found at <http://www.s-t.com/> *The Worcester Telegram & Gazette* can be found at <http://www.worcesterworks.com/> *The Springfield Union-News* can be found at <http://www.union-news.com/>

Many school districts maintain Web sites that list vacant positions in their schools. These sites can usually be found by using any of the Internet search engines, such as Yahoo, and search for “Anytown” Public Schools.

The Council of Chief State School Officers Web site has links to all the state education departments. Many of these state Departments of Education (including Massachusetts, <http://www.doe.mass.edu>) maintain job postings in their states. However, our experience suggests that these listings may not be current.

Additional Internet sites that may be useful are:

[www.monster.com](http://www.monster.com)

[www.k12jobs.com](http://www.k12jobs.com)

### **Suggested Reading**

*What Color is Your Parachute?* By Richard Bolles

*Real Résumés for Teachers* by Anne McKinneg

*Résumés for Dummies* by Joyce Laine Kennedy

*Cover Letters for Dummies* by Joyce Laine Kennedy

*Job Interviews for Dummies* by Joyce Laine Kennedy

See also in the reference section of major bookstores – Career guides

### **Maintaining Your MTA Membership**

In the event that you encounter difficulty in collecting unemployment or problems with your health insurance or retirement benefits, you may need legal assistance to enforce your rights. If you have a legal problem in these areas and you have maintained your MTA membership, an MTA attorney can be assigned to assist you.

MTA members who have been laid off are entitled to remain members of MTA at 50 percent dues for three years or the period during which they are entitled to recall, whichever is longer.

In addition to legal services, MTA membership gives you access to the MTA Attorney Referral Program (discounts for personal legal problems not connected with your employment) and to benefits, such as **discounted auto, homeowners, life, disability and dental insurance, mortgage refinancing, financial planning, long-term care, vision care and access to over 1,000 discounts in New England** provided through MTA Benefits. For more detail on the **your** benefits **through** MTA membership, call 1-800-336-0990 or go to [www.mtabenefits.com](http://www.mtabenefits.com).

## **MTA OFFICES**

### **Braintree Service Center**

100 Grandview Road, Suite 320  
Braintree, MA 02184-2635  
781-380-1410 or 1-800-479-1410

### **Lynnfield Service Center**

50 Salem Street  
Building B, Suite #9  
Lynnfield, MA 01940  
781-246-9779 or 1-800-421-3332

### **Raynham Service Center**

90 New State Highway (Rte. 44)  
Raynham, MA 02767  
508-822-5371 or 1-800-336-1118

### **Auburn Service Center**

48 Sword Street  
Auburn, MA 01501  
508-791-2121 or 1-800-542-5504

### **Berkshire Service Center**

740 Williams Street  
Williams Street Plaa  
Pittsfield, MA 01201-6124  
413-499-0257

### **Western Service Center**

138 Memorial Avenue, Suite 13  
West Springfield, MA 01089-4046  
413-733-2284 or 1-800-432-1117













