

HOUSE No. 2799

The Commonwealth of Massachusetts

PRESENTED BY:

Timothy R. Whelan

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act Relative to Disability Retirees and Restoration to Service.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|----------------------------|-----------------------|------------------|
| <i>Timothy R. Whelan</i> | <i>1st Barnstable</i> | <i>2/16/2021</i> |
| <i>Susannah M. Whipps</i> | <i>2nd Franklin</i> | <i>2/17/2021</i> |
| <i>Colleen M. Garry</i> | <i>36th Middlesex</i> | <i>2/17/2021</i> |
| <i>Patricia A. Haddad</i> | <i>5th Bristol</i> | <i>2/18/2021</i> |
| <i>Steven G. Xiarhos</i> | <i>5th Barnstable</i> | <i>2/18/2021</i> |
| <i>Alan Silvia</i> | <i>7th Bristol</i> | <i>2/19/2021</i> |
| <i>Steven S. Howitt</i> | <i>4th Bristol</i> | <i>2/23/2021</i> |
| <i>Mathew J. Muratore</i> | <i>1st Plymouth</i> | <i>2/24/2021</i> |
| <i>Paul A. Schmid, III</i> | <i>8th Bristol</i> | <i>2/25/2021</i> |
| <i>James K. Hawkins</i> | <i>2nd Bristol</i> | <i>2/26/2021</i> |

HOUSE No. 2799

By Mr. Whelan of Brewster, a petition (accompanied by bill, House, No. 2799) of Timothy R. Whelan and others relative to the reexamination of members retired for disability. Public Service.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act Relative to Disability Retirees and Restoration to Service.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1: Paragraph (a) of Subdivision (1) of Section 8 of Chapter 32 is hereby
2 amended by striking in line 6 and line 9 the phrase “ the same department” and inserting in place
3 thereof : “a retirement system”.

4 Said section is further amended by adding after the word “job” in line 25: “or similar
5 position”.

6 Said section is further amended by striking in line 63 the phrase “the same department”
7 and inserting in place thereof: “a retirement system”

8 Said section is further amended by inserting the following new paragraph after the first
9 paragraph:

10 "During the regular periodic review process done pursuant to this section a member may
11 request that, in addition to being evaluated for a return to his former position, he be evaluated for

12 a specific identified position other than the position from which he retired. Said evaluation will
13 be conducted in the same manner as all other examinations provided for in this section. If the
14 member is found able to perform the essential duties of the identified position he shall be
15 permitted to return to active service in said position and his pension provided for in section six or
16 seven shall cease upon his return to service."

17 SECTION 2: Paragraph (b) of Subdivision (2) of Section 8 of Chapter 32 is hereby
18 amended by adding the following sentences:

19 "If the member returns to service, within a different retirement system than that from
20 which they retired, the original system will provide creditable service for any period of disability
21 prior to reinstatement to service in the new system; provided that if the member is subsequently
22 retired for a disability as a result of the injury for which such member was previously retired, the
23 original retirement system will be assessed a portion of the disability pension pursuant to the
24 provisions of subdivision (5) of section seven."