

**HOUSE . . . . . No. 3864**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Michael P. Kushmerek***

*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 relating to the regular compensation of certain active and retired employees of the city of Fitchburg.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Michael P. Kushmerek</i>	<i>3rd Worcester</i>	<i>5/10/2023</i>

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By Representative Kushmerek of Fitchburg, a petition (accompanied by bill, House, No. 3864) of Michael P. Kushmerek (with the approval of the mayor and city council) relative to the regular compensation of certain active and retired employees of the city of Fitchburg. Public Service. [Local Approval Received.]

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**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-Third General Court  
(2023-2024)**

An Act relating to the regular compensation of certain active and retired employees of the city of Fitchburg.

*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. Notwithstanding any general or special law to the contrary, a retirement  
2 allowance paid to a member inactive of the Fitchburg Retirement System that included in its  
3 calculation the annual amounts paid in lieu of personal leave upon which contributions or  
4 deductions were made, shall not be reduced; modified or changed because of the inclusion of  
5 such contributions or deductions.

6           SECTION 2. Notwithstanding any general or special law to the contrary, any amount  
7 paid annually to a member of the Fitchburg Retirement System who was, as of May 1, 2018, in  
8 service in lieu of personal leave pursuant to any applicable collective bargaining agreement,  
9 individual contract for employment or municipal plan or ordinance in effect on May 1, 2018  
10 shall be considered regular compensation. Such payments in lieu of personal leave subsequent to  
11 May 1, 2018 shall continue to qualify as regular compensation only for members who were in

12 service as of May 1, 2018, as long as said payments in lieu of personal leave are permitted under  
13 an applicable collective bargaining agreement, individual contract or municipal plan or  
14 ordinance. To qualify as regular compensation, such annual payments in lieu of personal leave  
15 shall be to a member who consistently participates in a program that is available to all similarly  
16 situated employees and shall not have been made primarily in the final 3 years of employment,  
17 or final 5 years of employment if membership was established on or after April 2, 2012, or as a  
18 result of providing retirement notice.

19 SECTION 3. Notwithstanding any general or special law to the contrary, the Fitchburg  
20 Retirement System, subject to the requirements of section 1 and section 2, shall regard as regular  
21 compensation any payment in lieu of personal leave made subsequent to May 1, 2018 to a  
22 member who was in service as of May 1, 2018 and shall take appropriate measures to effectuate  
23 this section.

24 SECTION 4. Sections 2 and 3 shall apply only to members who: (i) were in service as of  
25 May 1, 2018; and (ii) began receiving payment in lieu of personal leave prior to May 1, 2018.

26 SECTION 5. This act shall become effective upon its passage.