

HOUSE No. 4133

The Commonwealth of Massachusetts

PRESENTED BY:

Stephan Hay

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 to preserve the practice of including annual payments in lieu of vacation as regular compensation for current retirees and active retirement system members where such benefit existed as of May 2018.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Stephan Hay</i>	<i>3rd Worcester</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>
<i>Frank A. Moran</i>	<i>17th Essex</i>
<i>RoseLee Vincent</i>	<i>16th Suffolk</i>
<i>RoseLee Vincent</i>	<i>16th Suffolk</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>
<i>Daniel M. Donahue</i>	<i>16th Worcester</i>
<i>William L. Crocker, Jr.</i>	<i>2nd Barnstable</i>
<i>Paul W. Mark</i>	<i>2nd Berkshire</i>
<i>Michael J. Soter</i>	<i>8th Worcester</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>

HOUSE No. 4133

By Mr. Hay of Fitchburg, a petition (subject to Joint Rule 12) of Stephan Hay and others relative to payments in lieu of vacation as regular compensation for certain retirees and active retirement system members. Public Service.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act to preserve the practice of including annual payments in lieu of vacation as regular compensation for current retirees and active retirement system members where such benefit existed as of May 2018.

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, as defined in section 1 of chapter 32 of the General Laws, to a member inactive, as
3 defined in section 3 of said chapter 32, that included in its calculation the annual amounts paid in
4 lieu of vacation leave upon which contributions or deductions were made to the applicable
5 retirement system, shall not be reduced, modified or changed because of the inclusion of such
6 contributions or deductions.

7 SECTION 2. Notwithstanding any general or special law to the contrary, any amount
8 paid annually to a member in service, as defined in section 3 of chapter 32 of the General Laws,
9 in lieu of vacation pursuant to any applicable collective bargaining agreement, individual
10 contract for employment, or municipal plan or ordinance in effect on May 1, 2018 and for which
11 the applicable retirement system was accepting regular contributions or deductions as of May 1,

12 2018, shall be considered regular compensation, as defined in section 1 of said chapter 32. Such
13 payments in lieu of vacation leave shall continue to qualify as regular compensation as long as
14 said payments in lieu of vacation leave are permitted under an applicable collective bargaining
15 agreement, individual contract, or municipal plan or ordinance. To qualify as regular
16 compensation, such annual payments in lieu of vacation leave shall be to a member who
17 consistently participates in a program that is available to all similarly situated employees and
18 shall not have been made primarily in the final three years of employment or as a result of
19 providing retirement notice.

20 SECTION 3. Notwithstanding any general or special law to the contrary, the retirement
21 systems subject to the requirements in sections 1 and 2 of this act shall regard any payments in
22 lieu of vacation leave that were made to members in service subsequent to May 1, 2018 as
23 regular compensation and the systems shall take appropriate measures to effectuate this
24 provision.