

SENATE No. 1510

The Commonwealth of Massachusetts

PRESENTED BY:

Sal N. DiDomenico

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 the employment status and retirement benefits of a former employee of the Middlesex Sheriff's Office, Donnalyn Sullivan.

PETITION OF:

NAME:

Sal N. DiDomenico

DISTRICT/ADDRESS:

Middlesex and Suffolk

SENATE No. 1510

By Mr. DiDomenico, a petition (accompanied by bill, Senate, No. 1510) of Sal N. DiDomenico for legislation relative to the employment status and retirement benefits of a former employee of the Middlesex Sheriff’s Office, Donnalyn Sullivan. Public Service.

The Commonwealth of Massachusetts

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

An Act relative to the employment status and retirement benefits of a former employee of the Middlesex Sheriff’s Office, Donnalyn Sullivan.

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 section 8 of chapter 32 of the General Laws or any other
2 general or special law to the contrary, Donnalyn Sullivan shall be restored to full and active
3 employment as a correction officer in Group 4 with the Middlesex County Sheriff’s Office
4 (MSO), which will become effective upon the passage of this act. Provided further, that such
5 restoration to service occurs as though her placement on involuntary leave and disability
6 retirement never occurred and are voided ab initio. The MSO, the Public Employee Retirement
7 Administration Commission (PERAC), and the State Board of Retirement (Board) shall perform
8 all actions necessary, consistent with the provisions of section 8 of chapter 32 and subject to
9 Section 2 of this legislation below, to implement Ms. Sullivan’s full restoration to service as
10 though she was never placed on involuntary leave and disability retirement from January 2007
11 through her restoration to service, including but not limited to the following actions:-

12 (a) Restore to full force and effect any and all creditable service for Ms. Sullivan as of the
13 effective date of her involuntary disability retirement on December 7, 2007, including but not
14 limited to any and all days Ms. Sullivan was involuntarily placed on unpaid leave from in or
15 around September 2007 through December 2007;

16 (b) Credit Ms. Sullivan with any and all seniority, benefits, and creditable service to
17 which she would have been entitled had she continued to work for the MSO during the entirety
18 of the time period from the effective date of her involuntary disability retirement on December 7,
19 2007, through the effective date of her restoration to service.

20 (c) No additional member contributions shall be required as a condition of receiving such
21 creditable service under this Section 1.

22 SECTION 2. Ms. Sullivan's restoration to service shall be treated as if she had been
23 granted restoration to service, pursuant to section 8 of chapter 32 of the General Laws, except to
24 the extent that said chapter 32 conflicts with this act. Ms. Sullivan shall not be required by any
25 individual or entity, including, but not limited to the MSO, PERAC, or Board, to submit any
26 further medical documentation, to undergo any further medical examinations, or to be subjected
27 to any other requirements of chapter 32, as a condition of her restoration to service. Neither Ms.
28 Sullivan nor the MSO shall be required to repay amounts related to Ms. Sullivan's involuntary
29 disability retirement, including, but not limited to, the disability retirement annuity payments to
30 Ms. Sullivan and any alleged overearnings stemming from her involuntary disability retirement
31 as of the effective date of this legislation pursuant to section 91A of chapter 32.

32 SECTION 3. Any future retirement benefits shall be determined in accordance with
33 chapter 32 and subject to the rules and regulations of the applicable retirement board.

34 SECTION 4. This act shall take effect upon its passage. The passage of this act is a
35 contingency to a resolution of litigation between Ms. Sullivan and the MSO as of the effective
36 date of this legislation, i.e. MCAD Docket Numbers: 07 BEM 00453, 14 BEM 00605. The
37 MCAD Hearing Officer's decision addressed, inter aliae, Ms. Sullivan's pending overearnings
38 matter before the Board (Docket Number: 13-3291A-04), pursuant to section 91A of chapter 32.
39 Any exceptions to sections 8 and 91A of chapter 32 of the General Laws or any other general or
40 special law included in this act are only applicable to Ms. Sullivan in these particular
41 circumstances.