

**SENATE . . . . . No. 1728**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Michael F. Rush***

*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:	
<i>Michael F. Rush</i>	<i>Norfolk and Suffolk</i>	
<i>Paul McMurtry</i>	<i>11th Norfolk</i>	<i>2/8/2023</i>

**SENATE . . . . . No. 1728**

By Mr. Rush, a petition (accompanied by bill, Senate, No. 1728) of Michael F. Rush and Paul  
McMurtry for legislation relative to disability retirees and restoration to service. Public Service.

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 1775 OF 2021-2022.]

**The Commonwealth of Massachusetts**

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

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 amended  
2 by striking in line 6 and line 9 the phrase “ the same department” and inserting in place thereof :  
3 “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 amended  
18 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.