

**SENATE . . . . . No. 1617**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***William N. Brownsberger***

*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 restoration to service.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>William N. Brownsberger</i>	<i>Suffolk and Middlesex</i>	
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>	<i>3/28/2023</i>

**SENATE . . . . . No. 1617**

By Mr. Brownsberger, a petition (accompanied by bill, Senate, No. 1617) of William N. Brownsberger for legislation relative to restoration to service for certain retirees. Public Service.

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 1662 OF 2021-2022.]

**The Commonwealth of Massachusetts**

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

An Act relative to 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 the phrase “the same department” in each instance where it appears and  
3 inserting in place 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 shall  
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 inserting after the words “such creditable service” the following:-

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

25           SECTION 3. Section 8 of chapter 32 is hereby amended by striking the word “his” each  
26 time it appears and replacing it with the following: “his or her”.

27           SECTION 4. Section 8 of chapter 32 is hereby amended by striking the word “he” each  
28 time it appears and replacing it with the following: “he or she”.

29           SECTION 5. Section 8 of chapter 32 is hereby amended by striking the word “him” each  
30 time it appears and replacing it with the following: “him or her”.