

# The Commonwealth of Massachusetts

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## *House of Representatives,*

### *The committee on Bills in the Third Reading, to whom was referred the*

Engrossed bill relative to post-retirement employment of public retirees (see House, No. 4007) being section 18 contained in the bill making appropriations for the fiscal year 2022 for the maintenance of the departments, boards, commissions, institutions and certain activities of the commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 4002), which was returned by His Excellency the Governor pursuant to Article LVI with recommendation of amendment specified by him, (see Attachment G of House, No. 4019)

### *Reports recommending that the amendment recommended by His Excellency, the Governor, be considered in the following form:*

By striking all after the enacting clause and inserting in place thereof the following:

“SECTION 1. Section 91 of chapter 32 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out, in lines 97 and 113, the words “nine hundred and sixty” and inserting in place thereof, in each instance, the following figure:- 975.

SECTION 2. Said section 91 of said chapter 32 is hereby further amended by adding the following paragraph:-

(f) (1) The secretary of administration and finance may exempt a position for any calendar year from the requirements of paragraphs (a) to (d), inclusive where the secretary finds that a department or agency of the commonwealth, county, city, town, district or authority has a critical shortage of qualified personnel. The department or agency of the commonwealth, county, city, town, district or authority must demonstrate to the secretary that there is a shortage in qualified personnel and that a good-faith effort has been made to hire qualified personnel who have not retired under this chapter. The period of a determination of a critical shortage shall not

exceed 1 year, but a public entity may seek to invoke this provision in consecutive years upon a new demonstration of a good-faith effort to hire personnel who have not retired. The secretary shall notify the appropriate public entity of each determination of a critical shortage made for the purposes of this paragraph. Any such retired person who renders service pursuant to this paragraph shall be subject to all laws, rules and regulations governing the employment in such positions. Such person shall not be deemed to have resumed active membership in a system and said service shall not be counted as creditable service toward retirement; provided that the earnings therefrom when added to any pension or retirement allowance the person is receiving do not exceed the salary that is being paid for the position from which the person was retired or in which his employment was terminated plus \$15,000.

(2) The provisions of this paragraph shall apply to any positions not subject to the provisions of paragraph (e).

SECTION 3. This act shall take effect as of July 1, 2021.”.

*And that when so amended the same will be correctly drawn.*

.....,  
*For the Committee.*