

HOUSE No. 4463

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act to Re-Train Disabled Firefighters..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 31 of the General Laws as so appearing in the 2008 official edition is hereby
2 amended by inserting after section 39, the following section:-

3 Section 39A: Any fire service personnel subject to the retraining requirements of
4 section 39 shall be classified as a conditional employee during said period of retraining required
5 as a precondition of reinstatement to their position. For purposes of this section, “conditional
6 employee” shall mean, a permanent employee of a fire department separated from their position
7 because of disability for a period of time of more than 5 years. Such employee shall be entitled
8 to the continuation of their disability status with no other compensation of rights due them until
9 such time as they have successfully completed any approved retraining program required
10 pursuant to section 39 and have been subsequently reinstated to their position. No such
11 employee shall increase their average rate of pay for pension purposes prior to the successful
12 completion of said retraining program and reinstatement to their position. All such employees
13 shall be regarded as members of the department from which they were separated to
14 accommodate any retraining program approved by the personnel administrator.