SENATE DOCKET, NO. 564 FILED ON: 1/17/2023

SENATE . . . . . No. 1728

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

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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:

Section 1.Paragraph (a) of Subdivision (1) of Section 8 of Chapter 32 is hereby amended by striking in line 6 and line 9 the phrase " the same department" and inserting in place thereof : "a retirement system".

Said section is further amended by adding after the word "job" in line 25: "or similar position".

Said section is further amended by striking in line 63 the phrase "the same department" and inserting in place thereof: "a retirement system"

Said section is further amended by inserting the following new paragraph after the first paragraph:

During the regular periodic review process done pursuant to this section a member may request that, in addition to being evaluated for a return to his former position, he be evaluated for a specific identified position other than the position from which he retired. Said evaluation will be conducted in the same manner as all other examinations provided for in this section. If the member is found able to perform the essential duties of the identified position he shall be permitted to return to active service in said position and his pension provided for in section six or seven shall cease upon his return to service.

Section 2. Paragraph (b) of Subdivision (2) of Section 8 of Chapter 32 is hereby amended by adding the following sentences:

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