HOUSE DOCKET, NO. 2429 FILED ON: 1/16/2025

HOUSE . . . . . No. 4079

The Commonwealth of Massachusetts

PRESENTED BY:

Kip A. Diggs

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 public retirees and reforming post-retirement employment and earnings limits.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Kip A. Diggs	*2nd Barnstable*	*1/16/2025*
Steven George Xiarhos	*5th Barnstable*	*6/25/2025*

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By Representative Diggs of Barnstable, a petition (accompanied by bill, House, No. 4079) of Kip A. Diggs relative to public retirees and reforming post-retirement employment and earnings limits. Public Service.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act relative to public retirees and reforming post-retirement employment and earnings limits.

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. Section 91 of chapter 32 of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by striking out, in lines 96 and 111, the figure "1,200" and inserting in place thereof the following figure:- 1,320.

SECTION 2. Said section 91 of said chapter 32, as so appearing, is hereby further amended by adding the following subsection:-

(f) Each person referred to in subsection (b) employed under this section must adhere to the 1,320 hourly cap in said subsection (b) and subsection (c) while ensuring compliance with all other earnings and reporting requirements.

SECTION 3. Said chapter 32 is hereby further amended by inserting after section 91C the following section:-

11 Section 91D. (a) Any retired individual receiving a public pension from a state other than
12 the commonwealth and who is employed by an public entity of the commonwealth shall be
13 subject to a reduced earnings limit under the following provisions: (i) earnings from public
14 employment by the commonwealth shall not exceed 50 per cent of the annual salary for the
15 position in which the retired individual is employed; and (ii) the total hours worked in a calendar
16 year shall not exceed 900 hours for any such retired individual.

17 (b) Public employers of the commonwealth who hire out-of-state retired individuals shall:
18 (i) report the employment status, position and compensation of such retired individuals to the
19 public employee retirement administration commission established under section 49 of chapter 7
20 within 30 days of their hiring; and (ii) ensure compliance with the reduced earnings limits set
21 forth in this section.

22 (c) The public employee retirement administration commission shall: (i) develop a
23 centralized system to monitor the earnings and hours of all public retired individuals employed
24 by public entities of the commonwealth; and (ii) publish an annual report detailing compliance
25 with post-retirement earnings limits, including specific data on out-of-state retired individuals.

26 (d) Employers who fail to comply with the reporting requirements under section 91A
27 shall be subject to administrative fines not exceeding $5,000 per instance of noncompliance.

28 (e) Any out-of-state retired individuals found to have knowingly exceeded the earnings or
29 hour limits under section 91A shall be required to: (i) return all earnings above the allowed
30 threshold to the employing public entity of the commonwealth; and (ii) pay a financial penalty
31 equal to 25 per cent of the excess earnings.

32 (f) Public entities of the commonwealth shall: (i) prioritize the hiring of public retired
33 individuals of the commonwealth for positions that fall under the purview of section 91; and (ii)
34 be eligible for state funding incentives if their hiring practices demonstrate a preference for
35 retired individuals of the commonwealth.

36 (g) The public employee retirement administration commission shall develop an online
37 tool to: (i) allow public retired individuals to calculate their earnings limits based on current
38 employment and pension status; and (ii) provide public employers of the commonwealth with
39 resources to ensure compliance with sections 91 and 91A.

40 (h) The public employee retirement administration commission shall launch a public
41 awareness campaign to educate retired individuals and public employers about post-retirement
42 employment system compliance introduced under this section.

43 SECTION 4. This act shall take effect on January 1, 2026.