

**HOUSE . . . . . No. 3952**

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The Commonwealth of Massachusetts

PRESENTED BY:

*James J. O'Day and Harriette L. Chandler*

*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 State Employees and Military Service.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>James J. O'Day</i>	<i>14th Worcester</i>
<i>John P. Fresolo</i>	<i>16th Worcester</i>
<i>Michael O. Moore</i>	
<i>John J. Mahoney</i>	<i>13th Worcester</i>

**HOUSE . . . . . No. 3952**

By Representative O'Day of West Boylston and Senator Chandler, a joint petition (subject to Joint Rule 12) of James J. O'Day and others for legislation to extend certain benefits for public employees serving on active duty in the armed forces. Public Service.

The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

An Act Relative to State Employees and Military 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. Notwithstanding any general or special law to the contrary, an employee in  
2 the service of the commonwealth or a county, city or town that accepts this section as provided in  
3 this section, including an employee of a school district, who has been granted a military leave of  
4 absence because the employee is a member of the army national guard, the air national guard or a  
5 reserve component of the armed forces of the United States called to active service in the armed  
6 forces of the United States after September 11, 2001, shall be entitled to receive pay at his  
7 regular base salary as such a public employee, and shall not lose any seniority or any accrued  
8 vacation leave, sick leave, personal leave, compensation time or earned overtime. An employee  
9 eligible under this section shall be paid his regular base salary as a public employee for each pay  
10 period of military leave of absence after September 11, 2001, reduced by any amount received  
11 from the United States as base pay for military service performed during the same pay period.  
12 For purposes of this section, base pay shall not include any allowances, overtime pay, shift  
13 differential pay, hazardous duty pay or any other additional compensation received for military

14 service. For the purposes of this section, the words "active service" shall not include active duty  
15 for training in the army national guard or air national guard or as a reservist in the armed forces  
16 of the United States. This section shall take effect in a county, city or town upon its acceptance in  
17 a county, by vote of the county commissioners; in a city or town, as provided in section 4 of  
18 chapter 4 of the General Laws; and in a regional school district, by vote of the school committee.  
19 Nothing in this section shall limit or reduce a person's entitlement to benefits under section 59 of  
20 chapter 33 of the General Laws, and nothing in this section shall entitle a person to benefits in  
21 excess of the maximum benefit provided under said section 59 of said chapter 33 for any period  
22 during which that person is receiving benefits under this section.

23           SECTION 2. The provisions of this act shall be retroactively effective as of September  
24 11, 2011 and shall entitle any surviving spouse of a deceased employee to any retroactive and  
25 current payments under this act.

26           SECTION 3. Sections 1 and 2 shall expire on September 11, 2015.