

MEMORANDUM

TO: All Retirement Boards

FROM: John W. Parsons, Esq., Executive Director

RE: Expansion of Post-Retirement Work in the Public Sector

DATE: October 22, 2021

Retroactive to July 1, 2021, Chapter 32 retirees working in the public sector may now work up to 1,200 hours per calendar year.

On September 30, 2021, the Senate overrode the Governor's veto of H 4007, An Act Relative to Post-Retirement Employment of Public Retirees. Coupled with the House of Representatives' override of H 4007, on September 23, 2021, this bill has now become law. The bill has an emergency preamble, and its effective date is July 1, 2021. It **does not** change the earning limits for retirees working in the public sector, it **only** changes the number of hours a retiree may work in the public sector per calendar year. This change applies to both superannuation and disability retirees working in the public sector.

The language of H 4007 was initially included as Section 18 of Chapter 24 of the Acts of 2021, which is the Fiscal Year 2022 budget.

The statute amends the language of Massachusetts General Laws, Chapter 32, Section 91, replacing "nine hundred and sixty" with "1,200" in line 97, clause (b) of the 2018 Official Edition. Section 91(b) now reads, in pertinent part:

(b) ... any person who has been retired and who is receiving a pension or retirement allowance, under the provisions of this chapter or any other general or special law, from the commonwealth, county, city, town, district or authority, ... may ... be employed in the service of the commonwealth, county, city, town, district or authority, including as a consultant or independent contractor or as a person whose regular duties require that his time be devoted to the service of the commonwealth,



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county, city, town, district or authority during regular business hours for not more than **1,200** hours in the aggregate, in any calendar year ... (Emphasis added.)

As originally enacted, Section 18 of Chapter 24 of the Acts of 2021 replaced “nine hundred and sixty” with “1,200” in Section 91(b), but Section 91(c)’s reference to “nine hundred and sixty hours” was left unamended. This oversight has been corrected with the passage of Chapter 76 of the Acts of 2021. Now, both Sections 91(b) and 91(c) properly reflect that a Chapter 32 retiree may work up to 1,200 hours in the public sector in a calendar year.

If you have any questions about this, please contact PERAC Associate General Counsel Katie Bensel at kmbensel@per.state.ma.us.