

**HOUSE . . . . . No. 2583**

By Mr. Jones of North Reading, petition of Bradley H. Jones, Jr., and others relative to the definition of “regular compensation”, in the public employee retirement law. Public Service.

**The Commonwealth of Massachusetts**

PETITION OF:

Bradley H. Jones, Jr.                      John A. Lepper  
Mary S. Rogeness                         Viriato Manuel deMacedo  
George N. Peterson, Jr.

In the Year Two Thousand and Seven.

AN ACT RELATIVE TO CHANGING THE DEFINITION OF REGULAR COMPENSATION.

*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 of said Chapter 32 of the General Laws, as most  
2     recently amended by Chapter 58 of the acts of 2006, is hereby  
3     amended by inserting at the end of the first paragraph of the defini-  
4     tion of “Regular compensation” the following paragraph:—  
5     Notwithstanding any provision of this chapter to the contrary,  
6     during any period subsequent to June 30, 2005, regular compensa-  
7     tion shall mean the salary or wages, including differential payments  
8     for shifts, training, education, certification, and longevity, lawfully  
9     determined for the individual service of the employee by the  
10    employing authority. Such amounts shall not include, without limita-  
11    tion, bonus, overtime, evaluated maintenance, cash or non-cash  
12    allowances for specified purposes, such as housing, transportation,  
13    travel, and clothing, whether or not receipt of such an allowance  
14    requires evidence of expenditure for such purpose, premiums paid  
15    by any governmental unit for the purchase of an individual or group  
16    annuity contract as authorized by Section 18A of Chapter 15 or  
17    Section 37B of Chapter 71, severance pay for any and all unused  
18    sick leave, early retirement incentives, or any other payments made  
19    as a result of giving notice of retirement. “Regular compensation”

20 shall include any part of such salary or wages derived from federal  
21 grants except as provided in clause (xi) of paragraph (a) of subdivi-  
22 sion (2) of Section 3; provided, that salary or wages payable in the  
23 form of cost of living bonuses and cost of living pay adjustments  
24 shall be included in regular compensation. In the case of a teacher  
25 employed in a public day school who is a member of the teachers'  
26 retirement system, salary payable under the terms of an annual con-  
27 tract for additional services in such a school and also compensation  
28 for services rendered by said teacher in connection with a school  
29 lunch program or for services in connection with a program of  
30 instruction of physical education and athletic contests as authorized  
31 by Section 47 of Chapter 71 shall be regarded as regular compensa-  
32 tion rather than as bonus or overtime and shall be included in the  
33 salary on which deductions are to be paid to the annuity savings  
34 fund of the teachers' retirement system. In the case of police offi-  
35 cers, firefighters and employees of a municipal department who are  
36 employed as fire alarm signal operators or signal maintenance  
37 repairmen, money paid for holidays shall be regarded as regular  
38 compensation rather than as overtime and shall be included in the  
39 salary on which deductions are to be paid to the annuity savings  
40 fund. Regular compensation shall also mean salary or wages  
41 received by any member having made the election provided for in  
42 Section 90G½ or Section 90G¾ and serving after age 70 pursuant to  
43 Sections 90F, 90G or 90H.