ATTACHMENT C

July 26, 2018

To the Honorable Senate and House of Representatives:

Pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution, I am returning to you for amendment Section 29 of House Bill No. 4800, “An Act Making Appropriations for the Fiscal Year 2019 for the Maintenance of the Departments, Boards, Commissions, Institutions and Certain Activities of the Commonwealth, for Interest, Sinking Fund and Serial Bond Requirements and for Certain Permanent Improvements.”

Section 29 increases from 960 hours to 1,200 hours the amount of time a retiree collecting a pension may work for a government entity. I support providing municipalities with increased flexibility to make appropriate staffing decisions.

However, an increase of 240 more hours per year is a significant policy change and moves the Commonwealth and its municipalities closer to a place where employees continue to work near full-time while collecting a pension, without any corresponding changes to improve the current practice. As a result, I am proposing a modest increase in the number of hours from the current 960 hours to 975, which more accurately reflects half-time. This change will allow for some flexibility to retired employees who are bumping into the current 960 hour limit. Further, I am proposing a waiver to the hours cap for public safety personnel when a “critical shortage” is determined. This mechanism currently exists for retired education personnel in the Commonwealth.

Additionally, I am proposing to set a January 1, 2019 effective date for these changes because the hourly calculation is made on a calendar year basis and the current effective date for the section is July 1, 2018, in the middle of the current calendar year.

For these reasons, I recommend striking out section 29 and inserting in place thereof the following 2 sections:-

SECTION 29. Section 91 of chapter 32 of the General Laws, as so appearing, is hereby amended by striking out, in lines 97 and 113, the words “nine hundred and sixty” and inserting in place thereof, in each instance, the following figure:- 975.;

SECTION 29A. Said section 91 of said chapter 32 is hereby further amended by inserting after paragraph (d), the following paragraph:-

(d 1/2) Notwithstanding the provisions of paragraphs (a) to (d), inclusive, in any period during which there is a critical shortage of qualified individuals available for employment for a particular public safety position in any department or agency of the commonwealth, county, city, town, district or authority, said department or agency may employ any person who has retired from a system. Any such retired person who renders service in a public safety position for said department or agency shall be subject to all laws, rules and regulations governing the employment in such positions. Such person shall not be deemed to have resumed active membership in a system and said service shall not be counted as creditable service toward retirement; but in the first two years immediately following the effective date of retirement, the earnings received by such person who retired pursuant to this chapter when added to any pension or retirement allowance the person is receiving shall not exceed the salary that is being paid for the position from which the person was retired or in which employment was terminated.

The secretary of administration and finance may exempt a position for any calendar year from the requirements of paragraphs (a) to (d), inclusive and may deem a department or agency of the commonwealth, county, city, town, district or authority to have a critical shortage of qualified public safety personnel for the purposes of this paragraph upon request of the department or agency to have a great hardship in qualified public safety personnel and demonstration to the secretary that the department or agency has made a good-faith effort to hire qualified public safety personnel who have not retired under this chapter and have been unable to fill the exempt position. The period of a determination of a critical shortage of qualified public safety personnel shall not exceed one year, but a public entity may seek to invoke this provision in consecutive years upon a new demonstration of a good-faith effort to hire personnel who have not retired. The secretary shall notify the appropriate public entity of each determination of a critical shortage made for the purposes of this paragraph.;

And by inserting after section 112 the following section:-

SECTION 112A. Sections 29 and 29A shall take effect as of January 1, 2019.

Respectfully submitted,

Charles D. Baker

Governor