ATTACHMENT G

July 16, 2021

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 18 of House Bill No. 4002, “An Act Making Appropriations for the Fiscal Year 2022 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 18 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 and state agencies 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.

Instead, 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 personnel in positions when a critical shortage is determined. This mechanism currently exists for retired education personnel in the Commonwealth. I propose that this mechanism take effect as of July 1, 2021 at the same time as the remainder of the Fiscal Year 2022 General Appropriations Act in order to ensure that this critical tool will be available as soon as possible to assist state agencies and municipalities around Massachusetts as they continue to recover from the COVID-19 pandemic.

For these reasons, I recommend striking out section 18 and inserting in place thereof the following 2 sections:-

SECTION 18. 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” each time they appear and inserting in place thereof, in each instance, the following figure:- 975.;

SECTION 18A. Said section 91 of said chapter 32 is hereby further amended by adding the following paragraph:-

(f) (1) The secretary of administration and finance may exempt a position for any calendar year from the requirements of paragraphs (a) to (d), inclusive where the secretary finds that a department or agency of the commonwealth, county, city, town, district or authority has a critical shortage of qualified personnel. The department or agency of the commonwealth, county, city, town, district or authority must demonstrate to the secretary that there is a shortage in qualified personnel and that a good-faith effort has been made to hire qualified personnel who have not retired under this chapter. The period of a determination of a critical shortage shall not exceed 1 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. Any such retired person who renders service pursuant to this paragraph 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; provided that the earnings therefrom when added to any pension or retirement allowance the person is receiving do not exceed the salary that is being paid for the position from which the person was retired or in which his employment was terminated plus $15,000.

(2) The provisions of this subsection shall apply to any positions not subject to the provisions of subsection (e).

Respectfully submitted,

Charles D. Baker

Governor