

April 1, 2026

Via Electronic Mail

The Hon. Aaron Michlewitz, Chair
House Committee on Ways and Means
State House, Room 243
Boston, MA 02133
Aaron.M.Michlewitz@mahouse.gov

Re: House 2796 – An Act Relative to Public Safety Personnel

Dear Chair Michlewitz:

I write in strong opposition to House 2796, *An Act Relative to Public Safety Personnel*, a bill that creates specific exemptions for certain public retirees from following the return-to-work statute under section 91 of Chapter 32 of the Massachusetts General Laws. Under the return-to-work statute, public retirees may return to work for public entities, subject to certain requirements such as limits on earnings and the number of hours worked. The statute reflects the long-held policy that public employees cannot collect a full salary while receiving a pension from a public body.

As you know, the Office of the Inspector General (OIG), has completed extensive reviews and investigations into the implementation and enforcement of the return-to-work statute. I have written letters, testified before legislative committees and published comprehensive reports detailing the flawed system. Unfortunately, the Legislature continues to consider proposed exemptions and has failed to implement any reform.

House 2796 would create an exemption for municipal police officer and firefighter retirees, allowing them to “provide consulting services” to municipalities without adhering to Chapter 32’s hours and earnings limits. Understandably, public safety retirees have specialized expertise and could fill knowledge gaps that may exist within the Commonwealth’s cities and towns. However, this blanket exemption is problematic in that it (1) would allow a particular group of retirees to collect a full public salary and a full public pension; (2) relies on the broad and undefined term “consulting services;” and (3) does not include any safeguards or controls. In light of these issues, such an exemption would be an inappropriate use of public funds and set a very troubling precedent for other professions to also seek.

Conflicts With Purpose of Group IV

The goal of filling public safety positions can be accomplished without this dramatic change in the law. Public safety employees who want to continue in public service can accept a new public position prior to retiring or, if they have already retired, pause their retirement while serving in a new position. **Public policy should not encourage individuals to maximize their income by combining their pensions with earned compensation from public sources.** It also

should not spur a public pensioner to secure a post-retirement, full-time position at the state or municipal level. If this were to be the case, I believe the entire rationale for the statute must be revisited.

I am concerned that the proposed exemption is motivated by the dynamics of Group IV classification and retirement. Specifically, the value of the additional years diminishes and is eliminated as the retiree ages, thus pausing the retirement is in conflict with this provision. Yet one of the motivations for the special treatment is to acknowledge the inherent danger of this work and to provide an incentive to retire earlier and leave the danger of the profession behind. This exemption is in conflict with such a goal. This should not be a catalyst for a change in the law.

More specifically, the proposed exemption conflicts with the public policy underlying the Group IV classification for those in public safety positions. For the employee, the ability to retire “early” due to the public safety danger associated with these positions has the most financial value during the 10-year window between ages 55 and 65. Pausing or deferring one’s retirement in order to continue working in a state or municipal position denies the intended Group IV beneficiary the financial benefit of the early retirement. Yet, continuing to work by “providing consulting services” undermines the public policy that Group IV employees are entitled to a more generous retirement option because of the risks associated with continued work in their public safety positions after age 55.

Consulting Services Not Defined

This leads to my next concern with the bill. It does not define the term “consulting services” or limit it in any way. I am troubled that a potential loophole already exists under current law when public entities hire retirees as vendors or under certain third-party contracts, subject to specified conditions (for example, through a staff augmentation service, as employees of a vendor, or as vendors themselves). In each of these scenarios, the retiree continues to receive their full pension with very loose self-oversight to not exceed the post-retirement hours or earnings limitations. Amending the law to add undefined consulting services will further muddy already murky waters for public entities and retirees, and opens the door to abuse.

No Central System to Monitor Limits

The existing laws and rules around public retirees returning to work for a public entity already lack necessary controls and too heavily rely on self-reporting by retirees. With 104 public retirement systems in Massachusetts, there is no efficient, uniform way for a public employer to find out if a potential employee is a retiree. The state has no mechanisms in place to track those public retirees who return to public service, nor their hours or earnings limitations. Conversely, the system puts the onus on retirees to determine whether a post-retirement opportunity falls within an exemption and what rules apply.

Disagree with Special Exemption for Senior Leadership – Inherently Unfair

In addition, the bill would create a unique exemption to allow Group IV retirees to collect both a full pension and full salary if serving as secretary or undersecretary in the Executive Office

of Public Safety and Security. In addition, any retiree employed by the Municipal Police Training Committee (MPTC) or the Department of Fire Services Academy also would be exempt.

Despite earlier warnings, the core issues identified regarding post-retirement earnings and hours limitations for certain retirees remains unaddressed. The OIG would like to reiterate that the valuable next step would be to determine a manner by which state and municipal retirees would:

1. only be able to work directly with public entities as a post-retiree, not as a vendor or through third-party contracts; and
2. have a public entity oversee and monitor their post-retirement public work, rather than having retirees self-police this significant control.

These recommendations have already been made. Yet, the post-retirement task force that could address these concerns was never fully appointed. These critical missing controls in our current system fail to ensure compliance with the statutory and regulatory limits placed on post-retirees.

I urge the committee to proceed carefully, to thoughtfully review the OIG's centralized oversight recommendation via a statutory change with funding for PERAC, and not advance any proposed exemptions to Chapter 32's post-retirement earnings and hours limitations for certain retirees (or others). As an immediate step I encourage the committee to look for ways to mitigate the areas of risk that already exist.

Thank you for your consideration. If you have any questions, please do not hesitate to reach out to me at 617-722-8806 or Jeffrey.S.Shapiro@mass.gov or Joshua Giles, Director of Government Outreach and Public Policy, at 617-7719-8225 or Joshua.Giles@mass.gov.

Sincerely,



Jeffrey S. Shapiro, Esq., CIG
Inspector General

cc (by email):

The Hon. Kip A. Diggs, Assistant Vice Chair, House Committee on Ways and Means
The Hon. Todd Smola, Ranking Member, House Committee on Ways and Means
Molly Conneely, General Counsel, House Committee on Ways and Means
Joshua Giles, Director of Government Outreach and Public Policy, OIG
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