

MEMORANDUM

TO: All Retirement Boards

FROM: Robert F. Stalnaker, Executive Director

RE: Creditable Service of Reinstated Disability Retirees

DATE: October 20, 1997

With the reforms enacted by chapter 306 of the acts of 1996, questions have arisen as to the rights of reinstated disability retirees to creditable service under G.L. c. 32. In this regard, G.L. c. 32, § 8(2)(b) provides:

Upon return to work,...[a reinstated disability retiree] shall again become a member in service and regular deductions shall again be made from his regular compensation. Any creditable service in effect for him at the time of his retirement for disability shall thereupon be restored to full force and effect, and upon his subsequent retirement he shall be entitled to a normal yearly amount of retirement allowance computed as though such disability retirement and reinstatement had not taken place. No additional member contributions shall be required as a precondition of receiving such creditable service.

This section of the law provides that a disability retiree who is re-examined and ultimately reinstated to active service is entitled to creditable service for the period of membership service prior to his or her disability retirement as well as during the period he or she was receiving a disability retirement allowance. The retiree is not required to pay the contributions that would have been withheld from his or her regular compensation as a condition of receiving this creditable service.

Please note that the foregoing addresses only the creditable service of such reinstated disability retirees and makes no provision with respect to the seniority rights of such members under the civil service law.

If you have any questions about any of the foregoing, please contact this office.