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COMMONWEALTH OF MASSACHUSETTS | PUBLIC EMPLOYEE RETIREMENT ADMINISTRATION COMMISSION

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MEMORANDUM

TO: All Retirement Boards
State, County and Municipal Officials

FROM: John W. Parsons, Esq., Executive Director

RE: Post Retirement Restrictions During the State of Emergency

DATE: April 13, 2020

Pursuant to Chapter 53 of the Acts of 2020, earnings and hours restrictions for retired public employees working in the public sector have been temporarily adjusted for the period of the Governor's State of Emergency, which began on March 10, 2020. The provisions addressing this temporary change appear below:

SECTION 14. (a) Notwithstanding any general or special law to the contrary, subsections (b) and (c) of section 91 of chapter 32 of the General Laws shall not apply in calendar year 2020 to the following 2 categories of persons for hours worked and earnings received during the governor's March 10, 2020 state of emergency:

(i) any person who has been retired and who is receiving a pension or retirement allowance, pursuant to said chapter 32 or any other general or special law, from the commonwealth or a county, city, town, district or authority; or

(ii) any person whose employment in the service of the commonwealth or a county, city, town, district or authority has been terminated, pursuant to said chapter 32 or any other general or special law, by reason of having attained an age specified in said general or special law or by the rules and regulations of any department or agency of the commonwealth or a county, city, town,

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district or authority without being entitled to any pension or retirement allowance.

These 2 categories of persons may, during the state of emergency and subject to all other laws, rules and regulations governing the employment of persons in the commonwealth or a county, city, town, district or authority, be employed in the service of the commonwealth or a county, city, town, district or authority, including as a consultant or independent contractor or as a person whose regular duties require that such person's time be devoted to the service of the commonwealth, county, city, town, district or authority during regular business hours.

(b) This section shall not apply to individuals retired under a general or special law on disability. (emphasis added)

Therefore, during the Commonwealth's State of Emergency, the hours and earnings of retired public employees working in the public sector shall not be included in the calendar year 2020 restrictions found in Section 91 of Chapter 32 of the Massachusetts General Laws. It is important to note that this accommodation to the demands on the public work force applies regardless of whether the individual is involved in CV-19 related employment. Further, note that the provisions do not apply to disability retirees working in the public sector; restrictions on their employment are unchanged.

As an example, if the State of Emergency which began on 3/10/20 were to extend to 5/10/20, the hours accrued and earnings received during these 2 months would be excluded from the calculation of a retiree's earnings for CY 2020. In determining a retiree's earnings for CY 2020, the retiree and employer should apply the work restrictions to the remaining 10 months of the year.

Adherence to the post-retirement restrictions in any calendar year are the statutory responsibility of the employee and the employer. If employers or employees have questions relative to these temporary provisions, please contact this office or your local retirement board.