

Temporary Lifting of Cap on Retiree Earnings

June 23, 2022

The Governor recently signed Chapter 80 of the Acts of 2022, temporarily eliminating the statutory limits on hours worked and earnings received by certain retired public employees in connection with the ongoing public health emergency created by COVID-19. The legislation, which can be found [here](#), affects the following two categories of employees:

- (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 a general or special law or by the rules and regulations of any department or agency of the commonwealth or a county, city, town, district or authority without being entitled to any pension or retirement allowance.

Please note that individuals who retired pursuant to a disability retirement under any general or special law are excluded from the application of this legislation.

Currently, subsections (b) and (c) of section 91 of chapter 32 of the General Laws provide that individuals in the two categories listed above may be employed by the commonwealth, a county, city, town, district or authority, provided they do not work more than 1,200 hours in a calendar year and further that their earnings do not exceed the salary for the position from which they were retired plus \$15,000. By the enactment of Chapter 80 of the Acts of 2022, however, the usual limitations on retiree hours and earnings shall not apply to employees within either of the categories listed above for any hours worked and earnings received for a period of time beginning with Governor Baker's [May 28, 2021, declaration of a state of emergency](#) and ending either 90 days after the rescission of said declaration, or December 31, 2022, whichever occurs first.

If you have any questions about any of these areas, please do not hesitate to contact your KP Law attorney.

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