

HOUSE No. 1651

By Mr. Mirsky of Boston, petition of John E. Coyne relative to offsetting certain workmen's compensation payments against amounts payable under the contributory retirement law for public employees. Pensions and Old Age Assistance.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Fifty-Seven.

AN ACT RELATIVE TO THE OFFSET OF CERTAIN WORKMEN'S COMPENSATION PAYMENTS UNDER THE CONTRIBUTORY RETIREMENT LAW.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Subdivision (2) of section 14 of chapter 32 of the General
2 Laws, as most recently amended by chapter 542 of the acts
3 of 1951, is hereby further amended by striking out para-
4 graphs (a) and (b), and inserting in place thereof the follow-
5 ing paragraphs: —

6 (a) All sums of money payable under the provisions of
7 sections thirty-one, thirty-four, thirty-four A and thirty-five
8 of chapter one hundred and fifty-two directly to a retired
9 member or to the legal representative or dependents of a
10 deceased member on account of his death, including so much
11 of the amount of any lump sum settlement payable under
12 the provisions of such sections directly to any such person
13 as is allocable to the period following the retirement or death
14 of such member, but excluding any payments for or amounts
15 allocable to any period prior to the date his retirement
16 allowance became effective, shall be offset against and payable
17 in lieu of any pension payable on his account under the

18 provisions of section six, seven or nine by reason of the same
19 injury, but not against his accumulated total deductions or
20 any annuity derived therefrom. Whenever the amount of
21 any such lump settlement is payable directly to a beneficiary,
22 the period over which it is allocable for purposes of this
23 section shall be determined by the actuary in a manner
24 which is consistent with that set forth in paragraph (1) (c)
25 of this section. If any such pension exceeds the compensa-
26 tion payable on account of such member under such pro-
27 visions of chapter one hundred and fifty-two when both are
28 reduced to the same periodical basis, the excess only shall
29 be paid as a pension so long as such compensation continues.
30 If any such pension is less than or equal to such compensa-
31 tion, no pension shall be paid so long as such compensation
32 continues to be equal to or greater than such pension.

33 (b) In all cases where a member or a beneficiary receives
34 delayed compensation payments or an amount of any lump
35 sum settlement payable directly to him under the provisions
36 of sections thirty-one, thirty-four, thirty-four A or thirty-
37 five of chapter one hundred and fifty-two subsequent to his
38 receipt of payments under any pension granted under the
39 provisions of section six, seven or nine by reason of the same
40 injury, no further pension payments shall be made unless
41 and until such time as the total amounts which by then
42 would have been payable as compensation and pension
43 together as set forth in paragraph (a) of this subdivision,
44 if there had been no delay in making such compensation
45 payments, shall exceed the total amounts of compensation
46 and pension actually paid by them after due allowance in
47 either case for the allocation of any such lump sum settlement.