

By Mr. Rushing of Boston, petition of Doris Bunte, Royal L. Bolling, Jr., Salvatore F. DiMasi, Byron Rushing, Kevin W. Fitzgerald, Emanuel G. Serra and another relative to the operation of retirement systems. Public Service.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Five.

AN ACT RELATING TO THE OPERATION OF RETIREMENT SYSTEMS.

1 SECTION 1. Section 6 of chapter 32 of the General Laws, as
2 most recently amended by chapter 630 of the Acts of 1982, is
3 amended by adding the following language after the second sen-
4 tence of sub-paragraph 6 (3) (c): —

5 Prior to the hearing before the panel, the member and the
6 employer of their respective counsel shall exchange copies of any
7 documentary evidence that the member or the employer intend to
8 offer to the panel at the hearing.

1 SECTION 2. Section 8 of said chapter 32, as most recently
2 amended by chapter 630 of the Acts of 1982, is amended at
3 sub-paragraph 8 (1) (b) (3) by adding the following language at the
4 end thereof: —

5 The member who is the subject of said reexamination and the
6 employer from whose service said member retired may participate
7 in said reexamination before the panel to the extent a member and
8 an employer may participate in a medical panel hearing conducted
9 pursuant to section 6 (3) of this chapter.

1 SECTION 3. Section 8 of said chapter 32, as most recently
2 amended by chapter 630 of the Acts of 1982, is amended at
3 sub-section 8 (1) by adding subparagraph (c) as follows: —

4 (c) Notwithstanding the provisions of subparagraph (a) and (b)
5 above, the board may at any time require a reexamination of a
6 member by a three member regional medical panel if good cause

7 for such reexamination is shown upon the petition of said member's
8 former employer. If the board determines that good cause is not
9 shown, the employer may appeal the board's decision to the Con-
10 tributory Retirement Appeal Board provided for in section 16 of
11 this chapter.

1 SECTION 4. Section 16 of said chapter 32 of the General Laws
2 as most recently amended by Chapter 630 of the Acts of 1982, is
3 amended by adding at the end thereof the following new sub-
4 division:—

5 “(6) *Right of Member's Employer to Request Board Hearing.*

6 (a) Upon receipt of any application for ordinary disability,
7 accidental disability or accidental death benefits from or in rela-
8 tion to any member, the applicant's employer may request within
9 fifteen days that the board convene a private or public hearing on
10 such application. The board, after giving due notice, shall conduct
11 such hearing in such a manner and at such times as the best
12 interests of all parties concerned may require, provided that the
13 employer shall have the opportunity at such hearing to present its
14 views with respect to such application and any other materials or
15 information submitted to the board. The board shall prepare and
16 file with its clerk or secretary a certificate of its findings and
17 decision, copies of which shall be sent to the proper parties within
18 fifteen days after completion of such hearing.

19 (b) With respect to any application for benefits referenced by
20 paragraph (a) of this subdivision, the application's employer shall
21 have the right to appeal any board action taken, decision rendered
22 or failure to act to the contributory retirement appeal board
23 pursuant to the provisions of subdivision (4) of this section. Any
24 appeal hearing regarding any such application shall comply with
25 the requirements for the conduct of adjudicatory proceedings in
26 chapter 30A. In connection therewith, the employer shall have all
27 the rights of a party to such proceedings, including without limita-
28 tion the right to subpoena documents or other evidence.

29 (c) Notwithstanding the provisions of any other law, solely
30 upon its request an employer shall have access to all data, informa-
31 tion, materials or evidence submitted to a board or to the contribu-
32 tory retirement appeal board in connection with proceedings in
33 which it could intervene pursuant to this subdivision, including

34 without limitation complete applications for benefits and all mate-
35 rials submitted by medical panels. Such data, information, mate-
36 rials or evidence shall be provided by the board or the contributory
37 retirement appeal board to such employer in a timely fashion. Any
38 information provided to an employer pursuant to this subdivision
39 shall be held by such employer subject to all applicable provisions
40 regarding holders of personal data under chapter 66A.”

1 SECTION 5. Notwithstanding the provisions of any other law,
2 solely upon its request an employer shall have access to all data,
3 information, materials or evidence (1) submitted to a board or to
4 the contributory retirement appeal board in connection with pro-
5 ceedings concluded during the past five years in which it could
6 have intervened if this Act were in effect, including without limita-
7 tion complete applications and all materials submitted by medical
8 panels or (2) held by a board or the contributory retirement appeal
9 board which the employer deems necessary to project its future
10 financial obligations to its retirement system or otherwise under-
11 stand the workings of the system. Such information shall be pro-
12 vided by the board or the Contributory Retirement Appeal Board
13 in a timely fashion. Any information provided to an employer
14 pursuant to this section shall be held by such department subject to
15 all applicable provisions regarding holders of personal data under
16 chapter 66A.

1 SECTION 6. The provisions of this Act shall be applicable to
2 proceedings regarding applications for benefits submitted to a
3 board after the date of enactment, except that an employer's rights
4 pursuant to this Act to appeal any board action or inaction to the
5 Contributory Retirement Appeal Board, to participation in sub-
6 sequent proceedings and to receive information in connection
7 therewith shall be applicable to proceedings for which a board
8 decision is filed after the date of enactment.

1 SECTION 7. Section 50 of Chapter 7 of the General Laws, as
2 most recently amended by chapter 630 of the Acts of 1982, is
3 amended at subsection 50 (n) by adding the following language
4 after the word “four;”
5 provided, however, that any such rules and regulations shall

6 permit an employer to have access to the medical records relating
7 to any present employees seeking to retire and to the medical
8 records of any former employee (i.e. member) who retired while in
9 that employer's service, and further provided that any medical
10 records received by an employer pursuant to said rules and regula-
11 tions shall be held by that employer subject to all applicable
12 provisions regarding holders of personal data under chapter 66A.