

SENATE No. 1765

The Commonwealth of Massachusetts

PRESENTED BY:

Thomas M. McGee

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to the adjustment of disability retirement benefits payable to Lynn police officer Gregory LeBlanc.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|--------------------------|--------------------|
| <i>Thomas M. McGee</i> | <i>Third Essex</i> |
| <i>Robert F. Fennell</i> | <i>10th Essex</i> |
| <i>Steven M. Walsh</i> | <i>11th Essex</i> |
| <i>Lori A. Ehrlich</i> | <i>8th Essex</i> |
| <i>Donald H. Wong</i> | <i>9th Essex</i> |

SENATE No. 1765

By Mr. McGee, a petition (accompanied by bill, Senate, No. 1765) of Thomas M. McGee, Robert F. Fennell, Steven M. Walsh, Lori A. Ehrlich and other members of the General Court (with the approval of the mayor and city council) for legislation relative to the adjustment of disability retirement benefits to Lynn Police Officer Gregory LeBlanc. Public Service. [Local Approval Received.]

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 2297 OF 2011-2012.]

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act relative to the adjustment of disability retirement benefits payable to Lynn police officer Gregory LeBlanc.

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

1 SECTION 1. Notwithstanding any general or special law to the contrary and in order to
2 promote the public good, the Retirement Board of the City of Lynn, shall adjust the annual
3 amount of pension payable to Gregory LeBlanc, a Police Officer employed by the City of Lynn
4 who, while responding to a report of gun violence at a public park sustained injuries which likely
5 could have resulted in his death. The annual amount of pension payable to Gregory LeBlanc
6 under this Act shall be fixed in an amount equal to the regular rate of compensation which would
7 have been paid had he continued in service as a Police Officer in the City at the grade held by
8 him at the time of his retirement; provided, however, that (1) after he has attained the maximum
9 age for this group, his retirement shall be converted to the superannuation retirement benefit
10 calculated under provisions in Section 5 of chapter 32 of the General Laws, treating his
11 retirement years as creditable service for determining the amount of his benefits and (2) the
12 retirement allowances payable to him after he has attained the maximum age for his group shall
13 be increased in the manner provided to all retirees of the town under Chapter 32 of the General
14 Laws.

15 SECTION 2. Before taking action under authority of this Act, the Retirement Board of
16 the City of Lynn shall review the existing medical records and other relevant information
17 concerning Gregory LeBlanc. The Retirement Board of the City of Lynn shall approve a pension
18 for Gregory Leblanc upon its conclusion that Gregory LeBlanc is physically incapacitated for
19 further duty as a Police Officer, that the incapacity is likely to be permanent and that the injuries
20 could have likely resulted in his premature death. The retirement shall become effective as of the
21 date following the last day on which he is entitled to receive regular compensation. Upon the
22 retirement of Gregory LeBlanc, the Retirement Board of the City of Lynn shall forthwith pay to
23 him all amounts standing to his credit in the annuity savings fund of the retirement system of the
24 town. Upon the approval of the pension provided for herein and notwithstanding any general or
25 special law to the contrary, including, but not limited to, Section 8 of Chapter 32 of the General
26 Laws, Gregory LeBlanc shall not be subject to examination or to re-examination by a medical
27 panel or other physician to determine his eligibility or continued eligibility for accidental
28 disability retirement benefits as provided in this Section or in said Section 8 of said Chapter 32.

29 SECTION 3. Gregory LeBlanc shall be eligible for health insurance through the City of
30 Lynn on the same basis as all other retirees and shall be responsible for the retirees' share of all
31 premiums.

32 SECTION 4. Gregory LeBlanc shall not have his retirement allowance subject to
33 modification as a result of earnings from alternative employment; provided, however, that he
34 shall be required to submit earnings reports to PERAC under Section 91A of Chapter 32 of the
35 General Laws. Gregory LeBlanc shall be subject to the limitation of earnings formula as set forth
36 in said Section 91A of said Chapter 32, with the ability to earn the amount described in said
37 Section 91A of said Chapter 32. If he earns in excess of the allowable amount, PERAC shall
38 inform him of the excess amount earned and the amount owed by him to the Retirement Board of
39 the City of Lynn. PERAC shall, in its discretion, require repayment of that amount to the
40 Retirement Board or may withhold amounts as it deems appropriate from future retirement
41 allowance payments until the amounts owed to the Retirement Board have been paid in full.

42 SECTION 5. The retirement allowance payable pursuant to this act shall remain subject
43 to all other provisions of Chapter 32 of the General Laws as if they had been granted as
44 accidental disability retirements in the normal course of events under said Chapter 32, except to
45 the extent that said Chapter 32 conflicts with this act.

46 SECTION 6. This act shall take effect upon its passage.