

SENATE No. 1949

Senate, Thursday, December 5, 2013 – Text of the Senate amendment (Senators Jehlen and Donnelly) to the House Bill directing the Somerville Retirement Board to retire Mario Oliveira, a police officer of the city of Somerville (House, No. 3654).

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

1 SECTION 1. (a) Notwithstanding any general or special law to the contrary, the
2 Somerville retirement board shall retire Mario Oliveira, a police officer of the city of Somerville,
3 who as a result of injuries sustained while in the performance of his duties on November 2, 2010,
4 is totally and permanently incapacitated from performing the essential duties of a police officer.

5 (b) The annual amount of pension payable to Mario Oliveira shall be equal to the regular
6 rate of compensation which would have been paid had he continued in service as a police officer
7 in the city of Somerville at the grade held by him at the time of his retirement until his death or
8 reaching mandatory retirement age, whichever comes first. The additional benefits granted in
9 this act shall be funded and administered by the Somerville retirement board, consistent with and
10 subject to chapter 32 of the General Laws, except that sections 8 and 91A of said chapter 32 shall
11 not apply. All amounts paid under this act shall be non-taxable.

12 (c) Upon attaining the mandatory retirement age for a police officer in the city of
13 Somerville, Mario Oliveira shall receive a pension pursuant to section 7 of said chapter 32, a
14 yearly amount of pension equal to 80 per cent of the annual rate of the compensation he was
15 receiving on the day before he reaches the mandatory retirement age for a police officer in the
16 city of Somerville.

17 SECTION 2. Mario Oliveira shall be entitled to receive indemnification for all hospital,
18 medical and related expenses that have been or may be incurred after the date of his retirement as
19 a result of the injuries sustained by him while in the performance of his duties on November 2,
20 2010, according to section 100 and section 100B of chapter 41 of the General Laws.

21 SECTION 3. In addition to the benefits granted in this act and upon retirement, Mario
22 Oliveira shall receive a lump sum from the Somerville retirement board equal to his total
23 accumulated retirement deductions.

24 SECTION 4. If Mario Oliveira is married at the time of retirement, then upon his death,
25 should his wife, Christine, survive him, the Somerville retirement board shall pay to her an

26 annuity in the amount of 75 per cent of the amount of the pension which otherwise would have
27 been payable to him until her death. The pension shall be subject to section 103 of said chapter
28 32.

29 SECTION 5. In the event that both Mario Oliveira and his wife, Christine, die before
30 their children reach the age of 18 or 22, as provided in this act, the payments that would
31 otherwise have been made to Christine shall be payable, in equal shares, to each surviving child
32 under the age of 18; provided, however, that payments shall continue for the benefit of a
33 surviving child 18 years or older who, on or before the date of death of Christine or Mario,
34 whichever is later, had been medically determined to be permanently physically or mentally
35 incapacitated from earning or for the benefit of a child under the age of 22 who is enrolled as a
36 full-time student.

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