

# HOUSE . . . . . No. 4621

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, April 4, 2022.

The committee on Public Service to whom was referred the joint petition (accompanied by bill, House, No. 4280) of Smitty Pignatelli and Adam G. Hinds that the State Retirement Board be authorized to retire Chad Shimmon, a uniformed member of the town of Great Barrington Police Department, reports recommending that the accompanying bill (House, No. 4621) ought to pass.

For the committee,

KENNETH I. GORDON.

**HOUSE . . . . . No. 4621**

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**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-Second General Court  
(2021-2022)**

An Act authorizing the Berkshire County Retirement System to retire Chad Shimmon, a uniformed member of the town of Great Barrington Police Department.

*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. (a) Notwithstanding any general or special law to the contrary, the  
2 Berkshire County Retirement System shall retire Chad Shimmon, a uniformed member of the  
3 Town of Great Barrington Police Department, who as a result of injuries sustained while in the  
4 performance of his duties in July of 2019, is totally and permanently incapacitated from  
5 performing the essential duties of a uniformed member of the Town of Great Barrington Police  
6 Department.

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8           (b) The annual amount of pension payable to Chad Shimmon shall be equal to the regular  
9 rate of compensation that would have been paid had he continued in service as a uniformed  
10 member of the Town of Great Barrington Police Department at the grade held by him at the time  
11 of his retirement, until his death or reaching 65 years of age, whichever comes first. The  
12 additional benefits granted in this act shall be funded and administered by the Berkshire County

13 Retirement System, consistent with and subject to chapter 32 of the General Laws. All amounts  
14 paid under this act shall be non-taxable to the extent allowable under state law.

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16 (c) Upon attaining the mandatory retirement age for a police officer of the Town of Great  
17 Barrington, Chad Shimmon shall receive a pension pursuant to section 7 of said chapter 32, a  
18 yearly amount of pension equal to 80 per cent of the annual rate of the compensation he was  
19 receiving on the day before he reaches the mandatory retirement age for a uniformed member of  
20 the Town of Great Barrington Police Department.

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22 SECTION 2. Chad Shimmon shall be entitled to receive indemnification for all hospital,  
23 medical and related expenses that have been or may be incurred after the date of his retirement as  
24 a result of the injuries sustained by him while in the performance of his duties in July 2019.

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26 SECTION 3. In addition to the benefits granted herein and upon retirement, Chad  
27 Shimmon shall receive a lump sum from the Berkshire County Retirement System equal to his  
28 total accumulated retirement deductions.

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30 SECTION 4. If Chad Shimmon is married at the time of retirement, then upon his death,  
31 should his spouse, survive him, the Berkshire County Retirement System shall pay to her an  
32 annuity in the amount of 75 per cent of the amount of the pension that otherwise would have

33 been payable to him until her death. The pension benefits provided for in this section and  
34 subsection (c) of section 1 shall be subject to section 103 of chapter 32 of the General Laws.

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36 SECTION 5. The payments provided for in this act shall only be made when Chad  
37 Shimmon has been examined by a medical panel, pursuant to section 6 of chapter 32 of the  
38 General Laws, in which a majority of the physicians have certified to the retirement board of the  
39 Berkshire County Retirement System that the member is mentally or physically incapacitated  
40 from further duty and that such incapacity is likely to be permanent, and that the disability is  
41 such as might be the natural and proximate result of the accident or hazard undergone on account  
42 of which retirement is claimed; provided, however, that the public employee retirement  
43 administration commission may, upon request, waive such examination if the member has  
44 already been approved by a medical panel and the board and is receiving a disability benefit as of  
45 the effective date of this act. The commission shall promptly notify the Berkshire County  
46 Retirement System of such waiver.

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