# HOUSE . . . . . No. 4752

## The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, May 9, 2022.

The committee on Public Service to whom was referred the petition (accompanied by bill, House, No. 4529) of Mark J. Cusack, Walter F. Timilty and John F. Keenan (with approval of the mayor and city council) that the city known as the town of Braintree be authorized to provide for the retirement of Richard Seibert, a police officer of said town, reports recommending that the accompanying bill (House, No. 4752) ought to pass [Local Approval Received].

For the committee,

KENNETH I. GORDON.

FILED ON: 4/29/2022

# HOUSE . . . . . No. 4752

## The Commonwealth of Massachusetts

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

An Act providing for the retirement of Richard Seibert, a police officer in the city known as the town of Braintree.

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

SECTION 1. (a) Notwithstanding any general or special law to the contrary, the Braintree Retirement Board shall increase the accidental disability retirement allowance payable to Richard Seibert, a retired police officer of the police department of the town of Braintree who, as a result of injuries sustained while in the performance of his duties on June 4, 2021, is totally and permanently incapacitated from performing the essential duties of a police officer.

(b) The annual amount of pension payable to Richard Seibert shall be equal to the regular rate of compensation which would have been paid had he continued in service as a police officer of the town of Braintree at the grade held by him at the time of his retirement until his death or reaching mandatory retirement age, whichever comes first. All amounts paid under this act shall be non-taxable to the extent allowable under state and federal law.

(c) Notwithstanding section 91A of chapter 32 of the General Laws or any other general or special law to the contrary, Richard Seibert's annual earnings, when added to his retirement

allowance, may annually earn up to one-half the amount of his retirement allowance without refund penalty.

(d) Upon attaining the mandatory retirement age for a police officer of the town of Braintree, Richard Seibert shall receive a pension pursuant to section 7 of said chapter 32, a yearly amount of pension equal to 80 per cent of the annual rate of the compensation he was receiving on the day before he reaches the mandatory retirement age for a police officer in the town of Braintree.

(e) Notwithstanding any general or special law to the contrary, the benefits granted herein shall be funded and administered by the Braintree Retirement Board, consistent with and subject to chapter 32 of the General Laws.

SECTION 2. Notwithstanding any general or special law to the contrary, Richard Seibert shall be entitled to receive indemnification for all hospital, medical and related expenses that have been or may be incurred after the date of his retirement as a result of the injuries sustained by him while in the performance of his duties on June 4, 2021, in accordance with sections 100 and 100B of chapter 41 of the General Laws.

SECTION 3. Notwithstanding any general or special law to the contrary, the Braintree Retirement Board shall forthwith pay to said Richard Seibert the amount credited to him as accumulated total deductions in the annuity savings fund of the Braintree Retirement Board as of the effective date of this act.

SECTION 4. Notwithstanding any general or special law to the contrary, if Richard Seibert was married on the date of his injury then, upon his death, if he is still married to the spouse he was married to on the date of injury then, should his spouse to whom he was married

on the date of injury survive him, the retirement board of the town of Braintree shall pay to the spouse an annuity in the amount of 75 per cent of the amount of the pension which otherwise would have been payable to Richard Seibert until the spouse's death. The pension benefits provided for in this section and section 1 shall be subject to section 103 of chapter 32 of the General Laws.

SECTION 5. In the event that both Richard Seibert and his spouse to whom he was married on the date of injury die before their children reach the age of eighteen the payments that would otherwise have been made to his spouse shall be payable, per stirpes, to each surviving children under the age of 18; provided, however, that payments shall continue for the benefit of a surviving child 18 years or older who, on or before the date of death of Richard Seibert or his spouse to whom he was married on the date of injury, whichever is later, had been medically determined to be permanently physically or mentally incapacitated from earning or for the benefit of a child under the age of 22 who is enrolled as a full-time student as determined by the criteria of the educational institution.

SECTION 6. The payments provided for in this act shall only be made when Richard Seibert has been re-examined by a medical panel, pursuant to section 6 of chapter 32 of the General Laws, in which a majority of the physicians have re-certified to the Braintree Retirement Board that the member is mentally or physically incapacitated from further duty and that such incapacity is likely to be permanent, and that the disability is such as might be the natural and proximate result of the accident or hazard undergone on account of which retirement is claimed

SECTION 7. This act shall take effect as of 03/7/2022.