HOUSE . . . . . No. 5386

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, November 17, 2022.

The committee on Public Service to whom was referred the petition (accompanied by bill, House, No. 5330) of Daniel J. Hunt (with the approval of the mayor and city council) that the Boston Retirement Board be authorized to increase the accidental disability retirement allowance payable to Elaina McAlister, a retired emergency medical technician of the city of Boston, reports recommending that the accompanying bill (House, No. 5386) ought to pass [Local Approval Received].

For the committee,

KENNETH I. GORDON.

FILED ON: 11/14/2022

HOUSE . . . . . No. 5386

The Commonwealth of Massachusetts

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

An Act regarding the disability pension for Elaina McAlister.

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 Boston Retirement Board shall increase the accidental disability retirement allowance payable to Elaina McAlister, a retired emergency medical technician of the city of Boston who, as a result of injuries sustained while in the performance of her duties on July 10, 2019, is totally and permanently incapacitated from performing the essential duties of an emergency medical technician.

(b) The annual amount of pension payable to Elaina McAlister shall be equal to the regular rate of compensation which would have been paid had she continued in service as an emergency medical technician of the city of Boston at the grade held by her at the time of her retirement until her 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, Elaina McAlister's annual earnings, when added to her 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 an emergency medical technician of the city of Boston, Elaina McAlister shall receive a pension pursuant to section 7 of said chapter 32, a yearly amount of pension equal to 80 percent of the annual rate of the compensation she was receiving on the day before she reaches the mandatory retirement age for an emergency medical technician in the city of Boston.

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

Section 2.

Notwithstanding any general or special law to the contrary, Elaina McAlister shall be entitled to receive indemnification for all hospital, medical and related expenses that have been or may be incurred after the date of her retirement as a result of the injuries sustained by her while in the performance of her duties on July 10, 2019, 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 Boston Retirement Board shall forthwith pay to said Elaina McAlister the amount credited to her as accumulated total

deductions in the annuity savings fund of the Boston Retirement Board as of the effective date of this act.

Section 4.

Notwithstanding any general or special law to the contrary, if Elaina McAlister was married upon the effective date of this act then, upon her death, if she is still married to the spouse she was married to upon the effective date of this act then, should said spouse survive her, the retirement board of the city of Boston shall pay to said spouse an annuity in the amount of 75 percent of the amount of the pension which otherwise would have been payable to Elaina McAlister 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 Elaina McAlister and her spouse to whom she was married on the date of injury both predecease their children before their children reach the age of eighteen the payments that would otherwise have been made to Elaina McAlister's spouse pursuant to section 4 had she predeceased him 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 Elaina McAlister and her spouse to whom she was married on the date of injury, 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.

This act shall take effect as of January 31, 2022.