FILED ON: 12/29/2022

HOUSE . . . . . No. 5456

Substituted, on motion of Mr. Garlick of Needham, for a Bill regarding the disability pension for Elaina McAlister (House, No. 5386) [Local Approval Received]. December 29, 2022.

The Commonwealth of Massachusetts

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

An Act regarding the disability pension for Elaina McAlister administered by the Boston retirement board.

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 1/2 the amount of her 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 per cent 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 city of Boston pursuant to sections 13 and 30 of chapter 32 of the General Laws.

SECTION 2. Notwithstanding any general or special law to the contrary, Elaina McAlister's reasonable, necessary and related medical treatment arising out of the July 10, 2019 work injury shall be paid for by the city of Boston pursuant to chapter 152 of the General Laws. This includes treatment that may be incurred after the date of her retirement.

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 retirement, upon her death, if she is still married to the spouse she

was married to upon retirement then, should her spouse to whom she was married on the date upon retirement survive her, the retirement board of the city of Boston 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 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 upon retirement die before their children reach the age of 18 the payments that would otherwise have been made to her 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 Elaina McAlister or her spouse to whom she was married upon retirement, 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. This act shall take effect as of January 31, 2022.