

**HOUSE . . . . . No. 5330**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Daniel J. Hunt*

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act regarding the disability pension for Elaina McAlister.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Daniel J. Hunt</i>	<i>13th Suffolk</i>	<i>9/21/2022</i>

**HOUSE . . . . . No. 5330**

By Mr. Hunt of Boston, a 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. Public Service. [Local Approval Received.]

**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:*

1           Section 1. (a) Notwithstanding any general or special law to the contrary, the Boston  
2 Retirement Board shall increase the accidental disability retirement allowance payable to Elaina  
3 McAlister, a retired emergency medical technician of the City of Boston who, as a result of  
4 injuries sustained while in the performance of her duties on July 10, 2019, is totally and  
5 permanently incapacitated from performing the essential duties of an emergency medical  
6 technician.

7           (b) The annual amount of pension payable to Elaina McAlister shall be equal to the  
8 regular rate of compensation which would have been paid had she continued in service as an  
9 emergency medical technician of the city of Boston at the grade held by her at the time of her  
10 retirement until her death or reaching mandatory retirement age, whichever comes first. All

11 amounts paid under this act shall be non-taxable to the extent allowable under state and federal  
12 law.

13 (c) Notwithstanding section 91A of chapter 32 of the General Laws or any other general  
14 or special law to the contrary, Elaina McAlister's annual earnings, when added to her retirement  
15 allowance, may annually earn up to one-half the amount of her retirement allowance without  
16 refund penalty.

17 (d) Upon attaining the mandatory retirement age for an emergency medical technician of  
18 the city of Boston, Elaina McAlister shall receive a pension pursuant to section 7 of said chapter  
19 32, a yearly amount of pension equal to 80 percent of the annual rate of the compensation she  
20 was receiving on the day before she reaches the mandatory retirement age for an emergency  
21 medical technician in the city of Boston.

22 (e) Notwithstanding any general or special law to the contrary, the benefits granted herein  
23 shall be funded and administered by the city of Boston pursuant to sections 13 and 30 of chapter  
24 152 of the General Laws.

25 Section 2.

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

30 Section 3. Notwithstanding any general or special law to the contrary, the Boston  
31 Retirement Board shall forthwith pay to said Elaina McAlister the amount credited to her as

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

34 Section 4. Notwithstanding any general or special law to the contrary, if Elaina McAlister  
35 was married upon retirement, upon her death, if she is still married to the spouse she was married  
36 to upon retirement then, should her spouse to whom she was married on the date upon retirement  
37 survive her, the retirement board of the city of Boston shall pay to the spouse an annuity in the  
38 amount of 75 percent of the amount of the pension which otherwise would have been payable to  
39 Elaina McAlister until the spouse's death. The pension benefits provided for in this section and  
40 section 1 shall be subject to section 103 of chapter 32 of the General Laws.

41 Section 5. In the event that both Elaina McAlister and her spouse to whom she was  
42 married on the date upon retirement die before their children reach the age of eighteen the  
43 payments that would otherwise have been made to her spouse shall be payable, per stirpes, to  
44 each surviving children under the age of 18; provided, however, that payments shall continue for  
45 the benefit of a surviving child 18 years or older who, on or before the date of death of Elaina  
46 McAlister or her spouse to whom she was married upon retirement, whichever is later, had been  
47 medically determined to be permanently physically or mentally incapacitated from earning or for  
48 the benefit of a child under the age of 22 who is enrolled as a full-time student as determined by  
49 the criteria of the educational institution.

50 Section 6. This act shall take effect as of 01/31/2022.