

HOUSE No. 5072

The Commonwealth of Massachusetts

PRESENTED BY:

Alyson M. Sullivan-Almeida

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 disability pension legislation for Sergeant Deputy Sheriff Brian C. McPherson.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Alyson M. Sullivan-Almeida</i>	<i>7th Plymouth</i>	<i>7/21/2023</i>

HOUSE No. 5072

By Representative Sullivan-Almeida of Abington, a petition (subject to Joint Rule 7B) of Alyson M. Sullivan-Almeida that the Boston Retirement Board be authorized to retire Brian C. McPherson, an employee of the Suffolk County Sheriff’s Department. Public Service.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act disability pension legislation for Sergeant Deputy Sheriff Brian C. McPherson.

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 City of
2 Boston retirement board shall retire Brian C. McPherson, a Sergeant Deputy Sheriff of the
3 Suffolk County Sheriff’s Department, who as a result of injuries sustained while in the
4 performance of his duties on May 13, 2008, is totally and permanently incapacitated from
5 performing the essential duties of a Sergeant Deputy Sheriff.

6 (b) The annual amount of pension payable to Brian C. McPherson shall be equal to the
7 regular rate of compensation which would have been paid had he continued in service as a
8 Sergeant Deputy Sheriff at the Suffolk County Sheriff’s Department at the grade held by him at
9 the time of his retirement until his death or reaching mandatory retirement age, whichever comes
10 first. The additional benefits granted in this act shall be funded and administered by the City of
11 Boston retirement board, consistent with and subject to chapter 32 of the General Laws, except

12 that sections 8 and 91A of said chapter 32 shall not apply. All amounts paid under this act shall
13 be non-taxable.

14 (c) Upon attaining the mandatory retirement age for Sergeant Deputy Sheriff in the
15 Suffolk County Sheriff's Department Brian C. McPherson shall receive a pension pursuant to
16 section 7 of said chapter 32, a yearly amount of pension equal to 100 per cent of the annual rate
17 of the compensation he was receiving on the day before he reaches the mandatory retirement age
18 for a Sergeant Deputy Sheriff in the Suffolk County Sheriff's Department.

19 SECTION 2. Brian C. McPherson shall be entitled to receive indemnification for all
20 hospital, medical and related expenses that have been or may be incurred after the date of his
21 retirement as a result of the injuries sustained by him while in the performance of his duties on
22 May 13, 2008, according to section 100 and section 100B of chapter 41 of the General Laws.

23 SECTION 3. In addition to the benefits granted in this act and upon retirement, Brian C.
24 McPherson shall receive a lump sum from the City of Boston retirement board equal to his total
25 accumulated retirement deductions.

26 SECTION 4. If Brian C. McPherson is married at the time of retirement, then upon his
27 death, should his wife, Kelli, survive him, the City of Boston retirement board shall pay to her an
28 annuity in the amount of 75 per cent of the amount of the pension which otherwise would have
29 been payable to him until her death. The pension shall be subject to section 103 of said chapter
30 32.

31 SECTION 5. In the event that both Brian and his wife, Kelli, die before their children
32 reach the age of 18 or 22, as provided in this act, the payments that would otherwise have been
33 made to Kelli shall be payable, in equal shares, to each surviving child under the age of 18;

34 provided, however, that payments shall continue for the benefit of a surviving child 18 years or
35 older who, on or before the date of death of Kelli or Brian, whichever is later, had been
36 medically determined to be permanently physically or mentally incapacitated from earning or for
37 the benefit of a child under the age of 22 who is enrolled as a full-time student.

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