

HOUSE No. 5391

Substituted by the House, on motion of Mr. Walsh of Peabody, for a bill with the same title (House, No. 2939) [Local Approval Received]. April 30, 2026.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act regarding the disability pension for Misael Rodriguez administered by the Springfield 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:

1 SECTION 1. (a) Notwithstanding any general or special law to the contrary, the
2 Springfield retirement board shall increase the accidental disability retirement allowance payable
3 to Misael Rodriguez, a retired police officer of the police department of the city of Springfield
4 who, as a result of severe physical injuries sustained during a violent felonious assault while in
5 the performance of his duties on November 5, 2020, is totally and permanently incapacitated
6 from performing the essential duties of a police officer.

7 (b) The annual amount of pension payable to Misael Rodriguez shall be equal to the
8 regular rate of compensation, including all applicable benefits and stipends, that he was earning
9 on November 5, 2020. The annual amount of pension payable to Misael Rodriguez shall be equal
10 to the regular rate of compensation which would have been paid had he continued in service as a
11 police officer at the grade held by him at the time of his retirement until his death or reaching
12 mandatory retirement age, whichever comes first; provided, however, that if Misael Rodriguez

13 reaches the mandatory retirement age, he shall be entitled thereafter to 80 per cent of the average
14 annual rate of compensation paid to him in the previous 12 months, including any cost of living
15 increases, as defined in sections 102 and 103 of said chapter 32.

16 (c) Notwithstanding the hours and earnings limitations of sections 91 and 91A of chapter
17 32 of the General Laws or any other general or special law to the contrary, the annual earnings of
18 Misael Rodriguez from employment in the service of the commonwealth or a county, city, town,
19 district or authority, including as a consultant or independent contractor or as a person whose
20 regular duties require that his time be devoted to the service of the commonwealth, county, city,
21 town, district or authority during regular business hours, may equal up to $\frac{1}{2}$ the amount of his
22 retirement allowance without refund penalty. Misael Rodriguez shall not be eligible for
23 employment under Groups 3 and 4 of the retirement system while receiving benefits under this
24 act. Misael Rodriguez may be employed by a private entity or in the private sector without
25 refund penalty; provided, however, that his service is not devoted to the commonwealth or a
26 county, city, town, district or authority.

27 (d) Upon retirement, Misael Rodriguez shall receive a lump sum payment from the
28 Springfield retirement board equal to his total accumulated retirement deductions.

29 (e) In the event that Misael Rodriguez predeceases his spouse, his surviving spouse shall
30 be entitled to 75 per cent of Misael Rodriguez's annual pension, paid monthly, as long as such
31 spouse shall live; provided, however, that when Misael Rodriguez would have reached the
32 mandatory retirement age, his spouse shall continue to be entitled to 75 per cent of the annual
33 pension, including any cost of living increases, as defined in sections 102 and 103 of said chapter
34 32, that Misael Rodriguez would have received upon reaching the mandatory retirement age; and

35 provided further, that if the spouse is eligible for benefits under this section and under option (c)
36 of section 12 of said chapter 32, the spouse shall elect to receive either a benefit under said
37 option (c) or a benefit under this section but shall not be eligible for both benefits.

38 (f) If Misael Rodriguez and his spouse predecease their children, the surviving unmarried
39 children, if any, who are under age 18, or under age 22 and are full-time students at an accredited
40 educational institution, or who are over age 18 and physically or mentally incapacitated from
41 earning income on the date of Misael Rodriguez's retirement, shall be entitled to receive a
42 pension of equal proportion, paid monthly, which shall total 75 per cent of the amount of the
43 pension payable to Misael Rodriguez at the time of his death. When a child no longer meets the
44 qualifications for receipt of a pension allocation under this section, said child's pension allocation
45 shall cease and any remaining qualified children shall continue to receive the same amount each
46 received before any child's allocation ceased. The words "full-time student" and "accredited
47 educational institutions" shall have the same meanings as in clause (iii) of paragraph (a) of
48 subdivision (2) of section 7 of said chapter 32.

49 SECTION 2. Misael Rodriguez shall be indemnified for all hospital, medical and other
50 healthcare expenses, not otherwise covered by health insurance, related to treatment of injuries
51 that have been or may be incurred after the date of his retirement as a result of the injuries
52 sustained by him while in the performance of his duties on November 5, 2020.

53 SECTION 3. Nothing in this act shall prohibit Misael Rodriguez, or his eligible spouse or
54 children, from receiving additional retirement benefits not required by this act.

55 SECTION 4. The increase in the accidental disability retirement allowance under section
56 1 shall be effective as of July 31, 2024. The Springfield retirement board shall forthwith pay to

57 Misael Rodriguez a lump sum equal to the difference between the accidental disability retirement
58 allowance paid to him from July 31, 2024 through the effective date of this act and the accidental
59 disability retirement allowance that would have been payable to him had this act been in effect as
60 of July 31, 2024.

61 SECTION 5. This act shall take effect upon its passage.