



BOSTON CITY COUNCIL

Committee on Government Operations

Lydia Edwards, Chair

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REPORT OF COMMITTEE CHAIR

December 15, 2021

Dear Councilors:

Docket #01219, petition for a special law re: An Act Regarding the Disability Pension for Matthew Morris; Docket #1220, petition for a special law re: An Act Regarding the Disability Pension for Richard Cintilo; and, Docket #1221, petition for a special law re: An Act Regarding the Disability Pension for Scott O'Brien, were sponsored by Councilor Annissa Essaibi George and referred to the Committee on December 1, 2021. The Committee held a hearing on December 9, 2021.

Summary of Legislation As Filed:

These home rule petitions will increase the accidental disability retirement allowance payable to the officers named individually in each proposal. Massachusetts General Laws Chapter 32, section 7 governs the accidental disability retirement allowance and currently allows for a yearly amount of pension equal to 72 per cent of the annual rate of his regular compensation. These proposals will increase the retirement allowance to the rate of compensation that the officer would have received had such officer continued service as a police officer. All other provisions of Chapter 32 will apply except for section 8 and section 91A. The home rule petitions also provide for the surviving spouse as follows: an annuity in the amount of three-fourths of the amount of the pension payable to the officer, per month, at the time of his death, if the surviving spouse remains unmarried; and, if said surviving spouse remarries, the City shall pay, in lieu of the aforesaid annuity, an annuity of \$550.00 dollars per month.

The statutory standard for accidental disability retirement is: “physically unable to perform the essential duties and responsibilities of the job and that such inability is likely or deemed permanent before attaining the maximum age for the member’s group by reason of a personal injury or violent act injury sustained by a hazard undergone as a result of, and while in the performance of, his duties.” See MGL chapter 32, section 7.

Information Gathered at the Hearing:

Timothy Smyth from the Boston Retirement Board; Larry Calderone, President of the BPPA; Jamie Kenneally from the BPPA; Jeanne L. Carroll, President, Boston Police Superior Officers Federation; and the police officers participated. The Committee discussed the statutory standard for accidental disability. All of these officers are retired under accidental disability. The Committee discussed the impact and the trauma the officers deal with as a result of being injured in the line of duty and in service to and protecting the City. The Committee also discussed

similar home rule petitions that were approved in the past. Councilor Annissa George provided an overview of the physical injuries sustained by these officers. Mr. Morris and Mr. O'Brien discussed the emotional and physical trauma they have endured and the ongoing treatment to address their injuries. Mr. Calderone spoke on behalf of Richard Cintolo and discussed his injuries. Mr. Smyth reviewed the retirement procedures, discussed contributory and non-contributory retirees and explained that payments under these acts are from Fund 2, noncontributory retirees and the cost is borne by the City and reported as a separate line item. Mr. Smyth suggested that the word "funded" be removed in the second sentence of Section 2 since the City is responsible for the cost. Mr. Smyth also suggested using the name "Boston Retirement System" in the place of "State-Boston Retirement Board" to reflect the proper name.

Summary of Amendments:

Based upon the information gathered at the hearing, the dockets are amended as follows: in the *Whereas* clause, the word "serious" is replaced with the term "firearm-related"; in Section 2, the provisions of MGL chapter 32, section 91A, apply except for the cap on earnings. All other sections of chapter 32 apply. In Section 2, a provision is added in the first sentence in all the dockets that provides that any income derived by the officers is not earned performing a sworn law enforcement function or private security function with similar duties. Also, in Section 2 language is added that will increase the annual earnings allowance without penalty to \$100,000.00 as opposed to \$15,000.00. This change is included in all of the dockets. In Section 3 of all the dockets, the language concerning remarriage of the surviving spouse is removed. Also, in Section 3 of all the dockets, the language regarding the decrease in the annuity payment to \$550.00 upon remarriage is removed. The word "funded" is removed in the second sentence of Section 2 of all the dockets since the City is responsible for the cost. The name "Boston Retirement System" is used throughout all of the dockets and in the place of "State-Boston Retirement Board" to reflect the proper name.

All of these officers are physically unable to perform the essential duties and responsibilities of police officers and that inability is permanent and is a result of firearm related injuries sustained while in the performance of their duties. Passage of these dockets will ensure that the police officers are allowed to receive their full compensation had they continued serving as police officers. These officers were injured in the line of duty while protecting the public and are not able to continue as police officers because of injuries sustained on the job through no fault of their own. Passage of these dockets allow the officers to receive their full compensation and will provide security and stability to the officers and their families. The amended language ensures that the officers will receive their full compensation while adhering to the other applicable sections of chapter 32 and will allow the officers to earn additional income subject to certain limits.

By the Chair of the Committee on Government Operations, to which the following was referred:

Docket #01219, petition for a special law re: An Act Regarding the Disability Pension for Matthew Morris; Docket #1220, petition for a special law re: An Act Regarding the Disability Pension for Richard Cintilo; and, Docket #1221, petition for a special law re: An Act Regarding the Disability Pension for Scott O'Brien,

submits a report recommending that these dockets **ought to pass in amended drafts.**

For the Chair:

A handwritten signature in black ink that reads "Lydia Edwards". The signature is written in a cursive style with a large initial "L" and "E".

Lydia Edwards, Chair
Committee on Government Operations