

OFFERED BY COUNCILOR ED FLYNN



CITY OF BOSTON

IN THE YEAR TWO THOUSAND TWENTY SIX

HOME RULE PETITION

WHEREAS, **Leo J. Bracken** sustained a violent fall, sustaining significant injuries, while in the performance of his duties due to gross neglect from the Boston Fire Department, and as a result is incapacitated from further service as a Fire Lieutenant; ***NOW THEREFORE BE IT***

ORDERED: That a petition to the General Court, accompanied by a bill for a special law relating to the City of Boston to be filed with an attested copy of this Order be, and hereby is, approved under Clause 1 of Section 8 of Article II, as amended, of the Articles of Amendment to the Constitution of the Commonwealth of Massachusetts, provided that the Legislature may reasonably vary the form and substance of the requested legislation within the scope of the general public objectives of this petition:

PETITION FOR A SPECIAL LAW RE: AN ACT RELATIVE TO PENSION BENEFITS FOR FIREFIGHTER LEO J. BRACKEN

SECTION 1. (a) Notwithstanding section 7 of chapter 32 of the General Laws or any other general or special law to the contrary, and in order to promote the public good, the Boston retirement board shall increase the disability pension of Leo J. Bracken, a firefighter of the city of Boston, who as a result of injuries sustained while in the performance of his duties on October 17, 2019, is totally and permanently injured and incapacitated for further service as a firefighter.

(b) Notwithstanding chapter 32 of the General Laws or any other general or special law to the contrary, upon passage of this petition, the annual amount of pension payable to Leo J. Bracken shall be equal to 100 percent of the regular rate of compensation which would have been paid had he continued in service as a firefighter of the City of Boston at the grade held by him at the time of his retirement until his 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, Leo J. Bracken's annual earnings, when added to his retirement allowance, may annually earn up to 1/2 the amount of his retirement allowance without refund penalty.

(d) Notwithstanding any general or special law to the contrary, the benefits granted herein shall be funded and administered by the Boston retirement board, consistent with and subject to chapter 32 of the General Laws.

SECTION 2. Leo J. Bracken shall be entitled to receive indemnification for all hospital, medical and related expenses that have been, or may be incurred after the date of his retirement as a result of the injuries sustained by him while in the performance of his duties on October 17, 2019, in accordance with sections 100 and 100B of chapter 41 of the General Laws.

SECTION 3. Notwithstanding any general or special law to the contrary, the Boston retirement board shall forthwith pay to said Leo J. Bracken the amount credited to him 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 Leo J. Bracken was married upon retirement, upon his death, if he is still married to the spouse to whom he was married to upon retirement then, should his spouse to whom he was married on the date of retirement survive him, the Boston retirement board 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 Leo J. Bracken until his 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. This act shall take effect upon its passage.