



BOSTON CITY COUNCIL

Committee on Government Operations
Gabriela Coletta Zapata, Chair

One City Hall Square 5th Floor, Boston, MA 02201 ♦ Phone: (617) 635-3040 ♦ city.council@boston.gov

REPORT OF COMMITTEE CHAIR

April 1, 2026

Dear Councilors,

The Committee on Government Operations was referred the following docket for consideration:

Docket #0268, Petition for a Special Law re: An Act Relative to Pension Benefits for Firefighter Leo J. Bracken.

This matter was sponsored by Councilor Edward M. Flynn, and was referred to the Committee on February 4, 2026.

Summary of Legislation

Docket #0268 is a Home Rule Petition that seeks to authorize and direct the Boston Retirement Board to increase the accidental disability retirement allowance for Fire Lieutenant Leo J. Bracken (the Petitioner) beyond the current allowance he receives under M.G.L. c. 32, §7. This petition also seeks to entitle the Petitioner to medical indemnification and enhanced survivor benefits for his spouse

Section 1. (a)

This section of the petition seeks to direct the Boston Retirement Board to 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.

Section 1. (b)

This section of the petition seeks to increase the annual amount of pension payable to Petitioner, equal to the regular rate of compensation he would have been paid had he not been injured in 2019 and 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. Further, this section states that all amounts paid under this act shall be non-taxable to the extent allowable under state and federal law. Currently, under M.G.L. c.32, §7, the Petitioner's pension is based on the rate of compensation he earned in 2019 before he was injured.

Section 1. (c)

This section of the petition seeks to increase the annual amount that Petitioner may earn in addition to his annual pension payments, to allow him to earn up to one-half the amount of his retirement allowance without refund penalty. Currently, under M.G.L. c.32, §91A, the petitioner is restricted from receiving post-retirement earnings that, when combined with their retirement allowance, exceed the regular compensation the member would have received had they remained in their position at the same grade at the time of retirement, plus \$15,000.



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Section 1. (d)

This section of the petition increases the yearly amount of pension payable to Petitioner upon attaining the mandatory retirement age to 100%, as opposed to 72% pursuant to M.G.L. c.32, §7.

Section 2.

This section of the petition provides for reimbursement compensation, in accordance with M.G.L. c.41, §100 and §100B, which would authorize indemnification for Petitioner, or, in the event of his death, his widow, or if he leaves no widow, his next of kin for all reasonable hospital, medical, surgical, chiropractic, nursing, pharmaceutical, prosthetic and related expenses and reasonable charges for chiropody (podiatry) incurred as the natural and proximate result of an accident occurring or of undergoing a hazard peculiar to his employment, while acting in the performance and within the scope of his duty without fault of his own.

Section 3.

This section of the petition requires the Boston Retirement Board to pay the Petitioner 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 the petition if passed by the Legislature.

Section 4.

This section of the petition seeks to increase the survivor benefits to be paid to the Petitioner's spouse upon the Petitioner's death, to 75 % of the amount of the pension which otherwise would have been payable to the Petitioner, subject to M.G.L. c.32, §103 which allows for cost of living increases for any county employee or their widow/next of kin. Under M.G.L. c.32, §12, retirement allowance shall be payable during the lifetime of the member and shall cease upon the member's death, except in the case of surviving beneficiaries, who shall receive an annual amount pursuant to the benefit option selected by the member.

Petitioner Summary

Fire Lieutenant Leo J. Bracken began service with the Boston Fire Department on October 22, 1986. On October 17, 2019, while on duty, Bracken sustained serious injuries after falling down a fire pole while responding to an emergency. The Petitioner testified that the fall occurred due to a long-standing roof leak that caused water to accumulate near the base of the pole.

The Petitioner underwent treatment from multiple specialists and physical therapists throughout 2020 and 2021. Three independent treating physicians and a Regional Medical Panel (RMP) certified that the Petitioner is permanently disabled and incapable of performing the essential duties of a Fire Lieutenant, and the disability was determined to be the natural and proximate result of the October 17, 2019, incident. The Petitioner's application for accidental disability retirement under M.G.L. c. 32, §7 was approved by the Boston Retirement Board in August, 2021.

Information Received at Hearing

The Committee held a hearing on Docket #0268 on Friday, March 27, 2026. The Committee heard testimony from Leo J. Bracken (Petitioner), Past Boston Fire Lieutenant, Boston Fire Department, and Michael O'Reilly, Legislative Agent, Massachusetts Association of Contributory Retirement Systems. The testimony provided explained that the Petitioner served the City of Boston for over 35 years and is



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currently retired on accidental disability seeking to increase his pension to 100 % of the compensation he would have earned had he remained in service, along with additional benefits, in recognition of the severity of his injuries, which was stated to have been caused by alleged unsafe conditions at the firehouse. The Petitioner and Mr. O'Reilly advocated that such circumstances should warrant consideration of enhanced relief beyond what is currently provided under existing law.

During the hearing, Councilors raised concerns about whether a pension set at 100 % could be administered, given that under the General Laws, the maximum pension payable is limited to 80% of the member's final average salary. Further, Councilors raised concerns about the tax-free nature of the payments under the General Laws. The Committee discussed the legal structure and feasibility of the petition noting that the proposal would operate "notwithstanding" chapter 32 of the General Laws and would effectively create a standalone framework for this individual, removing the Petitioner from the standard accidental disability retirement structure. Further, the Committee discussed the limitations of the General Laws and past petitions passed by the Council. It was clarified that in 2025, the Council passed a petition seeking 100% under newer state legislation that allows such benefits to be paid in narrow circumstances involving violent, catastrophic injury. Mr. O'Reilly noted that petitions similar to Docket #0268 have been enacted across the state on a case-by-case basis and reiterated that the Petitioner's circumstances are unique due to the preventable nature of the injury and the conditions at the firehouse that contributed to the fall. Regarding taxation, it was noted that under the law, the benefit would still be subject to taxation on the annuity portion and would therefore not be fully tax-free. Councilors also inquired about potential litigation or alternative remedies, and Mr. O'Reilly stated that, as a public employee, the Petitioner had limited avenues for recovery and did not pursue litigation against the City.

The Committee further discussed the potential implications of setting precedent and how to draw limiting principles for future petitions, with Councilors raising concerns about opening the door for similar requests. The Committee reiterated Councilors' support for the Petitioner while highlighting the need to ensure that any final language is legally sound and administratively workable to promote successful implementation if enacted.

Summary of Amendments

The original petition was amended to reflect the Petitioner's current age (66) by striking Section 1 (d) in its entirety (accordingly, Section 1 (e) shifts and replaces Section 1 (d)) and incorporating the following language into Section 1 (b) to reflect that the Petitioner is seeking 100% of the the regular rate of compensation which would have been paid had he not been injured in 2019 and continued in service. Section (b) was further amended to ensure the Petitioner will receive the requested increased benefits until his death by striking "*or reaching mandatory retirement age, whichever comes first.*" As amended, Section 1 (b) reads as:

"(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. All amounts paid under this act shall be non-taxable to the extent allowable under state and federal law."



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Committee Chair Recommended Action

As Chair of the Committee on Government Operations, I recommend moving ***Docket #0268*** from the Committee to the full Council for discussion and formal action. At this time, my recommendation to the full Council will be that this petition **OUGHT TO PASS IN A NEW DRAFT.**

Gabriela Coletta Zapata

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