



BOSTON CITY COUNCIL

Committee on Government Operations
Ricardo Arroyo, Chair

One City Hall Square ◊ 5th Floor ◊ Boston, MA 02201 ◊ Phone: (617) 635-3040 ◊ Fax: (617) 635-4203

REPORT OF COMMITTEE CHAIR

February 16, 2022

Dear Councilors:

Docket #0186, Petition for a Special Law re: An Act Providing Certain Retirement Benefits for the Widow of a Former Firefighter of the City of Boston, was sponsored by Councilor Ricardo Arroyo and referred to the Committee on January 26, 2022. The Committee held a hearing on February 15, 2022 where public comment was taken.

Summary of Legislation

Docket #0186 would authorize the Boston Retirement Board to pay a line of duty death benefit to Maria Rodriguez, the widow of LeRoi Rodriguez. LeRoi Rodriguez was a former Boston firefighter who died as a result of injuries sustained while performing the essential duties of a firefighter. Under this proposal, the benefits will be paid and administered pursuant to section 100 of chapter 32 of the General Laws. The proposal outlines the amount of the benefit and provides that surviving children shall be eligible for original appointment to the Boston Fire Department and considered survivors under section 26 of chapter 31 of the General Laws. The line of duty benefit will be paid to Maria Rodriguez in an annual amount of pension equal to the amount of salary which would have been paid to Fire Lieutenant LeRoi Rodriguez had he continued in service as a Boston firefighter.

Information Gathered at the Hearing

Councilor Arroyo offered comments supporting the legislation and explained that it is a refile from last year. Councilor Arroyo explained that the home rule petition will allow the Rodriguez family to receive the proper line of duty death benefit under section 100. Councilor Arroyo explained that LeRoi Rodriguez was a former firefighter who died as a result of an injury sustained while performing essential duties of the job. Councilor Arroyo described the injury that resulted in the death of LeRoi Rodriguez explaining that LeRoi died of a heart attack during surgery to repair an injury to his Achilles tendon, which he received while responding to a fire incident.

Following his death, Maria Rodriguez applied for and received section 9 death benefits known as accidental death benefits which allows for 72% of annual rate of compensation.

After reconsideration and because of confusion around the different types of benefits, Maria Rodriguez would like to receive section 100 death benefits, known as death in the line of duty benefits. Section 100 benefits apply when a "firefighter while in the performance of his duties

and as the result of an accident while responding to or returning from an alarm of fire or any emergency, or as the result of an accident involving a fire department vehicle... or while at the scene of a fire or any emergency is killed or sustains injuries which result in his death.” Under section 100, the surviving spouse receives an annual pension or salary that would have been paid had the deceased continued in service. Also section 100 automatically triggers chapter 31, section 26 for surviving children which allows for children of firefighters that died in the line of duty to be placed on a priority list.

Michael O'Reilly, Legislative Agent, Boston Firefighters Local 718, testified along with Ms. Rodriguez in support of this legislation. Mr. O'Reilly explained that Firefighter Rodriguez was responding to a fire as part of the Rapid Intervention Team, a specialized trained team, and tore his Achilles tendon. Mr. O'Reilly described the circumstances of the injury to Firefighter Rodriguez and death. Mr. O'Reilly stated that Firefighter Rodriguez received full honors at his funeral. Mr. O'Reilly read a letter from Dr. Reardon which stated that the death of Firefighter Rodriguez was the direct result of an accident that occurred in the performance of his duties. Mr. O'Reilly also explained that section 9 benefits are generally granted when a death occurs due to a reason for retirement or because of cancer.

The Committee discussed the difference between section 9 benefits and section 100 benefits. The Committee inquired about the process for applying for benefits. With section 9, the annuity savings account is the same as in section 100 and there is no survivor benefit with respect to priority for civil service. The amount of section 9 benefits is 72% compensation tax free for the surviving spouse and under section 100 the payout is 100% compensation tax free. The process is the same for applying for both section 9 and section 100. The Retirement Board issues a decision on what is being requested by the application. If the Public Employee Retirement Administration Commission (PERAC) is in favor, the benefits are granted.

The Committee discussed the special circumstances of this case as well as the distinction between section 9 and section 100. In this case, LeRoi Rodriguez died during surgery which occurred immediately after sustaining the injury in performing the essential duties of a firefighter. If not for sustaining the injury, LeRoi Rodriguez would not have been in surgery. Councilor Arroyo explained that there is a slight amendment to the title of the docket in order to be consistent with section 100 and to reflect the substance of the proposal.

Maria Rodriguez testified before the Committee. Ms. Rodriguez discussed the impact that her husband's death had on her family. Ms. Rodriguez explained that she was unaware of the different types of benefits and discussed the difficulty in dealing with the administrative process. Ms. Rodriguez explained that the doctor's letter referenced section 9 because it was based on the application which was submitted as section 9 as opposed to section 100.

Amended Language

Title of the petition should be changed from “Retirement Benefits” to “Death Benefits” as follows: Petition for a Special Law re: An Act providing certain death benefits for the widow of a former firefighter of the City of Boston.

Rationale and Recommended Action

Passage of this docket will allow the family of LeRoi Rodriguez to receive line of duty death benefits under section 100 of chapter 32 of the General Laws and will also allow surviving children to be eligible for original appointment to the Boston Fire Department pursuant to section 26 of chapter 31 of the General Laws. Firefighter LeRoi Rodriguez died as a result of an injury that was incurred during the performance of his duties as a firefighter. This is an extraordinary case that will not shift every section 9 death benefits to section 100 benefits. The circumstances in this case in allowing for section 100 benefits are specific to this incident. Passage of this docket will allow the surviving spouse and children to receive the appropriate and full benefits that they deserve.

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

Docket #0186, Petition for a Special Law re: An Act Providing Certain Retirement Benefits for the Widow of a Former Firefighter of the City of Boston,

submits a report recommending that this docket **ought to pass in a new draft.**

For the Chair:

A handwritten signature in cursive script, appearing to read 'Ra', followed by a horizontal line extending to the right.

Ricardo Arroyo, Chair
Committee on Government Operations