

# **HOUSE . . . . . No. 4663**

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, June 27, 2018.

The committee on Public Service to whom was referred the petition (accompanied by bill, House, No. 4535) of John J. Mahoney, Daniel M. Donahue and James J. O'Day (with the approval of the city council) relative to the disability retirement of Brian Patrick Carroll, a firefighter for the city of Worcester, reports recommending that the accompanying bill (House, No. 4663) ought to pass [Local Approval Received].

For the committee,

JERALD A. PARISELLA

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninetieth General Court  
(2017-2018)**  
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An Act authorizing the City of Worcester to provide certain retirement and medical benefits to firefighter Brian Patrick Carroll.

*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. Notwithstanding any general or special law to the contrary, and in order to  
2 promote the public good, the Worcester Retirement Board shall retire Brian Patrick Carroll, a  
3 firefighter of the city of Worcester who as the result of serious injuries sustained in the  
4 performance of his duties, while trapped in a fire with his partner who was killed in the line of  
5 duty on December 8, 2011 during the incident, is totally and permanently incapacitated from  
6 further service as a firefighter. The annual amount of pension payable to Brian Patrick Carroll  
7 under this act shall be in an amount equal to 80 percent of the regular rate of compensation  
8 which would have been paid had he continued in service as a firefighter in Worcester at the  
9 grade held by him at the time of his retirement; but( 1) after he has attained the maximum age for  
10 his group, his retirement shall be fixed at the appropriate rate for an accidental disability  
11 retirement, treating his retirement years as credible service and the regular compensation payable  
12 had he continued in service as a firefighter for determining the amount of his benefits; and ( 2)  
13 the retirement allowances payable to him after he has attained the maximum age for his group

14 shall be increased in the manner provided to all retirees of the city pursuant to chapter 32 of the  
15 General Laws.

16 SECTION 2. Before taking action under the authority of this act, the Retirement Board of  
17 the city of Worcester shall request the state Public Employee Retirement Administration to  
18 appoint a medical panel consisting of three separate physicians who shall examine Brian Patrick  
19 Carroll individually. The Retirement Board of the City of Worcester shall approve a pension for  
20 Brian Patrick Carroll upon receipt of the medical panel report which the majority concludes that  
21 Brian Patrick Carroll is incapacitated for further duty as a firefighter, that the incapacity is likely  
22 to be permanent and that the injuries were sustained in the performance of his duties. The  
23 Retirement shall become effective as of the last day on which he is entitled to receive regular  
24 compensation.

25 SECTION 3. Upon the death of Brian Patrick Carroll, the city of Worcester shall pay to  
26 his wife at the time of the incident an annual pension equal to the sum of two thirds of the benefit  
27 paid to him at the time of his death.

28 SECTION 4. Brian Patrick Carroll shall be eligible for health insurance through the city  
29 of Worcester on the same basis as other retirees and shall be responsible for the retirees' share of  
30 premiums. Following his retirement, the city of Worcester shall pay for necessary and reasonable  
31 medical expenses for him due to injuries for which he was retired. Medical care shall first be  
32 provided through the health insurance provided to retired city of Worcester employees pursuant  
33 to chapters 32B and 150E of the General Laws. The city of Worcester shall pay to the health care  
34 providers co- payments required by the health insurance policy under which the firefighter is  
35 insured.

36           SECTION 5. The retirement allowances payable pursuant to this act, including a regular  
37 life annuity, shall remain subject to all other provisions of chapter 32 of the General Laws as if  
38 they had been granted as accidental disability retirements benefits in the normal course of events,  
39 pursuant to said chapter 32, except to the extent that said chapter 32 conflicts with this act.