

SENATE No. 3104

The Commonwealth of Massachusetts

PRESENTED BY:

Mark C. Montigny

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act authorizing the city of New Bedford to qualify city employees for certain death benefits when the cause of death is related to COVID-19.

PETITION OF:

NAME:

Mark C. Montigny

DISTRICT/ADDRESS:

Second Bristol and Plymouth

SENATE No. 3104

By Mr. Montigny, a petition (accompanied by bill, Senate, No. 3104) of Mark C. Montigny (with approval of the mayor and city council) for legislation to authorize the city of New Bedford to qualify city employees for certain death benefits when the cause of death is related to COVID-19. Public Service. [Local approval received]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act authorizing the city of New Bedford to qualify city employees for certain death benefits when the cause of death is related to COVID-19.

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, any employee
2 of the city of New Bedford who was regularly attending work at the ordinary and usual
3 workplace and not considered to be “working remotely” or “working from home” who, between
4 March 20, 2020 and May 24, 2022 died while in active service to the city, and the cause of death
5 is, upon receipt of proper proof, determined by the city’s retirement board to be related to the
6 deceased having COVID-19, such death shall be presumed to be a death caused by the natural
7 and proximate result of a personal injury sustained or hazard undergone while in the performance
8 of his or her duties and without serious and willful misconduct on the member’s part, thereby
9 entitling the employee’s eligible beneficiary or beneficiaries to an accidental death benefit
10 pursuant to section 9 of chapter 32 of the General Laws, unless the contrary be shown by
11 competent evidence. This presumption shall not apply, however, to any employee who died after

12 October 4, 2021 and was not “fully vaccinated” from COVID-19 as the term “fully vaccinated”
13 was defined by the Centers for Disease Control and Prevention on the date of the employee’s
14 death, unless upon receipt of proper proof, the city’s retirement board determines that the
15 employee had a bona fide medical or religious reason not to be vaccinated.

16 SECTION 2. Notwithstanding any general or special law to the contrary, any surviving
17 spouse who is deemed to be entitled to an accidental death benefit pursuant to section 1 of this
18 act, shall be entitled to receive an accidental death benefit allowance to consist of a yearly
19 amount of pension equal to the amount of salary which would have been paid to such member
20 had the member continued in service in the position held by the member at the time of the
21 member’s death; provided, however, that the amount of pension immediately payable shall be
22 equal to the maximum salary set for the position whether or not such member had reached the
23 maximum at the time of the member’s death. This accidental death benefit allowance shall be in
24 lieu of, and not in addition to, the yearly amount of pension to which the surviving spouse would
25 be entitled under the second sentence of subsection 2 of section 9 of chapter 32 of the General
26 Laws.

27 SECTION 3. This act shall take effect upon its passage.