

SENATE No. 02344

The Commonwealth of Massachusetts

SENATE, July 16, 2012

The committee on Public Service to whom was referred the petition (accompanied by bill, Senate, No. 2297) of Thomas M. McGee, Steven M. Walsh, Robert F. Fennell, Lori A. Ehrlich and others (with the approval of the mayor and city council) for legislation relative to the adjustment of disability retirement benefits to Lynn police officer Gregory LeBlanc reports the accompanying bill (Senate, No. 2344).

For the committee,

WILLIAM N. BROWNSBERGER.

The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

An Act relative to the adjustment of disability retirement benefits to Lynn police officer Gregory LeBlanc.

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 Retirement Board of the City of Lynn, shall adjust the annual
3 amount of pension payable to Gregory LeBlanc, a Police Officer employed by the City of Lynn
4 who, while responding to a report of gun violence at a public park sustained injuries which likely
5 could have resulted in his death. The annual amount of pension payable to Gregory LeBlanc
6 under this Act shall be fixed in an amount equal to the regular rate of compensation which would
7 have been paid had he continued in service as a Police Officer in the City at the grade held by
8 him at the time of his retirement; provided, however, that (1) after he has attained the maximum
9 age for this group, his retirement shall be converted to the superannuation retirement benefit
10 calculated under provisions in Section 5 of chapter 32 of the General Laws, treating his
11 retirement years as creditable service for determining the amount of his benefits and (2) the
12 retirement allowances payable to him after he has attained the maximum age for his group shall
13 be increased in the manner provided to all retirees of the town under Chapter 32 of

14 SECTION 2. Before taking action under authority of this Act, the Retirement Board of
15 the City of Lynn shall review the existing medical records and other relevant information
16 concerning Gregory LeBlanc. The Retirement Board of the City of Lynn shall approve a pension
17 for Gregory Leblanc upon its conclusion that Gregory LeBlanc is physically incapacitated for
18 further duty as a Police Officer, that the incapacity is likely to be permanent and that the injuries
19 could have likely resulted in his premature death. The retirement shall become effective as of the
20 date following the last day on which he is entitled to receive regular compensation. Upon the
21 retirement of Gregory LeBlanc, the Retirement Board of the City of Lynn shall forthwith pay to
22 him all amounts standing to his credit in the annuity savings fund of the retirement system of the
23 town. Upon the approval of the pension provided for herein and notwithstanding any general or
24 special law to the contrary, including, but not limited to, Section 8 of Chapter 32 of the General
25 Laws, Gregory LeBlanc shall not be subject to examination or to re-examination by a medical
26 panel or other physician to determine his eligibility or continued eligibility for accidental
27 disability retirement benefits as provided in this Section or in said Section 8 of said Chapter 32.

28 SECTION 3. Gregory LeBlanc shall be eligible for health insurance through the City of
29 Lynn on the same basis as all other retirees and shall be responsible for the retirees' share of all
30 premiums.

31 SECTION 4. Gregory LeBlanc shall not have his retirement allowance subject to
32 modification as a result of earnings from alternative employment; provided, however, that he
33 shall be required to submit earnings reports to PERAC under Section 91A of Chapter 32 of the
34 General Laws. Gregory LeBlanc shall be subject to the limitation of earnings formula as set forth
35 in said Section 91A of said Chapter 32, with the ability to earn the amount described in said
36 Section 91A of said Chapter 32. If he earns in excess of the allowable amount, PERAC shall

37 inform him of the excess amount earned and the amount owed by him to the Retirement Board of
38 the City of Lynn. PERAC shall, in its discretion, require repayment of that amount to the
39 Retirement Board or may withhold amounts as it deems appropriate from future retirement
40 allowance payments until the amounts owed to the Retirement Board have been paid in full.

41 SECTION 5. The retirement allowance payable pursuant to this act shall remain subject
42 to all other provisions of Chapter 32 of the General Laws as if they had been granted as
43 accidental disability retirements in the normal course of events under said Chapter 32, except to
44 the extent that said Chapter 32 conflicts with this act.

45 SECTION 6. This act shall take effect upon its passage.