

# The Commonwealth of Massachusetts

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IN THE YEAR TWO THOUSAND TWENTY-TWO

## **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:*

SECTION 1. Notwithstanding any general or special law to the contrary, any employee of the City of New Bedford who was regularly attending work at the ordinary and usual workplace and not considered to be “working remotely” or “working from home” who, between March 20, 2020 and May 24, 2022 died while in active service to the city, and the cause of death is, upon receipt of proper proof, determined by the city’s retirement board to be related to the deceased having COVID-19, such death shall be presumed to be a death caused by the natural and proximate result of a personal injury sustained or hazard undergone while in the performance of his or her duties and without serious and willful misconduct on the member’s part, thereby entitling the employee’s eligible beneficiary or beneficiaries to an accidental death benefit pursuant to section 9 of chapter 32 of the General Laws, unless the contrary be shown by competent evidence. This presumption shall not apply, however, to any employee who died after October 4, 2021 and was not “fully vaccinated” from COVID-19 as the term “fully vaccinated” was

defined by the Center for Disease Control on the date of the employee's death, unless upon receipt of proper proof, the city's retirement board determines that the employee had a bona fide medical or religious reason not to be vaccinated.

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

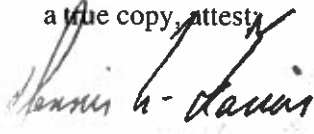
SECTION 3. This act shall take effect upon its passage.

Referred to the Committee on Ordinances.

IN CITY COUNCIL, May 24, 2022

Dennis W. Farias, City Clerk

a true copy, attest



City Clerk