



## TOWN OF NATICK MASSACHUSETTS

**TO:** Michael Hickey, Board of Selectmen Chair

**FROM:** Jeremy Marsette, P.E.  
Director of Public Works

**DATE:** January 2, 2020

**SUBJECT: House Bill No. 2314**  
**An Act relative to public safety death benefits**

Representative David Linsky has filed House Bill No. 2314 “An Act relative to public safety employee death benefits”. The proposed bill simply amends current MGL Chapter 32, Section 100A by adding “and Department of Public Works employee” to the list of public safety employees. A copy of the proposed legislation and current MGL are attached. By inclusion, the families of our Public Works first responders killed in the line of duty would be eligible to receive death benefits of \$300,000 as administered and funded by the state board of retirement.

Please find the attached email from professional peer, retired Public Works Director of Lexington, and friend, William Hadley. Over the past five years, the Commonwealth has lost seven Public Works employees who died in the line of duty. Tragically, one of the seven was Natick resident and Public Works employee, Michael McDaniel. Michael was killed in February 2014 while repairing a water main on West Street. He was survived by his wife and children. Though not covered by the Commonwealth’s public safety death benefits, the Town of Natick provided specific local appropriation of benefits through actions at Town Meeting. Michael has not been the only Natick Public Works employee to be killed in the line of duty, Joseph Webster died in March 1976 after being struck by a vehicle performing his daily duties.

The New England Chapter of the American Public Works Association (APWA) has been a national leader in advocating for Public Works first responders and seeking equitable death benefits for the folks of Public Works who put themselves in harm’s way on a daily basis while performing their duties. There are currently three separate Bills filed before the General Court seeking equitable benefits (House Bill 2314, House Bill 2317, and Senate Bill 1554). The Chapter has collected thousands of signatures in support of these various Bills and have met with dozens of local legislators. Recently the Public Works, Transportation, and Public Utilities Policy Committee of the

House Bill 2314  
January 4, 2020

Massachusetts Municipal Association voted broad support for House Bill 2314 sponsored by Representative Linsky.

I'd request the Board provide a letter of support to Representative Linsky's Office for House Bill 2314 and broadly support the intent of the other current Bills to provide fair and equitable death benefits to the families of our Public Works first responders.

Jeremy T. Marsette, PE

Member:

Public Works, Transportation, and Public Utilities Policy Committee - Massachusetts Municipal Association

APWA New England Chapter - Public Works Awareness Committee

APWA New England Chapter - Education Committee

Attachments

H2314

MGL Chapter 32, Section 100A

Email from William Hadley

H2317

S1554

# HOUSE . . . . . No. 2314

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## The Commonwealth of Massachusetts

PRESENTED BY:

***David Paul Linsky***

*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 relative to public safety employee death benefits.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>David Paul Linsky</i>	<i>5th Middlesex</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>
<i>Stephan Hay</i>	<i>3rd Worcester</i>
<i>Russell E. Holmes</i>	<i>6th Suffolk</i>
<i>José F. Tosado</i>	<i>9th Hampden</i>

# HOUSE . . . . . No. 2314

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By Mr. Linsky of Natick, a petition (accompanied by bill, House, No. 2314) of David Paul Linsky and others for legislation to include public works employees for killed-in-the-line-of-duty benefits. Public Service.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 1416 OF 2017-2018.]

## The Commonwealth of Massachusetts

\_\_\_\_\_  
In the One Hundred and Ninety-First General Court  
(2019-2020)  
\_\_\_\_\_

An Act relative to public safety employee death benefits.

*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: Section 100A of chapter 32 of the General Laws is hereby amended by  
2     inserting after the words “correction officer” in line 21, as appearing in the 2016 Official Edition,  
3     the words “and Department of Public Works employee”.

4           SECTION 2: This act shall take effect as of January 1, 2020.

**Part I** ADMINISTRATION OF THE GOVERNMENT**Title IV** CIVIL SERVICE, RETIREMENTS AND PENSIONS**Chapter 32** RETIREMENT SYSTEMS AND PENSIONS**Section** KILLED-IN-LINE-OF-DUTY BENEFITS  
**100A**

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Section 100A. (a) Notwithstanding any other provision of this chapter or any other general or special law to the contrary, there shall be paid a killed in the line of duty benefit, to be administered and paid for, subject to appropriation, by the state board of retirement.

(b) The state board of retirement shall adopt regulations to administer said benefit.

*[Subsections (c) to (f) applicable as provided by 2017, 5, Sec. 27.]*

(c) The killed in the line of duty benefit shall be a 1–time payment of \$300,000 to the family of a deceased public safety employee who, while in the performance of his duties and as a result of incident, accident or violence, was killed or sustained injuries which were the direct and proximate cause of his death. As used in this section, the words "deceased public safety employee" shall mean any firefighter, any call, volunteer, auxiliary, intermittent or reserve firefighter, any call, volunteer, auxiliary, intermittent or reserve emergency medical services provider who is a member of a police or fire department and who is not subject to chapter

152, any police officer, any auxiliary, intermittent, special, part-time or reserve police officer, any police officer in the employ of a public institution of higher education under section 5 of chapter 15A, any public prosecutor, any municipal or public emergency medical technician and a correction officer who was killed in the line of duty or who sustained injuries that were the direct and proximate cause of his death.

(d) The \$300,000 killed in the line of duty benefit shall be in addition to amounts payable under section 100 and shall be payable to the family of the deceased public safety employee in a manner determined by the state board of retirement. As used in this section, the word "family" shall mean the surviving spouse of such deceased public safety employee or, if there is no surviving spouse, the child or children of such deceased public safety employee or, if there is no surviving child, the parent of such deceased public safety employee. The board, at its discretion, may purchase life insurance for the purpose of paying this benefit.

(e) The presumptions created by sections 94, 94A and 94B shall not apply to eligibility for the \$300,000 killed in the line of duty benefit.

(f) The \$300,000 killed in the line of duty benefit shall not be taxable by the commonwealth.

(g) This section shall apply in the case of the death of a public prosecutor occurring on or after January 1, 1995.

(h) This section shall apply to members of the Massachusetts military reservation fire department killed in the line of duty.

(i) This section shall apply to members of the 104th fighter wing fire department killed in the line of duty.

(j) This section shall apply to members of the Devens fire department, established pursuant to chapter 498 of the acts of 1993, who are killed in the line of duty.



Jeremy Marsette &lt;jmarsette@natickma.org&gt;

## December 6, 2019 meeting

1 message

wmhad &lt;wmhad@comcast.net&gt;

Mon, Nov 25, 2019 at 6:12 PM

To: Ariela Lovett <alovett@mma.org>, Christopher.Petrini@framinghamma.gov, Charles Ryan <cryan24@comcast.net>, "Jacob D. Auchincloss" <jauchincloss@newtonma.gov>, "Joe C." <jcsullivan@braintreema.gov>, mayorcarlo.demaria@ci.everett.ma.us, Ryan Ferrara <rferrara@boxborough-ma.gov>, sgalvin@cityofwoburn.com, Carl McKinney <clarksburgta111@yahoo.com>, David Knowlton <DKnowlton@saalem.com>, "Eric V. Johnson" <evj@framinghamma.gov>, Jeremy Marsette <jmarsette@natickma.org>, Jim Lovejoy <jimlovejoy@townofmtwashington.com>, Robyn <rlafrance@braintreema.gov>, Michael Suprenant <michaelsuprenant@gmail.com>, Tom Reynolds <treynolds@townofmarshfield.org>, Brutus Cantoreggi <rcantoreggi@franklin.ma.us>, Nicolas <NBosonetto@fitchburgma.gov>, Mary McBride <mkm7262@comcast.net>, Nina Nazarian <nnazarian@littletonma.org>, Michael Sullivan <msullivan@stoughton-ma.gov>, Eamon McCarthy Earls <eamoncmee@gmail.com>, Alan Slavin <aslavin@wareham.ma.us>, James <jarsenault@braintreema.gov>, Yissel Guerrero <yissel.guerrero@boston.gov>

Greetings to all,

I had hoped to attend your December 6th meeting of Public Works, Transportation, Public Utility Committee meeting, but will be unable to.

My name is Bill Hadley. I retired 3.5 years ago after a 40 year career in Lexington Public Works. The last 16 as Director of Public Works. In 2013, I was recognized as one of the National Top 10 Public Works Leaders. In 2014 Lexington Public Works became the 90th Accredited Public Works Agency in North America. I am still involved with Public Works as I am on the Executive Committee of the New England Chapter of the American Public Works Association.

I have been following this bill H2314 H2317, S1554 An Act To Provide Fair And Equitable Line Of Duty Death Benefits For All Public Employees for the past couple of years.

On October 1, I testified, along with Tom Collins, Retired Natick Public Works Director and Rick Merson, Needham Public Works Director, in front of The Joint Committee on Public Service asking for their Committee to approve this bill and move it to the Ways and Means Committee.

I am asking for your Committee's support and recommendation to the MMA Board to support this piece of legislation.

An Act of providing fair and equitable benefits will include Public Works employees in the bill allowing them a \$300,000 death benefit if killed in the line of duty. Currently only Police and Firefighters are included.

Public Works is a First Responder. In 2003 the Homeland Security Presidential Directive HSPD-8 identifies Public Works as a first responder -- as are Police and Fire, however Public Works Employees are not included in the current death benefit law. H2317, S1554 and H2314 will correct this inequity and include the Public Works professionals.

Not only do family loved ones of the Police and Firefighters expect them to return home after the end of their shift. So do OUR families, The loved ones of Public Works Employees. We too expect our loved ones to return home after their shift is over.

In the past five years we have lost 7 Massachusetts PW employees who died in the line of duty.

February 2014 -- Michael McDaniel Jr., from Natick PW was killed while repairing a water break.

September 2016 --- Robert Cabral from Newton PW sustained a medical incident while performing his job

March 2017 -- Warren Cowles from Longmeadow PW was killed while plowing snow. A train hit the truck he was plowing in.

March 2017 -- David McAdams of Newton PW sustained a fatal heart attack while performing his job.

May 2017 -- Robert Callery of Boston PW sustained a fatal heart attack while performing his job.



June 2017 -- David Fiske of Plainville MA PW was killed while mowing along the highway. His machine tipped over landing on him.

September 2018 - John Doherty of Melrose MA PW was killed as he slipped and landed on the back of his head as he was removing a piece of small equipment from a 1 ton pick up.

In Lexington, two Public Works employees have died in the line of duty. In the late 1970's, Wally Cuhna lost his life working at the "old landfill" on Hartwell Avenue when the heavy equipment he was operating tipped and he fell out and was killed. In 2005 Peter Brazil was on a "parts" run for the mechanics and died of a medical condition. Both tragedies, but no death benefit was provided, nor were any death benefits provided by the State for the 7 PW employees who died in the line of duty.

The loss two and a half years of Watertown Firefighter Joseph Toscano, a married father of five, who died on March 17, 2017 of a heart attack responding to and fighting the fire was tragic. His family received the \$150,000 death benefit. Within a short period of time, the legislative branch increased the benefit to \$300,000 and was signed by the Governor. It was the right thing to do.

Today, I am asking you to do the right thing and support this piece of legislation. The right thing to do is give the professional recognition to those Public Works First Responders who die in the line of duty and their families the same respect and dignity as their first Responder partners, Police and Firefighters have. To do so is for your Committee to support this piece of legislation and send it to the MMA Board to support.

As of December 1st, we have collected 852 signatures of support for this piece of legislation.

Thank you,

Respectfully

Bill Hadley  
Retired Public Works Director  
Lexington

Sent from my Verizon, Samsung Galaxy smartphone

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**3 attachments**

**H2314.pdf**  
127K



**H2317.pdf**  
130K



**S1554.pdf**  
126K

# HOUSE . . . . . No. 2317

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## The Commonwealth of Massachusetts

PRESENTED BY:

***Jay D. Livingstone***

*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 providing fair and equitable line of duty death benefits for public employees.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>
<i>Michelle L. Ciccolo</i>	<i>15th Middlesex</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>
<i>Patrick Joseph Kearney</i>	<i>4th Plymouth</i>
<i>Michael J. Soter</i>	<i>8th Worcester</i>
<i>José F. Tosado</i>	<i>9th Hampden</i>

# HOUSE . . . . . No. 2317

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By Mr. Livingstone of Boston, a petition (accompanied by bill, House, No. 2317) of Jay D. Livingstone and others relative to line of duty death benefits for public employees. Public Service.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 1417 OF 2017-2018.]

## The Commonwealth of Massachusetts

\_\_\_\_\_  
In the One Hundred and Ninety-First General Court  
(2019-2020)  
\_\_\_\_\_

An Act providing fair and equitable line of duty death benefits for public employees.

*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 100A of Chapter 32 is hereby amended by striking subsection (c) in its entirety  
2           and replacing it with the following:

3           (c) The killed in the line of duty benefit shall be a 1-time payment of \$300,000 to the  
4           family of a deceased public employee. As used in this section deceased public employee shall  
5           mean any public employee working for state or county government, a Massachusetts public  
6           higher education institution, a municipality, public school department, or public school district or  
7           public authority who, while in the performance of his/her duties and as a result of incident,  
8           accident or violence, was killed or sustained injuries which were the direct and proximate cause  
9           of his/her death.

10           Section 100A of Chapter 32 is further amended in subsection (d) by replacing each  
11   occurrence of the words “public safety employee” in this subsection with the words “public  
12   employee”

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14           Section 16 of Chapter 15A is hereby amended by inserting after the word "corrections  
15   officer" the following words: - any public employee working for state or county government, a  
16   Massachusetts public higher education institution, a municipality, public school department, or  
17   public school district or public authority

# SENATE . . . . . No. 1554

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## The Commonwealth of Massachusetts

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PRESENTED BY:

*Eric P. Lesser*

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*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 providing fair and equitable line of duty death benefits for public employees.

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PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Eric P. Lesser</i>	<i>First Hampden and Hampshire</i>	
<i>José F. Tosado</i>	<i>9th Hampden</i>	<i>1/30/2019</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>2/12/2019</i>

# SENATE . . . . . No. 1554

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By Mr. Lesser, a petition (accompanied by bill, Senate, No. 1554) of Eric P. Lesser, José F. Tosado and Michael O. Moore for legislation to provide fair and equitable line of duty death benefits for public employees. Public Service.

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## The Commonwealth of Massachusetts

\_\_\_\_\_  
In the One Hundred and Ninety-First General Court  
(2019-2020)  
\_\_\_\_\_

An Act providing fair and equitable line of duty death benefits for public employees.

*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. Section 100A of Chapter 32, as amended in section 9 of chapter 5 of the  
2   acts of 2017, is hereby further amended by striking subsection (c) in its entirety and inserting in  
3   place thereof the following subsection:-

4           (c) The killed in the line of duty benefit shall be a 1-time payment of \$300,000 to the  
5   family of a deceased public employee. As used in this section deceased public employee shall  
6   mean any public employee working for state or county government, a Massachusetts public  
7   higher education institution, a municipality, public school department, or public school district or  
8   public authority who, while in the performance of his/her duties and as a result of incident,  
9   accident or violence, was killed or sustained injuries which were the direct and proximate cause  
10   of his/her death.

SECTION 2. Section 100A of chapter 32 is hereby further amended in subsection (d) by replacing each occurrence of the words “public safety employee” in said subsection with the words “public employee”.

SECTION 3. Section 16 of chapter 15A, as amended by chapter 283 of the acts of 2016, is hereby amended by striking out the ninth paragraph and inserting in place thereof the following paragraph:-

There shall be a public service scholarship program to provide scholarships to the: (i) children and widowed spouses of Massachusetts police officers, firefighters, corrections officers, and public employees working for state or county government, a Massachusetts public higher education institution, a municipality, a public school department, a public school district or a public authority who were killed or died from injuries received while in the performance of their duties, including authorized training duty; (ii) children of prisoners of war or of military or service persons missing in action; and (iii) children of veterans whose service was credited to the commonwealth and who were killed in action or otherwise died as a result of such service. Such scholarships shall be awarded by the council pursuant to its guidelines established to govern this program and shall go to those persons referenced above who are admitted to an institution of higher education in the commonwealth to pursue undergraduate studies. The guidelines shall include, but not be limited to, a waiver of mandatory fees.

SECTION 4. Sections 1 through 3, inclusive, shall take effect as of March 10, 2017 and shall apply to applications received by the state board of retirement under section 100A of chapter 32 of the general laws on or after March 10, 2017.