

SENATE No. 2040

The Commonwealth of Massachusetts

PRESENTED BY:

Michael D. Brady

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 the appointment of special police officers in the city of Brockton.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>
<i>Gerard Cassidy</i>	<i>9th Plymouth</i>
<i>Claire D. Cronin</i>	<i>11th Plymouth</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>

SENATE No. 2040

By Mr. Brady, a petition (accompanied by bill, Senate, No. 2040) of Michael D. Brady, Gerard Cassidy, Claire D. Cronin and Michelle M. DuBois (with approval of the mayor and city council) for legislation relative to the appointment of special police officers in the city of Brockton. Public Service. [Local Approval Received.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act relative to the appointment of special police officers in the city of Brockton.

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. The mayor of the city of Brockton may appoint, at the recommendation of
2 the police chief and as the police chief deems necessary, retired police officers of the city of
3 Brockton and retired school police officers as special police officers to perform police details or
4 duties arising from such police details or during the course of police detail work, whether or not
5 related to the detail work. The retired Brockton Police officers shall have been regular police
6 officers in the city of Brockton and retired based on superannuation and the retired school police
7 officers shall have been regular school police officers in the city of Brockton and retired based
8 on superannuation. The retired officers shall be subject to the same maximum age restrictions as
9 applied to regular police officers in the city of Brockton under chapter 32 of the General Laws.
10 Before being appointed under this act, a retired officer shall pass a medical examination
11 conducted by a physician or other certified professional chosen by the city to determine whether
12 the retired officer is capable of performing the essential duties of a special police officer under

13 this act, the cost of which shall be borne by the retired officer. Proof of payment is a pre-requisite
14 of employment.

15 SECTION 2. A special police officer appointed under this act shall not be subject to
16 chapter 31, section 99A of chapter 41, chapter 150E or chapter 151A of the General Laws. A
17 special police officer appointed under this act shall not be eligible for special leave, vacation or
18 other benefits under division 2 of article II of the revised ordinances of the city of Brockton or a
19 collective bargaining agreement.

20 SECTION 3. A special police officer shall, when performing the duties under section 1,
21 have the same power to make arrests and perform other police functions as a regular police
22 officer of the city of Brockton.

23 SECTION 4. A special police officer shall be appointed for a 1-year term, subject to
24 removal by the mayor of the chief of police upon 14 days written notice prior to removal.

25 SECTION 5. The workweek for a special police officer appointed under this act shall be
26 7 consecutive 24-hour periods, for a total of 168 hours, which shall commence at 8:00 A.M. each
27 Monday. A special police officer appointed under this act shall not perform a police detail or a
28 duty arising from such a detail in excess of 40 hours in a work week.

29 SECTION 6. A special police officer appointed under this act shall be subject to the
30 rules, regulations, polices, procedures and requirements imposed by the chief of police
31 procedures and requirements shall be at no cost to the city of Brockton. A special police officer
32 appointed under this at shall not be subject to section 96B of Chapter 41 of the General Laws.

33 SECTION 7. A special police officer appointed under this act shall be sworn before the
34 city clerk of the city of Brockton, who shall keep a record of the appointment.

35 SECTION 8. A special police officer appointed under this act shall be subject to sections
36 100 and 111F of chapter 41 of the General Laws. The amount of payable under said section 111F
37 of said chapter 41 shall be calculated by averaging the amount earned over the prior 52 weeks as
38 a special police officer working police details or by averaging that amount over a lesser period of
39 time for an officer designated as a special police officer less than 52 weeks before the incapacity.
40 Payment under said section 111F of said chapter 41 or when a special police officer appointed
41 under this act reaches the age of 65, whichever occurs first., If the age limitation applicable to a
42 regular police officer serving a city is increased from 65 year of age, the termination of benefits
43 under the said section 111F of said chapter 41, as provided in this section for a special police
44 officers, shall terminate the higher age limit,: provided, however, that the benefits shall not
45 extend beyond the age of 70 for a special police officer. A special police officer appointed under
46 this act shall not be subject to section 85H1/2 of said chapter 32 or eligible for the benefits under
47 those sections.

48 SECTION 9. Appointment as a special police officer shall not entitle that person to
49 assignment to a detail.

50 SECTION10. A special police officer appointed under this act shall be subject to the
51 limitations on hours worked and earnings restrictions in paragraph (b) of section 91 of chapter 32
52 of the General Laws.

53 SECTION 11. This act shall take effect upon its passage.