

SENATE No. 2077

The Commonwealth of Massachusetts

PRESENTED BY:

Bruce E. Tarr

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 retired police officers in the town of Essex.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

Bruce E. Tarr

First Essex and Middlesex

Ann-Margaret Ferrante

5th Essex

SENATE No. 2077

By Mr. Tarr, a petition (accompanied by bill, Senate, No. 2077) of Bruce E. Tarr and Ann-Margaret Ferrante (by vote of the town) for legislation relative to the appointment of retired police officers in the town of Essex. 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 retired police officers in the town of Essex.

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. Subject to the approval of the Board of Selectmen, the Chief of Police may
2 appoint to serve at his pleasure, as he deems necessary, retired Town of Essex police officers as
3 special police officers for the purpose of performing police details or any police duties arising
4 therefrom or during the course of police detail work, whether or not related to the detail work.
5 Such retired police officers must have been regular full time Town of Essex police officers who
6 voluntarily retired from the town and not elsewhere based upon superannuation. The special
7 police officers shall be subject to the same maximum age restriction as applied to regular police
8 officers under chapter 32 of General Laws. Such special police officers must, prior to their
9 appointment, pass a medical examination by a physician chosen by the town, to determine that
10 they are capable of performing the essential duties of a special police officer, the cost of which
11 shall be borne by the special police officers, and shall provide certification to the town that they
12 are covered by personal health insurance.

13 SECTION 2. Special police officers appointed under this act shall not be subject to
14 chapter 31 of the General Laws or to section 99A of chapter 41 of the General Laws.

15 SECTION 3. Special police officers appointed under this act shall, when performing the
16 duties under section 1, have the same power to make arrests and to perform other police
17 functions as do regular police officers of the town of Essex.

18 SECTION 4. Special police officers shall be appointed for an indefinite term to serve at
19 the pleasure of the Police Chief, subject to removal by the Police Chief at any time with a 14-day
20 written notice.

21 SECTION 5. Special police officers appointed under this act shall be subject to the rules
22 and regulations, policies and procedures and requirements of the Chief of Police of the town of
23 Essex, including restrictions on the type of detail assignments, requirements regarding medical
24 examinations to determine continuing capability to perform the duties of a special police officer,
25 requirements for training, requirements for firearms qualifications and licensing requirements,
26 regarding uniforms and equipment. Compliance with all requirements will be at no cost to the
27 town of Essex. Special police officers appointed under this act shall not be subject to section 96B
28 of chapter 41 of the General Laws.

29 SECTION 6. Special police officers appointed under this act shall be sworn before the
30 town clerk who shall keep a record of all such appointments.

31 SECTION 7. Special police officers appointed under this act shall be subject to sections
32 100 and 111F of chapter 41 of the General Laws. The amount payable under said section 111F of
33 said chapter 41 shall be calculated by averaging the amount earned over the prior 52 weeks as a
34 special police officer working police details, or averaged over such lesser period of time for any

35 officer designated as a special police officer less than 52 weeks prior to the incapacity. In no
36 event shall payment under said section 111F of said chapter 41 exceed, in any calendar year, the
37 limitation on earning contained in paragraph (b) of section 91 of chapter 32 of the General Laws.
38 Payment under said section 111F of said chapter 41 shall terminate either when a physician
39 designated by the town determines that the disability no longer exists or when a special police
40 officer reaches the age of 65. In the event the age limitation applicable to regular police officers
41 serving a town is increased from 65 years of age, the termination of benefits under said section
42 111F of said chapter 41, as provided here in to special police officers, shall terminate at such a
43 higher age limit, but in no event shall the benefits extend beyond the age of 70 for any special
44 police officer. Special police officers appointed under this act shall not be subject to section 85H
45 or 85H1/2 of said chapter 32, nor eligible for any benefits pursuant thereto.

46 SECTION 8. Appointment as a special police officer under this act shall entitle any
47 individual appointed as such to assignment to any detail. Special police officers shall be paid the
48 detail rate applicable to regular full time officers but shall not be entitled to any other town
49 benefits. Special police officers appointed under this act shall not be eligible for unemployment
50 nor shall the town be liable for unemployment benefits, under chapter 151A of the General
51 Laws, for any reason, including police detail assignment determinations made by the town or
52 removal of an individual as a special police officer.

53 SECTION 9. Retired Essex police officers, serving as special police officers under this
54 act, shall be subject to the limitations on hours worked and on payments to retired town
55 employees under paragraph (b) of section 91 of chapter 32 of the General Laws.

56 SECTION 10. This act shall take effect upon its passage.