

SENATE No. 1734

The Commonwealth of Massachusetts

PRESENTED BY:

Patricia D. Jehlen

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 authorizing the appointment of special firefighters in the city of Somerville.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|----------------------------|-------------------------|
| <i>Patricia D. Jehlen</i> | <i>Second Middlesex</i> |
| <i>Christine P. Barber</i> | <i>34th Middlesex</i> |
| <i>Mike Connolly</i> | <i>26th Middlesex</i> |
| <i>Erika Uytterhoeven</i> | <i>27th Middlesex</i> |

SENATE No. 1734

By Ms. Jehlen, a petition (accompanied by bill, Senate, No. 1734) of Patricia D. Jehlen, Christine P. Barber, Mike Connolly and Erika Uytterhoeven (with approval of the mayor and city council) for legislation to authorize the appointment of special firefighters in the city of Somerville. Public Service. [Local approval received]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act authorizing the appointment of special firefighters in the city of Somerville.

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, the mayor of the
2 city of Somerville may appoint special firefighters as he deems necessary for the purpose of
3 performing fire details or any firefighting duties arising therefrom or during the course of fire
4 detail work, regardless of whether or not those duties are related to detail work. Special
5 firefighters so appointed shall not have reached the age of 69 years old. A special firefighter shall
6 have passed a medical examination, by a treating physician or other certified medical
7 professional, to determine that the firefighter is capable of performing the essential duties of a
8 special firefighter, the cost of which examination shall be borne by the special firefighter prior to
9 performing fire details or any firefighting duties. A special firefighter must be a former city of
10 Somerville firefighter retired for superannuation pursuant to section 5 of chapter 32 of the
11 General Laws.

12 SECTION 2. Unless otherwise set forth in this act, chapter 31 of the General Laws,
13 chapter 32 of the General Laws, section 99A of chapter 41 of the General Laws, sections 100 and
14 111F of chapter 41 of the General Laws and chapter 152 of the General Laws, and rules
15 promulgated under such laws, shall not apply to special firefighters appointed under this act.

16 SECTION 3. Special firefighters may be appointed for a term of 1 year or less and may
17 be suspended, removed or discharged at any time by the mayor with 14 days written notice.
18 Upon request, the mayor shall provide the reasons for suspension, removal or discharge in
19 writing. Such suspension, removal or discharge shall be the final decision of the city.

20 SECTION 4. Special firefighters shall also be subject to the rules and regulations,
21 policies and procedures and requirements of the Somerville Fire Department's Chief Engineer,
22 including restrictions on the type of detail assignments, requirements regarding medical
23 examinations to determine continuing capability to perform the duties of a special firefighter,
24 requirements for training, requirements for CPR and First Aid credentials, and requirements
25 regarding uniforms, equipment and conduct on fire details.

26 SECTION 5. Special firefighters shall be sworn before the city clerk of the city who shall
27 keep a record of all such appointments. The Clerk shall provide a list of all such sworn Special
28 Firefighters to the City Council on or before May 31st of each year.

29 SECTION 6. Appointment as a special firefighter does not entitle any individual
30 appointed as such to assignment to any detail or details.

31 SECTION 7. Special firefighters appointed pursuant to this act shall be subject to the
32 limitations on hours worked and on payments to retired city employees pursuant to paragraph (b)
33 of section 91 of chapter 32 of the General Laws. The Fire Department's Chief Engineer shall

34 devise a method for the assignment of details to retired firefighters, with the approval of the
35 relevant collective bargaining unit.

36 SECTION 8. This act shall take effect upon its passage.