

HOUSE No. 4141

The Commonwealth of Massachusetts

PRESENTED BY:

Thomas M. Stanley and John J. Lawn, Jr.

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 police officers in the city of Waltham to allow said special police officers to serve until the age of 70.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|---------------------------|------------------------|-------------------|
| <i>Thomas M. Stanley</i> | <i>9th Middlesex</i> | <i>10/5/2023</i> |
| <i>John J. Lawn, Jr.</i> | <i>10th Middlesex</i> | <i>10/11/2023</i> |
| <i>Michael J. Barrett</i> | <i>Third Middlesex</i> | <i>10/12/2023</i> |

HOUSE No. 4141

By Representatives Stanley of Waltham and Lawn of Watertown, a petition (accompanied by bill, House, No. 4141) of Thomas M. Stanley, John J. Lawn, Jr., and Michael J. Barrett (with the approval of the mayor and city council) that the city of Waltham be authorized to appoint special police officers to serve until the age of 70. Public Service. [Local Approval Received.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

An Act authorizing the appointment of special police officers in the city of Waltham to allow said special police officers to serve until the age of 70.

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 Chief of Police of the Waltham Police Department, subject to the approval
2 of the Mayor, may appoint, as he deems necessary, retired Waltham police officers for the
3 purpose of performing police details or any other police duties arising therefrom or during the
4 course of said police detail work, whether arising specifically from said detail work or not. Such
5 special police officers shall have been Waltham police officers and shall have retired based on
6 superannuation within 5 years from the date of appointment as a special police officer. Special
7 police officers appointed pursuant to this act shall not be subject to the maximum age restriction
8 applied to regular police officers under chapter 32 of the General Laws; provided, however, that
9 no special police officer so appointed shall be eligible to serve after the last day of the month in
10 which the special police officers reaches the age of 70.

11 A special police officer appointed pursuant to this act shall comply with all requirements
12 of chapter 6E of the General Laws, including: (i) maintaining certification and good standing
13 with the Massachusetts Peace Officer Standards and Training Commission; and (ii) complying
14 with all annual in-service and other training requirements mandated by the municipal police
15 training committee, and shall pass a medical examination by a physician or other certified
16 professional chosen by the City to determine that such special officer is capable of performing
17 essential duties of a special police officer, the cost of which shall be borne by the special police
18 officer, prior to performing any police details.

19 Section 2. Special police officers appointed pursuant to this act shall not be subject to
20 chapter 21, section 99A of chapter 41, chapter 150E, or chapter 151A of the General Laws.

21 Section 3. Special police officers appointed pursuant to this act, when performing duties
22 authorized under section 1 hereof, shall have the same power to make arrests and perform other
23 police functions as do regular police officers of the City of Waltham.

24 Section 4. Special police officers appointed under this act shall be appointed for an initial
25 one-year term, subject to annual reappointment thereafter at the discretion of the Chief of Police,
26 subject to the approval of the Mayor; provided, however, that special police officers shall be
27 subject to suspension or removal at any time by and at the sole discretion of the Chief of Police,
28 with written notice thereof to the Mayor.

29 Section 5. A special police officer appointed under this act shall be subject to removal or
30 suspension at any time, upon written notice, at the sole discretion of the Chief of Police. The
31 Chief of Police shall provide written notice of any such removal or suspension to the Mayor.

32 Section 6. A special police officer appointed under this act shall be subject to the rules
33 and regulations, policies and procedures, directives, orders, and all other requirements of the
34 Waltham Police Department and the Chief of Police, including, but not limited to, restrictions on
35 the type or frequency of detail assignments, pay rates for special officers, requirements regarding
36 uniforms and equipment, and requirements regarding medical examinations to determine
37 continuing capability to perform the duties of a special police officer. The cost of all
38 requirements, uniforms and equipment shall be the responsibility of the individual police officer.
39 The Police Department, however, shall provide the necessary firearm, ammunition and police
40 radio to each special officer appointed pursuant to this act.

41 Section 7. Special police officers appointed under this act shall not be eligible for
42 vacation, special leave or other benefits that may be provided to other municipal employees by
43 the City of Waltham.

44 Section 8. The City Clerk shall maintain a list of all special police officers. The Chief of
45 Police shall provide a list of the names of all such special police officers to the City Clerk and
46 shall advise the City Clerk in writing then any changes are made to said list, whether by addition
47 to or removal from the list of any special police officer.

48 Section 9. Special police officers appointed under this act shall be subject to sections 100
49 and 111F of chapter 41 of the General Laws. The amount payable under said section 111F of
50 chapter 41 to a special police officer shall be calculated by averaging the amount earned over the
51 prior 52 weeks as a special police officer working police details, provided that, if the special
52 police officer has been appointed as such a special police officer for less than 52 weeks at the
53 time of incapacity, the amount payable under section 111F of chapter 41 shall be calculated by

54 averaging the amount earned by the special police officer working police details over that lesser
55 period of time.

56 Under no circumstances shall payment under section 111F of chapter 41 exceed, in a
57 calendar year, the limitation on earnings contained in section 91(b) of chapter 32 of the General
58 Laws. Payment under said section 111F of chapter 41 shall terminate in accordance with the
59 provisions of said section 111F of said chapter 41, or at the conclusion of the employment term,
60 or upon attainment of age 70, whichever occurs sooner. Special police officers appointed under
61 this act shall not be subject to sections 85H or 85H1/2 of chapter 32 of the General Laws, nor be
62 eligible for any benefits pursuant thereto.

63 Section 10. Appointment as a special officer under this act shall not entitle such special
64 officer to assignment to any detail.

65 Section 11. A retired Waltham police officer serving as a special police officer under this
66 act shall be subject to the limitations on hours worked and earnings restrictions imposed on
67 retired municipal employees by paragraph (b) of section 91 of chapter 32 of the General Laws.

68 Section 12. This act shall take effect upon its passage.