

HOUSE No. 4854

The Commonwealth of Massachusetts

In the Year Two Thousand Ten

An Act relative to the appointment of retired police officers in the town of Whitman..

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 board of selectmen of the town of Whitman may appoint, as it deems
2 necessary, retired police officers of the town as special police officers for the purpose of
3 performing police details or any police duties arising therefrom or during the course of police
4 detail work, whether or not related to the detail work. Such retired police officers shall have been
5 regular Whitman police officers who retired based upon superannuation. Such retired police
6 officers shall pass a medical examination conducted by a physician or other certified professional
7 chosen by the town, to determine whether such officers are capable of performing the essential
8 duties of special police officers, and the cost thereof shall be borne by the retired police officers.
9 Each appointment shall be made conditional upon the satisfactory completion of the medical
10 examination.

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

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

16 SECTION 4. Special police officers shall be appointed annually and subject to removal
17 by the board of selectmen at any time, upon 14 days written notice. Upon request, the board of
18 selectmen shall provide the reasons for such removal in writing.

19 SECTION 5. Special police officers appointed under this act shall be subject to the rules
20 and regulations, policies and procedures and requirements of the board of selectmen and the
21 chief of police in the town of Whitman, including restrictions on the type of detail assignments,
22 requirements regarding medical examinations to determine continuing capability to perform the
23 duties of a special police officer, requirements for training, requirements for firearms
24 qualifications and licensing requirements regarding uniforms and equipment, with all costs of
25 compliance to be incurred by the special police officers. Special police officers appointed under
26 this act shall not be subject to section 96B of chapter 41 of the General Laws.

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

29 SECTION 7. Special police officers appointed under this act shall be subject to sections
30 100 and 111F of chapter 41 of the General Laws. The amount payable under said section 111F of
31 said chapter 41 shall be calculated by averaging the amount earned over the prior 52 weeks as a
32 special police officer working details, or averaged over such lesser period of time for any officer
33 designated as special police officers less than 52 weeks prior to the incapacity. In no event shall
34 payment under said section 111F of said chapter 41 exceed, in any calendar year, the limitation

35 on earning contained in paragraph (b) of section 91 of chapter 32 of the General Laws. Payment
36 under said section 111F of said chapter 41 shall terminate when a special police officer reaches
37 the age of 65. In the event the age limitation applicable to regular police officers serving a town
38 is increased from 65 years of age, the termination of benefits under said section 111F of said
39 chapter 41, as provided herein to special police officers, shall terminate at such higher age limit,
40 but in no event shall the benefits extend beyond the age of 70 for any special police officer.
41 Special police officers appointed under this act shall not be subject to section 85H of said chapter
42 32, nor eligible for any benefits pursuant thereto.

43 SECTION 8. An appointment as a special police officer under this act shall allow, but not
44 entitle, any individual appointed as such to assignment to any details, excluding any regular
45 overtime shift fills.

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

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