

**HOUSE . . . . . No. 2288**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Natalie M. Higgins*

*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 city of Leominster to amend the special act of 2002 relative to retired police officer details.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>1/15/2019</i>
<i>José F. Tosado</i>	<i>9th Hampden</i>	<i>1/30/2019</i>
<i>Dean A. Tran</i>	<i>Worcester and Middlesex</i>	<i>2/1/2019</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>2/1/2019</i>

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By Ms. Higgins of Leominster, a petition (accompanied by bill, House, No. 2288) of Natalie M. Higgins and others (with the approval of the mayor and city council) relative to special police officers in the city of Leominster. Public Service. [Local Approval Received.]

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 4924 OF 2017-2018.]

**The Commonwealth of Massachusetts**

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In the One Hundred and Ninety-First General Court  
(2019-2020)  
\_\_\_\_\_

An Act authorizing the city of Leominster to amend the special act of 2002 relative to retired police officer details.

*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 Leominster 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 Leominster as special police officers to perform police traffic details. The retired Leominster  
4 police officers shall have been regular police officers in the city of Leominster and retired based  
5 on superannuation. No retired officers shall be appointed or continue to be employed as a special  
6 police officer after attaining the age of seventy years.\* Before being appointed pursuant to this  
7 act, a retired officer shall pass a medical examination conducted by a physician or other certified  
8 professional chosen by the city to determine whether the retired officers is capable of performing  
9 the essential duties of a special police officer pursuant to this act, the cost of which shall be  
10 borne by the retired officer.

11 Proof of payment of that cost shall be a pre-requisite of employment. A signed essential  
12 duties form provided by the chief of police shall be presented by the designated city physician or  
13 certified professional as a pre-requisite of employment.

14 SECTION 2. A special police officer appointed pursuant to this act shall not be subject to  
15 chapter 31, section 99A of chapter 41 or chapter 150E of the General Laws. A special police  
16 officer appointed pursuant to this act shall not be eligible for special leave, vacation or any other  
17 benefits of a full time regular employee of the city of Leominster.

18 SECTION 3. A special police officer shall, when performing traffic details, have the  
19 same power to make arrests and perform other police functions as a regular police officer of the  
20 city of Leominster.

21 SECTION 4. A special police officer shall be appointed for a 1-year term, subject to  
22 removal by the mayor or the chief of police upon written notice.

23 SECTION 5. A special police officer appointed pursuant to this act shall be subject to the  
24 rules, regulations, policies, procedures and requirements imposed by the chief of police and the  
25 mayor of the city of Leominster including, but not limited to: (i) restrictions on the type of detail  
26 assignments; (ii) requirements regarding medical examinations to determine continuing  
27 capability to perform the duties of a special police office; (iii) requirements for training; (iv)  
28 requirement for first aid certification and qualifications; (v) requirements for firearms licensing  
29 and qualifications; and (vi) requirements regarding uniforms and equipment (vii) execution of an  
30 Employee Agreement developed by the chief of police. A special police officer's compliance  
31 with the rules, regulations, policies, procedures and requirements shall be at no cost to the city of

32 Leominster. A special police officer appointed pursuant to this act shall not be subject to section  
33 96B of chapter 41 of the General Laws.

34 SECTION 6. A special police officer appointed pursuant to this act shall be sworn before  
35 the city clerk of the city of Leominster, who shall keep a record of the appointment.

36 SECTION 7. A special police officer appointed pursuant to this act shall be subject to  
37 sections 100 and 111F of chapter 41 of the General Laws. The amount payable pursuant to said  
38 section 111F of said chapter 41 shall be calculated by averaging the amount earned during the  
39 preceding 52 weeks as a special police officer working police details or by averaging that  
40 amount over a lesser period of time for an officer designated as a special police officer fewer  
41 than 51 weeks before the incapacity. Payment pursuant to said section 111F of said chapter 41  
42 shall not exceed, in a calendar year, the limitations on earnings contained in paragraph (b) of  
43 section 91 of chapter 32 of the General Laws. Payment pursuant to section 111F of said chapter  
44 41 or when a special police officer appointed pursuant to this act reaches the age of 70,  
45 whichever occurs first. A special police officer appointed pursuant to this act shall not be subject  
46 to section 85H or 85H1/2 of chapter 32 or eligible for benefits pursuant to those sections.

47 SECTION 8. Appointment as a special police officers shall not entitle the appointee to  
48 assignment to a detail.

49 SECTION 9. A special police officer appointed pursuant to this act shall be subject to the  
50 limitations on hours worked and earnings restrictions in paragraph (b) of section 91 of chapter 32  
51 of the General Laws.

52 SECTION 10. Special Police Officers shall attend an annual In-Service training program,  
53 approved by the Municipal Police Training Committee. The In-service Training shall include but

54 not be limited to recertification of CPR and First Responder Training. Special Officers shall  
55 attend any other training deemed necessary by the Chief of Police. This may include field  
56 training with regular full-time officers of the department. All training shall be at no cost to the  
57 city of Leominster.

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

59 \*In deference to the Acts (2002) Chapter 296 any current retired officer over the age of  
60 70 shall be allowed to continue as a special police officer for the purposes enumerated and in  
61 accordance with them until the last day of December in the year they attain the age of 72.