

HOUSE No. 4265

The Commonwealth of Massachusetts

PRESENTED BY:

Paul F. Tucker and Joan B. Lovely

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 concerning the appointment of retired Salem firefighters as special firefighters within the city of Salem.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Paul F. Tucker</i>	<i>7th Essex</i>	<i>11/17/2021</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>	<i>11/17/2021</i>

HOUSE No. 4265

By Representative Tucker of Salem and Senator Lovely, a joint petition (accompanied by bill, House, No. 4265) of Paul F. Tucker and Joan B. Lovely (with the approval of the mayor and city council) that the city of Salem be authorized to appoint retired Salem firefighters as special firefighters in said city. Public Service. [Local Approval Received.]

The Commonwealth of Massachusetts

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

An Act concerning the appointment of retired Salem firefighters as special firefighters within the city of Salem.

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 fire chief of
2 the city of Salem may appoint, with the approval of the mayor, as the fire chief considers
3 necessary, retired Salem firefighters as special firefighters to perform fire details or any duties
4 arising from fire details or during fire detail work, whether or not related to the detail work. The
5 fire chief shall have discretion to appoint only retired Salem firefighters who served as regular
6 Salem firefighters and are retired based on superannuation as special firefighters and shall
7 establish department rules, procedures and policies concerning these appointments. Special
8 firefighters shall not be subject to the same maximum age restrictions as applied to regular Salem
9 firefighters under chapter 32 of the General Laws. Prior to appointment under this act, a retired
10 Salem firefighter shall pass a medical examination by a physician or other certified professional
11 chosen or agreed to by the department to determine whether the retired Salem firefighter is

12 capable of performing the essential duties of a special firefighter under this act. The cost of the
13 medical examination shall be borne by the retired Salem firefighter.

14 SECTION 2. Unless otherwise set forth in this act, chapter 31 of the General Laws,
15 chapter 32 of the General Laws, section 99A of chapter 41 of the General Laws, sections 100 and
16 111F of chapter 41 of the General Laws, and chapter 152 of the General Laws, and rules
17 promulgated under such laws, shall not apply to special firefighters appointed under this act.

18 SECTION 3. When performing the duties set forth in section 1, special firefighters shall
19 have the same authorization to perform other firefighting functions as do regular firefighters of
20 the city of Salem.

21 SECTION 4. The fire chief, with the approval of the mayor, may remove, or decline to
22 reappoint, a special firefighter appointed for any reason, with or without cause. A special
23 firefighter shall be appointed for a one-year term and all benefits afforded to special firefighters
24 appointed under this act shall terminate upon the conclusion of the employment term. A special
25 firefighter's appointment shall automatically terminate upon the firefighter's 70th birthday.

26 SECTION 5. Special firefighters appointed under this act shall be subject to the rules and
27 regulations, policies and procedures and requirements as the fire chief may impose from time to
28 time including, but not limited to, restrictions on the type and number of detail assignments,
29 requirements regarding medical examinations to determine continuing fitness and capability to
30 perform the duties of a special firefighter, requirements for training, CPR and First Aid
31 credentials, requirements for maintaining of a medical or liability insurance policy, and
32 requirements regarding uniforms, equipment, and conduct while working fire details.

33 SECTION 6. Special firefighters appointed under this act shall be sworn in by the fire
34 chief for the city of Salem.

35 SECTION 7. Appointment as a special firefighter shall not entitle the appointee to
36 assignment to any detail.

37 SECTION 8. Retired Salem firefighters serving as special firefighters under this act shall
38 be subject to the limitations on hours worked and on earnings restrictions as provided in
39 paragraph (b) of section 91 of chapter 32 of the General Laws. The fire chief shall assign details
40 to retired firefighters in accordance with the procedures established through negotiation with the
41 relevant collective bargaining unit.

42 SECTION 9. This act shall take effect upon its passage.