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:

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

SECTION 1. Notwithstanding any general or special law to the contrary, the fire chief of the city of Salem may appoint, with the approval of the mayor, as the fire chief considers necessary, retired Salem firefighters as special firefighters to perform fire details or any duties arising from fire details or during fire detail work, whether or not related to the detail work. The fire chief shall have discretion to appoint only retired Salem firefighters who served as regular Salem firefighters and are retired based on superannuation as special firefighters and shall establish department rules, procedures and policies concerning these appointments. Special firefighters shall not be subject to the same maximum age restrictions as applied to regular Salem firefighters under chapter 32 of the General Laws. Prior to appointment under this act, a retired Salem firefighter shall pass a medical examination by a physician or other certified professional chosen or agreed to by the department to determine whether the retired Salem firefighter is
capable of performing the essential duties of a special firefighter under this act. The cost of the medical examination shall be borne by the retired Salem firefighter.


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

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

SECTION 5. Special firefighters appointed under this act shall be subject to the rules and regulations, policies and procedures and requirements as the fire chief may impose from time to time including, but not limited to, restrictions on the type and number of detail assignments, requirements regarding medical examinations to determine continuing fitness and capability to perform the duties of a special firefighter, requirements for training, CPR and First Aid credentials, requirements for maintaining of a medical or liability insurance policy, and requirements regarding uniforms, equipment, and conduct while working fire details.
SECTION 6. Special firefighters appointed under this act shall be sworn in by the fire chief for the city of Salem.

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

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

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