

HOUSE No. 5433

The Commonwealth of Massachusetts

PRESENTED BY:

Andres X. Vargas

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 Haverhill to appoint retired police officers as detail police officers within said city for paid detail assignments.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Andres X. Vargas</i>	<i>3rd Essex</i>	<i>12/16/2022</i>

HOUSE No. 5433

By Mr. Vargas of Haverhill, a petition (accompanied by bill, House, No. 5433) of Andres X. Vargas (with the approval of the mayor and city council) that the city of Haverhill be authorized to appoint retired police officers as detail police officers within said city for paid detail assignments. Public Service. [Local Approval Received.]

The Commonwealth of Massachusetts

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

An Act authorizing the city of Haverhill to appoint retired police officers as detail police officers within said city for paid detail assignments.

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. (a) The mayor of the city of Haverhill may appoint, as the mayor deems
2 necessary, retired police officers of the city of Haverhill as detail police officers to perform
3 police details or any duties arising from police details or during the course of police detail work,
4 whether or not related to the detail work. The mayor may appoint only retired police officers of
5 the city of Haverhill as detail police officers and shall establish department rules, procedures and
6 policies concerning these appointments. The mayor shall appoint retired police officers who
7 served as regular police officers of the city of Haverhill and retired based on superannuation. No
8 retired police officer shall be appointed as a detail police officer pursuant to this act if that officer
9 has been retired for more than 5 years. Detail police officers shall not be subject to the same
10 maximum age restrictions as regular police officers of the city of Haverhill pursuant to chapter
11 32 of the General Laws. Prior to appointment pursuant to this act, a retired police officer shall

12 pass a medical examination by a physician or other certified professional chosen or agreed to by
13 the police department to determine whether the retired police officer is capable of performing the
14 essential duties of a detail police officer pursuant to this act. The cost of the medical examination
15 shall be borne by the retired police officer.

16 (b) Detail police officers appointed pursuant to this act shall not be subject to chapter 31,
17 section 99A of chapter 41 or chapter 150E of the General Laws.

18 (c) When performing the duties set forth in subsection (a), detail police officers shall
19 have the same power to make arrests and to perform other police functions as regular police
20 officers of the city of Haverhill.

21 (d) A detail police officer shall be appointed for a term of 1 year, subject to renewal at
22 the discretion of the mayor; provided, however, that a detail police officer shall be an at-will
23 appointee subject to removal by the mayor at the mayor's discretion at any time. All benefits
24 afforded to detail police officers appointed pursuant to this act shall terminate upon the
25 conclusion of the employment term. A detail police officer's appointment shall automatically
26 terminate upon the officer reaching the age of 70.

27 (e) Detail police officers appointed pursuant to this act shall be subject to the rules and
28 regulations, policies and procedures and requirements that the chief of police of the city may
29 impose from time to time including, but not limited to, restrictions on the type and number of
30 detail assignments, requirements regarding medical examinations to determine continuing fitness
31 and capability to perform the duties of a detail police officer, requirements for training,
32 requirements for firearms licensing and qualifications, requirements for maintaining a medical or
33 liability insurance policy and requirements regarding uniforms and equipment. The chief of

34 police shall, at the chief's discretion, set a schedule of fees associated with the costs of training,
35 medical examinations, equipment, uniforms and any other requirements considered necessary by
36 the chief of police that shall be paid by a detail police officer appointed pursuant to this act.
37 Detail police officers appointed pursuant to this act shall not be subject to section 96B of chapter
38 41 of the General Laws.

39 (f) Detail police officers appointed pursuant to this act shall be sworn in by the city clerk
40 of the city of Haverhill.

41 (g) Sections 85H and 85H½ of chapter 32 and sections 100 and 111F of chapter 41 of the
42 General Laws shall not apply to detail police officers appointed pursuant to this act.

43 (h) Appointment as a detail police officer shall not entitle the appointee to assignment to
44 any detail.

45 (i) Retired police officers serving as detail police officers pursuant to this act shall be
46 subject to the limitations on hours worked and earning restrictions pursuant to paragraph (b) of
47 section 91 of chapter 32 of the General Laws.

48 (j) The mayor's authority to appoint and remove a detail police officer pursuant to this
49 act shall not be subject to review by another employee or official of the city of Haverhill.

50 (k) Nothing contained herein shall preclude the assignment of regular police officers, or
51 others permitted by law and/or collective bargaining agreements, from performing detail police
52 officer duties.

53 SECTION 2. Section 1 shall take effect upon its acceptance by a vote of the city council
54 of the city of Haverhill, but not otherwise.

SECTION 3. This act shall take effect upon its passage.