SENATE DOCKET, NO. 2533 FILED ON: 3/15/2021

SENATE . . . . . No. 34

The Commonwealth of Massachusetts

PRESENTED BY:

Bruce E. Tarr

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 to allow the city of Gloucester to appoint retired police officers as special police officers.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Bruce E. Tarr	*First Essex and Middlesex*
Ann-Margaret Ferrante	*5th Essex*

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SENATE . . . . . No. 34

By Mr. Tarr, a petition (accompanied by bill, Senate, No. 34) of Bruce E. Tarr and Ann-Margaret Ferrante (with approval of the mayor and city council) for legislation to allow the city of Gloucester to appoint retired police officers as special police officers. Public Service. [Local approval received]

The Commonwealth of Massachusetts

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

An Act to allow the city of Gloucester to appoint retired police officers as special police officers.

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. The Mayor of the City of Gloucester, as the appointing authority, may appoint, as the Mayor deems necessary, retired Gloucester police officers as special police officers to perform police details or any duties arising therefrom or during the course of police detail work, whether or not related to the detail work. The Mayor shall have sole discretion to appoint retired Gloucester police officers as special police officers. The Police Chief of the City of Gloucester shall establish all Gloucester Police Department rules, procedures and polices concerning such appointments. The Mayor shall appoint retired Gloucester police officers who served as regular Gloucester police officers and are retired based on superannuation. No retired police officer shall be appointed under this act as a special police officer if that officer has been retired for more than four and one half years. The special police officers shall not be subject to the same maximum age restrictions as applied to regular Gloucester police officers under chapter 32 of the General Laws, but shall not be eligible to serve as special police officers if they have

reached the age of 70. Prior to appointment under this act, a retired Gloucester police officer shall pass a medical examination by a physician or other certified professional chosen, or agreed to, by the Department to determine whether the retired Gloucester police officer is capable of performing the essential duties of a special police officer under this act, the cost of which shall be borne by the retired Gloucester police officer.

SECTION 2. Special police officers appointed under this act shall not be subject to chapter 31 of the General Laws, section 99A of chapter 41 of the General Laws, chapter 150E of the General Laws, of chapter 151A of the General Laws.

SECTION 3. Special police officers shall, when performing the duties under this section one, have the same power to make arrests and perform other police functions as do regular police officers of the City of Gloucester.

SECTION 4. Special police officers shall be appointed for a one-year term, subject to renewal at the Mayor's discretion. Notwithstanding, special police officers shall be subject to suspension or removal by the Police Chief with the approval of the Mayor at any time. All benefits afforded to special police officers appointed under this act shall terminate upon the conclusion of the employment term. The special police officer's appointment shall automatically terminate upon the officer's 70th birthday.

SECTION 5. Special police officers appointed under this act shall be subject to the rules and regulations, policies and procedures and requirements as the Police Chief of the City of Gloucester may impose from time to time, including, but not limited to, pay rates for special police officers, restrictions on the type of detail assignments, requirements regarding medical examinations to determine continuing capability to perform the duties of a special police officer,

requirements for maintaining of a medical and/or liability insurance policy, and requirements regarding uniforms and equipment. The Police Chief shall, at his discretion, set a schedule of fees associated with the costs of training, medical examinations, equipment, uniforms, and any other requirements deemed necessary by the Police Chief, that shall be paid by the special police officer appointed under this act. Special police officers appointed under this act shall not be subject to section 96B of chapter 41 of the General Laws.

SECTION 6. Special police officers appointed under this act shall be sworn in at the direction of the Mayor and by the City Clerk for the City of Gloucester.

SECTION 7. Special police officers appointed under this act shall be subject to sections 100 and 111F of chapter 41 of the General Laws. The amount payable under section 111F of chapter 41 shall be calculated by averaging the amount earned over the prior 52 weeks as a special police officer working police details, or averaged over such lesser period of time for any officer designated as a special police officer working police details, or averaged over such lesser period of time for any officer designated as a special police officer less than 52 weeks before the incapacity, the limitation on earning contained in paragraph (b) of section 91 of chapter 32 of the General Laws. Payment under section 111F of chapter 41 shall terminate in accordance with section 111F or at the conclusion of the employment term, whichever occurs sooner. Special police officers appointed under this act shall not be subject to sections 85H or 85H1/2 of chapter 32, not eligible for any benefits pursuant thereto.

SECTION 8. Appointment as a special police officer does not entitle that person to assignment to any detail.

SECTION 9. Retired Gloucester police officers serving as special police officers under this act shall be subject to the limitation on hours worked and on earnings restrictions as provided in paragraph (b) of section 91 of chapter 32 of the General Laws.

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