

# HOUSE . . . . . No. 4561

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, April 22, 2024.

The committee on Public Service, to whom was recommitted the petition (accompanied by bill, House, No. 3987) of Ruth B. Balsler, Cynthia Stone Creem and Kay Khan (with the approval of the mayor and city council) relative to retired fire fighters in the city of Newton, reports recommending that the accompanying bill (House, No. 4561) ought to pass [Local Approval Received].

For the committee,

KENNETH I. GORDON.

**HOUSE . . . . . No. 4561**

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**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-Third General Court  
(2023-2024)**

An Act relative to retired fire fighters in the city of Newton.

*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 Newton may appoint, at the recommendation of  
2 the fire chief and as the fire chief deems necessary, retired Newton fire fighters to perform fire  
3 details and/or to perform dispatch duties in the Emergency Communications Center of the City  
4 of Newton. Firefighters so appointed shall be known as the Newton Retired Fire Fighters Detail  
5 and Dispatch Patrol. The retired Newton fire fighters shall have been regular Newton fire  
6 fighters and retired based on superannuation. Notwithstanding the maximum age restrictions  
7 applied to regular Newton fire fighters under chapter 32 of the General Laws, the retired Newton  
8 fire fighters shall be eligible to serve pursuant to this Act until they reach the age of 70, or until  
9 the date of their retirement, non-reappointment, or the date they are relieved of their duties by the  
10 town, whichever occurs first. No further deductions shall be made from the regular compensation  
11 a retired Newton fire fighter appointed under this Act under Chapter 32 of the General Laws for  
12 any service subsequent to reaching the age of 70, and upon retirement, he shall receive a  
13 superannuation retirement allowance equal to that which he would have been entitled had he  
14 retired upon reaching the age of 65. Prior to appointment under this act, a retired Newton fire

15 fighter shall pass a medical examination by a physician or other certified professional chosen by  
16 the City to determine whether the retired Newton fire fighter is capable of performing the  
17 essential duties of an assignment to fire detail or emergency dispatch under this act, the cost of  
18 which shall be borne by the retired Newton fire fighter.

19 SECTION 2. Retired fire fighters appointed under this act shall not be subject to chapter  
20 31 of the General Laws, section 99A of chapter 41 of the General Laws, or chapter 150E of the  
21 General Laws. Retired fire fighters appointed under this act shall not be eligible for special leave,  
22 vacation or other benefits enumerated in article II of chapter 2 of Newton Revised Ordinances,  
23 2017.

24 SECTION 3. Retired fire fighters appointed to perform fire details under this Act shall  
25 not perform fire suppression duties unless authorized by the fire chief. Retired fire fighters  
26 appointed to perform duties in the Emergency Communications Center shall perform only those  
27 duties authorized by the fire chief.

28 SECTION 4. Retired fire fighters appointed under this Act shall be appointed for an  
29 indefinite term, subject to removal by the mayor or the fire chief at any time with a 14 day  
30 written notice.

31 SECTION 5. The workweek for retired fire fighters appointed under this act shall be  
32 seven (7) consecutive twenty-four (24) hour periods, for a total of one hundred and sixty-eight  
33 (168) hours, which shall commence at 7:00 A.M. at the start of each Monday of the calendar  
34 week. In no case shall any retired fire fighter appointed under this act perform fire details and  
35 dispatch in excess of forty (40) hours in any given workweek.

36 SECTION 6. Retired fire fighters appointed under this Act shall be subject to the rules  
37 and regulations, policies and procedures and requirements as the fire chief and the mayor of the  
38 City of Newton may impose from time to time, including, but not limited to restrictions on the  
39 type of detail or dispatch assignments, requirements regarding medical examinations to  
40 determine continuing capability to perform the duties of a retired firefighter appointed under this  
41 Act, requirements for training, requirements for CPR certification, and requirements regarding  
42 uniforms and equipment. Compliance with all requirements will be at no cost to the City of  
43 Newton.

44 SECTION 7. Retired fire fighters appointed under this act shall be sworn before the city  
45 clerk of the City of Newton who shall keep a record of all such appointments.

46 SECTION 8. Retired fire fighters appointed under this act shall be subject to sections 100  
47 and 111F of chapter 41 of the General Laws. The amount payable under section 111F of chapter  
48 41 shall be calculated by averaging the amount earned over the prior 52 weeks as a retired fire  
49 fighter working fire details or dispatch duties, or averaged over such lesser period of time for any  
50 retired fire fighter officer appointed pursuant to this Act less than 52 weeks before the incapacity.  
51 In no event shall payment under section 111F of chapter 41 exceed, in any calendar year, the  
52 limitation on earning contained in paragraph (b) of section 91 of chapter 32 of the General Laws.  
53 Payment under section 111F of chapter 41 shall terminate in accordance with section 111F of  
54 Chapter 41 or when a retired fire fighter appointed under this act reaches the age of 70,  
55 whichever occurs sooner. Retired fire fighters appointed under this act shall not be subject to  
56 section 85H or 85H 1/2 of chapter 32, nor eligible for any benefits pursuant thereto.

57 SECTION 9. Appointment as a retired fire fighter under this Act does not entitle that  
58 person to assignment to any fire detail or dispatch duty.

59 SECTION 10. Retired Newton fire fighters serving under this act shall be subject to the  
60 limitations on hours worked and on earnings restrictions as provided in paragraph (b) of section  
61 91 of chapter 32 of the General Laws.

62 SECTION 11. This act shall take effect upon its passage. This act shall be in effect until  
63 June 1, 2030, and shall expire on that date.