HOUSE DOCKET, NO. 4442 FILED ON: 7/5/2023

# HOUSE . . . . . No. 3987

## The Commonwealth of Massachusetts

PRESENTED BY:

***Ruth B. Balser***

*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 relative to retired fire fighters in the city of Newton.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|---|---|---|
| *Ruth B. Balser* | *12th Middlesex* | *7/5/2023* |
| *Cynthia Stone Creem* | *Norfolk and Middlesex* | *7/5/2023* |
| *Kay Khan* | *11th Middlesex* | *7/6/2023* |

HOUSE DOCKET, NO. 4442 FILED ON: 7/5/2023

# HOUSE . . . . . No. 3987

By Representative Balser of Newton, a petition (accompanied by bill, House, No. 3987) of Ruth B. Balser, 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. Public Service. [Local Approval Received.]

## 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:*

SECTION 1. The mayor of the City of Newton may appoint, at the recommendation of the fire chief and as the fire chief deems necessary, retired Newton fire fighters to perform fire details and/or to perform dispatch duties in the Emergency Communications Center of the City of Newton. Firefighters so appointed shall be known as the Newton Retired Fire Fighters Detail and Dispatch Patrol. The retired Newton fire fighters shall have been regular Newton fire fighters and retired based on superannuation. Notwithstanding the maximum age restrictions applied to regular Newton fire fighters under chapter 32 of the General Laws, the retired Newton fire fighters shall be eligible to serve pursuant to this Act until they reach the age of 75. Prior to appointment under this act, a retired Newton fire fighter shall pass a medical examination by a physician or other certified professional chosen by the City to determine whether the retired Newton fire fighter is capable of performing the essential duties of an assignment to fire detail or

emergency dispatch under this act, the cost of which shall be borne by the retired Newton fire fighter.

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

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

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

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

SECTION 6. Retired fire fighters appointed under this Act shall be subject to the rules and regulations, policies and procedures and requirements as the fire chief and the mayor of the City of Newton may impose from time to time, including, but not limited to restrictions on the

type of detail or dispatch assignments, requirements regarding medical examinations to determine continuing capability to perform the duties of a retired firefighter appointed under this Act, requirements for training, requirements for CPR certification, and requirements regarding uniforms and equipment. Compliance with all requirements will be at no cost to the City of Newton.

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

SECTION 8. Retired fire fighters 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 retired fire fighter working fire details or dispatch duties, or averaged over such lesser period of time for any retired fire fighter officer appointed pursuant to this Act less than 52 weeks before the incapacity. In no event shall payment under section 111F of chapter 41 exceed, in any calendar year, 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 of Chapter 41 or when a retired fire fighter appointed under this act reaches the age of 75, whichever occurs sooner. Retired fire fighters appointed under this act shall not be subject to section 85H or 85H 1/2 of chapter 32, nor eligible for any benefits pursuant thereto.

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

SECTION 10. Retired Newton fire fighters serving 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.

SECTION 11. This act shall take effect upon its passage.