

HOUSE No. 4098

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, October 2, 2019.

The committee on Public Service to whom was referred the petition (accompanied by bill, House, No. 2288) of Natalie M. Higgins and others (with the approval of the mayor and city council) relative to special police officers in the city of Leominster, reports recommending that the accompanying bill (House, No. 4098) ought to pass.

For the committee,

JERALD A. PARISELLA.

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**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act providing for special police officers in the city of Leominster.

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 Leominster may, at the recommendation of the
2 police chief and as the police chief deems necessary, appoint retired police officers of the city of
3 Leominster as special police officers to perform police traffic details. The retired Leominster
4 police officers shall have been regular police officers in the city of Leominster and retired based
5 on superannuation. No retired officers shall be appointed or continue to be employed as a special
6 police officer after attaining the age of 70. Before being appointed pursuant to this act, a retired
7 officer shall pass a medical examination conducted by a physician or other certified professional
8 chosen by the city to determine whether the retired officers is capable of performing the essential
9 duties of a special police officer pursuant to this act, the cost of which shall be borne by the
10 retired officer.

11 Proof of payment of that cost shall be a pre-requisite of employment. A signed essential
12 duties form provided by the chief of police shall be presented by the designated city physician or
13 certified professional as a pre-requisite of employment.

14 SECTION 2. A special police officer appointed pursuant to this act shall not be subject to
15 chapter 31, section 99A of chapter 41 or chapter 150E of the General Laws. Special police
16 officers appointed pursuant to this act shall be subject to chapter 151A of the General Laws. A
17 special police officer appointed pursuant to this act shall not be eligible for special leave,
18 vacation or any other benefits of a full time regular employee of the city of Leominster.

19 SECTION 3. A special police officer shall, when performing traffic details, have the
20 same power to make arrests and perform other police functions as a regular police officer of the
21 city of Leominster.

22 SECTION 4. A special police officer shall be appointed for a 1-year term, subject to
23 removal by the mayor or the chief of police upon written notice.

24 SECTION 5. A special police officer appointed pursuant to this act shall be subject to the
25 rules, regulations, policies, procedures and requirements imposed by the chief of police and the
26 mayor of the city of Leominster including, but not limited to: (i) restrictions on the type of detail
27 assignments; (ii) requirements regarding medical examinations to determine continuing
28 capability to perform the duties of a special police officer; (iii) requirements for training; (iv)
29 requirement for first aid certification and qualifications; (v) requirements for firearms licensing
30 and qualifications; (vi) requirements regarding uniforms and equipment and (vii) execution of an
31 employee agreement developed by the chief of police. A special police officer's compliance with
32 the rules, regulations, policies, procedures and requirements shall be at no cost to the city of
33 Leominster. A special police officer appointed pursuant to this act shall not be subject to section
34 96B of chapter 41 of the General Laws.

35 SECTION 6. A special police officer appointed pursuant to this act shall be sworn before
36 the city clerk of the city of Leominster, who shall keep a record of the appointment.

37 SECTION 7. A special police officer appointed pursuant to this act shall be subject to
38 sections 100 and 111F of chapter 41 of the General Laws. The amount payable pursuant to said
39 section 111F of said chapter 41 shall be calculated by averaging the amount earned during the
40 preceding 52 weeks as a special police officer working police details or by averaging that
41 amount over a lesser period of time for an officer designated as a special police officer fewer
42 than 51 weeks before the incapacity. Payment pursuant to said section 111F of said chapter 41
43 shall not exceed, in a calendar year, the limitations on earnings contained in paragraph (b) of
44 section 91 of chapter 32 of the General Laws. Payment pursuant to section 111F of said chapter
45 41 shall terminate in accordance with said section 111F of said chapter 41 or when a special
46 police officer appointed pursuant to this act reaches the age of 70, whichever occurs first. A
47 special police officer appointed pursuant to this act shall not be subject to section 85H or 85H1/2
48 of chapter 32 or eligible for benefits pursuant to those sections.

49 SECTION 8. Appointment as a special police officers shall not entitle the appointee to
50 assignment to a detail.

51 SECTION 9. A special police officer appointed pursuant to this act shall be subject to the
52 limitations on hours worked and earnings restrictions in paragraph (b) of section 91 of chapter 32
53 of the General Laws.

54 SECTION 10. Special police officers shall attend an annual in-service training program,
55 approved by the municipal police training committee. The in-service training shall include but
56 not be limited to recertification of CPR and first responder training. Special officers shall attend

57 any other training deemed necessary by the chief of police. This may include field training with
58 regular full-time officers of the Leominster police department. All training shall be at no cost to
59 the city of Leominster.

60 SECTION 11. Notwithstanding section 1 or any special or general law to the contrary
61 special police officers employed on the effective date of this act over the age of 70 shall be
62 eligible to continue to serve as special police officers provided they meet all other requirements
63 set out in this act until they reach the age of 72.

64 SECTION 12. Chapter 296 of the Acts of 2002 is hereby repealed.

65 SECTION 13. This act shall take effect upon its passage.