

HOUSE No. 3976

By Representative Hall of Westford and Senator Panagiotakos, joint petition of Geoffrey D. Hall and Steven C. Panagiotakos relative to the appointment of retired police officers in the town of Westford. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

AN ACT RELATIVE TO THE APPOINTMENT OF RETIRED POLICE OFFICERS IN THE TOWN OF WESTFORD.

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 manager of the town of Westford may appoint,
2 as he deems necessary, retired Westford police officers as special
3 police officers for the purpose of performing police details or any
4 police duties arising therefrom or during the course of police detail
5 work, regardless of whether or not related to the detail work. The
6 retired police officers must have been regular Westford police offi-
7 cers and retired based on superannuation. The special police officers
8 shall be subject to the same maximum age restriction as applied to
9 regular police officers under Chapter 32 of the General Laws. A
10 special police officer must pass a medical examination, by a physi-
11 cian or other certified professional chosen by the town, to determine
12 that he is capable of performing the essential duties of a special
13 police officer, the cost of which shall be borne by the special police
14 officer, prior to performing police details.

1 SECTION 2. Special police officers appointed under this act shall
2 not be subject to Chapter 31 of the General Laws or to Section 99A
3 of Chapter 41 of the General Laws.

1 SECTION 3. Special police officers shall, when performing the
2 duties under Section 1, have the same power to make arrests and
3 perform other police functions as do regular police officers of the
4 town of Westford.

1 SECTION 4. Special police officers shall be appointed for an
2 indefinite term, subject to removal by the town administrator at any
3 time with 14 days written notice. Upon request, the town adminis-
4 trator shall provide the reasons for removal in writing.

1 SECTION 5. Special police officers shall also be subject to the
2 rules and regulations, policies and procedures and requirements of
3 the town administrator and the chief of police of the town of West-
4 ford, including restrictions on the type of detail assignments,
5 requirements regarding medical examinations to determine contin-
6 uing capability to perform the duties of a special police officer,
7 requirements for training, requirements for firearms licensing, and
8 qualifications and requirements regarding uniforms and equipment.
9 Special police officers shall not be subject to Section 96B of Chapter
10 41 of the General Laws.

1 SECTION 6. Special police officers shall be sworn before the
2 town clerk of the town of Westford who shall keep a record of all
3 such appointments.

1 SECTION 7. Special police officers appointed under this act shall
2 be subject to Section 100 and Section 111F of Chapter 41 of the
3 General Laws. The amount payable under said Section 111F of said
4 Chapter 41 shall be calculated by averaging the amount earned over
5 the prior 52 weeks as a special police officer working police details,
6 or averaged over such lesser period of time for any officer desig-
7 nated as special police officers less than 52 weeks prior to the inca-
8 pacity. In no event shall payment under said Section 111F of said
9 Chapter 41 exceed, in any calendar year, the limitation on earning
10 contained in paragraph (b) of Section 91 of Chapter 32 of the
11 General Laws. Payment under said Section 111F of said Chapter 41
12 shall terminate when a special police officer reaches the age of 65.
13 In the event the age limitation applicable to regular police officers
14 serving a town is increased from the current 65 years of age, the ter-
15 mination of benefits under said Section 111F of said Chapter 41, as
16 provided herein to special police officers, shall terminate at such a
17 higher age limit, but in no event shall the benefits extend beyond the
18 age of 70 for any special police officer. Special police officers

19 appointed under this act shall not be subject to Section 85H of said
20 Chapter 32, nor eligible for any benefits pursuant thereto.

1 SECTION 8. Appointment as a special police officer shall not
2 entitle any individual appointed as such to assignment to any detail.

1 SECTION 9. Retired Westford police officers, serving as special
2 police officers under this act shall be subject to the limitation on
3 hours worked and on payments to retired town employees under
4 paragraph (b) of Section 91 of Chapter 32 of the General Laws.

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