

AN ACT AUTHORIZING THE APPOINTMENT OF SPECIAL POLICE OFFICERS IN THE CITY OF MALDEN

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 police commissioner of the City of Malden may appoint as he/she deems necessary retired police officers of the City of Malden as special police officers to perform police details or duties arising from police details or during the course of police detail work, whether or not related to the detail work. The retired Malden police officers shall have been regular police officers in the City of Malden and retired based on superannuation. The retired officers shall be subject to the same maximum age restrictions as applied to regular police officers in the City of Malden pursuant to chapter 32 of the General Laws. Before being appointed pursuant to this act, a retired officer shall pass a medical examination conducted by a physician or other certified professional chosen or agreed to by the city to determine whether the retired officer is capable of performing the essential duties of a special police officer pursuant to this act, the cost of which shall be borne by the retired officer. Proof of payment of that cost shall be a pre-requisite of employment.

SECTION 2. A special police officer appointed pursuant to this act shall not be subject to chapter 31, section 99A of chapter 41 or chapter 150E of the General Laws. A special police officer appointed pursuant to this act shall not be eligible for leave, vacation or other benefits pursuant to any collective bargaining agreements with the City of Malden.

SECTION 3. A special police officer shall, when performing the duties described in section 1, have the same power to make arrests and perform other police functions as a regular police officer of the City of Malden.

SECTION 4. A special police officer shall be appointed for a 1-year term, subject to removal by the police commissioner upon 14 days written notice before removal.

SECTION 5. A special police officer appointed pursuant to this act shall be subject to the rules, regulations, policies, procedures and requirements imposed by the chief of police and the police commissioner of the City of Malden including, but not limited to: (i) restrictions on the type of detail assignments; (ii) requirements regarding medical examinations to determine continuing capability to perform the duties of a special police officer; (iii) requirements for training; (iv) requirement for first aid certification and qualifications; (v) requirements for firearms licensing and qualifications; and (vi) requirements regarding uniforms and equipment. A special police officer's compliance with the rules, regulations, policies, procedures and requirements shall be at no cost to the City of Malden. A special police officer appointed pursuant to this act shall not be subject to section 96B of chapter 41 of the General Laws.

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

SECTION 7. A special police officer appointed pursuant to this act shall be subject to sections 100 and 111F of chapter 41 of the General Laws. The amount payable pursuant to said section 111F of said chapter 41 shall be calculated by averaging the amount earned during the preceding 52 weeks as a special police officer working police details or by averaging that amount over a lesser period of time for an officer designated as a special police officer fewer than 52 weeks before the incapacity. Payment pursuant to said section 111F of said chapter 41 shall not exceed, in a calendar year, the limitations on earnings contained in paragraph (b) of section 91 of chapter 32 of the General Laws. Payment pursuant to said section 111F of said chapter 41 shall terminate in accordance with said section 111F of said chapter 41 or when a special police officer appointed pursuant to this act reaches the age of 65, whichever occurs first. If the age limitation applicable to a regular police officer serving a city is increased from 65 year of age, the termination of benefits pursuant to said section 111F of said chapter 41, as provided in this section for special police officers, shall terminate at the higher age limit; provided, however, that the benefits shall not extend beyond the age of 70 for a special police officer. A special police officer appointed pursuant to this act shall not be subject to section 85H or 85H½ of

chapter 32 or eligible for benefits pursuant to those sections.

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

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

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