

SENATE. No. 1918

The Commonwealth of Massachusetts

SENATE, June 15, 1995.

The committee on Public Service, to whom was referred the petition (accompanied by bill, Senate, No. 1341) of James P. Jajuga and the Massachusetts Chiefs of Police Association, by Paul L. Doherty, executive director, for legislation relative to the re-appointment of police chiefs and police officers, reports the accompanying bill (Senate, No. 1918).

For the committee,

MICHAEL W. MORRISSEY.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Five.

AN ACT RELATIVE TO EMPLOYMENT CONTRACTS FOR POLICE CHIEFS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 41 of the General Laws, as appearing in the 1992
2 Official Edition, is hereby amended by adding after section 108N
3 the following new section:—

4 108O. Police chief, employment contracts.

5 Section 108O. Notwithstanding the provisions of any general
6 or special law to the contrary, any city or town acting through its
7 appointing authority, may establish an employment contract for
8 the salary, fringe benefits, and other conditions of employment,
9 including but not limited to, severance pay, relocation expenses,
10 reimbursement for expenses incurred in the performance of duties
11 or office, liability insurance, conditions of discipline, termination,
12 dismissal, and reappointment, performance standards and leave
13 for its police chief, or a person performing such duties having a
14 different title. In communities where said police chief is subject to
15 the provisions of chapter thirty-one, the provisions of chapter
16 thirty-one shall prevail when the provisions of this section con-
17 flict with the provisions of said chapter thirty-one.

18 Said contract shall prevail over any conflicting provision of any
19 local personnel by-law, ordinance, rule or regulation, city or town
20 charter. In addition to the benefits provided municipal employees
21 under chapters thirty-two and thirty-two B, said contract may pro-
22 vide for supplemental retirement and insurance benefits.

23 Nothing contained in this section shall affect the appointment
24 powers of any city or town over its police chief, or such person
25 performing such duties with a different title. In the absence of any
26 conflicting provisions in an employment contract, nothing con-
27 tained in this section shall affect the removal powers of any city
28 or town over its police chief or such person performing such
29 duties with a different title.

30 Nothing contained in this section shall grant tenure to such
31 officer, nor shall it abridge the provisions of section sixty-seven of
32 chapter forty-four. If there is no employment contract in force, the
33 appointing authority shall give such chief at least one year's
34 written notice if it decides not to reappoint said chief.

