

Bond Case Briefs

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Plourde v. Police Dept. of Lawrence

Appeals Court of Massachusetts, Essex - April 9, 2014 - N.E.3d - 85 Mass.App.Ct. 178

Retired city police officer brought action against city police department, alleging that department had violated Wage Act by failing to pay him for compensatory time that he had earned and accrued prior to being injured on duty. The Superior Court Department entered summary judgment in favor of department, and officer appealed.

The Appeals Court held that Lawrence Act, establishing financial conditions to ensure the fiscal stability of city, did not allow city to avoid its obligations under Wage Act.

Lawrence Act, a special act that established financial conditions to ensure the fiscal stability of city of Lawrence, and which provided that no personnel expenses earned or accrued within any department shall be charged to or paid from any allotment of a subsequent period without the written approval of the mayor, did not allow city to avoid its obligations under Wage Act, and thus city was required to pay retired police officer for compensatory time that he had earned and accrued prior to being injured on duty. Lawrence Act did not contain any provisions expressing a legislative intent to override Wage Act, and interpreting Lawrence Act to shield city from its obligations would lead to absurd and inconsistent results.