



Municipal Client Advisory July 2009

Old Quinn Bill is No More: Municipalities at Risk

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On June 29, 2009, Governor Deval Patrick signed into law the Massachusetts State Budget for Fiscal Year 2010. Included in the final budget was a drastic cut in state funding for the Quinn Bill. The Quinn Bill provides additional compensation to police officers who complete an undergraduate or graduate degree. The significant reduction in Quinn Bill funding presents a potential burden for Massachusetts cities and towns.

Since its inception, the Quinn Bill has included an even split of costs between state and municipal government. The statute provides that any municipality that accepts the law “shall be reimbursed by the Commonwealth for one half the cost of such payments upon certification by the board of higher education.” However, the Massachusetts Supreme Judicial Court has previously ruled that the state portion is subject to annual appropriation. *See Town of Milton v. Commonwealth, 418 Mass. 471 (1993)*. In Fiscal Year 2009, the state funded its portion of the Quinn Bill by designating over \$55 million for police officer compensation under the bill. However, the recently passed budget for Fiscal Year 2010 only includes \$10 million in funding for the Quinn Bill despite the fact that the state’s share for the upcoming year is estimated to be \$58 million. This lack of funding may leave some municipalities footing the bill for the entire cost of Quinn Bill compensation for their police officers.

In addition to cutting funding for the Quinn Bill, the budget, in section 8000-0040 (*See attached language*), makes new hires and any current officer who has yet to begin accumulating credits ineligible for the Quinn Bill. Police officers who have already begun building credits toward a degree will remain eligible for the additional Quinn Bill compensation.

Because the state will now be unable to provide the 50% reimbursement on Quinn Bill payments to municipalities, cities and towns are left to fend for themselves. The lack of funding will have different effects on different municipalities depending on their contracts and agreements with their police officers. Some towns may have language in their contracts or side agreements that purports to require the towns to make up any under-funding of the Quinn Bill by the state. Other towns have language that specifically states that the municipality is only responsible for its share. Finally, some municipalities may have accepted the Quinn Bill but have no language in their police contracts that



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discusses whether the towns must cover the state's portion of the bill. Each situation can raise unique questions for municipalities. Because of possible challenges from police unions, whichever category a municipality falls within, it will be important to consult with labor counsel before taking any action to discontinue Quinn Bill payments.

The Massachusetts Municipal Association has advocated legislation that will clearly state that municipalities are not responsible for the state's share of the Quinn Bill costs unless their police contracts require it and that a municipality's failure to pay the state's share will not be a violation of the state's payment of wages law. However, it is currently unclear whether the Legislature or the Governor will take any action to assist municipalities in this matter.

In devising a plan to cope with the State's under-funding of the Quinn Bill, municipalities should consult with their labor counsel. For a discussion of the Quinn Bill and other municipal law issues, contact Michael C. Lehane at (617) 479 – 5000 or via e-mail at mlehane@mhtl.com, or consult the attorney assigned to your account.

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Murphy, Hesse, Toomey & Lehane, LLP, is a full-service law firm with offices in Quincy, Boston, and Springfield, Massachusetts. As counsel to cities, towns and other Governmental entities throughout the Commonwealth of Massachusetts, the firm assists and advises public officials and committees with respect to matters of day-to-day management, as well as initiating or defending litigation on their behalf.

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Fiscal Year 2010 Massachusetts Budget Quinn Bill Line Item

<i>Account</i>	<i>Description</i>	FY2009 Spending	FY2010 GAA
8000-0040	MUNICIPAL POLICE CAREER INCENTIVE REIMBURSEMENTS For police career incentives to reimburse certain cities and towns for career incentive salary increases for police officers; provided, however, that regular full-time members of municipal police departments hired on or after July 1, 2009 shall not be eligible to participate in the career incentive pay program established pursuant to section 108L of chapter 41 of the General Laws; provided further, that any current regular full-time member of a municipal police department who has not started accumulating points pursuant to said section 108L of said chapter 41 of the General Laws, as of September 1, 2009, shall not be eligible to participate in the career incentive pay program established pursuant to said section 108L of said chapter 41 of the General Laws; and provided further, that any current regular full-time member of a municipal police department who has begun to accumulate points pursuant to said section 108L of said chapter 41 of the General Laws as of September 1, 2009 shall be allowed to accumulate the maximum number of points permissible pursuant to said section 108L of said chapter 41 of the General Laws	55,022,952	10,000,000