

SENATE No. 729

The Commonwealth of Massachusetts

SENATE, April 13, 1954.

The committee on Bills in the Third Reading, to whom was referred the House Bill relative to emergency appointments in the classified civil service (House, No. 2643), report recommending that the same be amended by substituting therefor a new draft with the same title, (Senate, No. 729), and that, when so amended, the same will be correctly drawn.

For the committee,

NEWLAND H. HOLMES.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Fifty-Four.

AN ACT RELATIVE TO EMERGENCY APPOINTMENTS IN THE CLASSIFIED CIVIL SERVICE.

1 *Whereas*, The deferred operation of this act would
2 tend to defeat its purpose, which is to make possible
3 forthwith emergency appointments under the civil
4 service laws without requisition, therefore it is hereby
5 declared to be an emergency law, necessary for the
6 immediate preservation of the public convenience.

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 15 of chapter 31 of the General Laws is
2 hereby amended by striking out the fifth paragraph,
3 as appearing in chapter 103 of the acts of 1946, and
4 inserting in place thereof the following paragraph:—
5 In case of an emergency, excepting the position of
6 laborer, which could not have been foreseen and where
7 the public business would be seriously impeded by
8 delay in filling any position in the manner provided
9 by law, an appointing authority may make an emer-
10 gency appointment without requisition; but in no
11 case, excepting the position of laborer, shall such
12 emergency appointment continue for more than thirty
13 days within the sixty consecutive days next following,
14 and in every such case he shall forthwith report the
15 same to the director, stating the reason therefor, in
16 such form and detail as the director may prescribe,
17 and the time, not exceeding thirty days within the
18 sixty consecutive days next following, for which such
19 employment is to last. No such emergency appoint-
20 ment shall be renewed except with the consent of the
21 director or be renewed more than once, except that in
22 departments, institutions or hospitals the functions of

23 which are connected with the public safety or public
24 health where the public service would otherwise suffer,
25 the director may renew such emergency appointment
26 for one additional period; but no person shall receive
27 more than one such appointment and renewal or re-
28 newals, as the case may be, in any twelve-month
29 period. In case of an emergency in the position of
30 laborer, which could not have been foreseen and where
31 the public business would be seriously impeded by
32 delay in filling the position in the manner provided by
33 law, an appointing authority may make an emergency
34 appointment without requisition; but in no case shall
35 such emergency appointment continue for more than
36 thirty days within the sixty consecutive days next
37 following, except that the appointing authority may,
38 at his discretion, renew the emergency appointment
39 immediately for a period not to exceed an additional
40 fifteen days, in which event no further emergency
41 appointment under this section may be given such
42 laborer within the twelve-month period from the date
43 that the thirty-day emergency appointment began;
44 and in every such case the appointing authority shall
45 forthwith report the same to the director, stating the
46 reason therefor, in such form and detail as the director
47 may prescribe, and the time, not exceeding thirty
48 days within the sixty consecutive days next following,
49 or the additional fifteen days provided for in this sec-
50 tion, for which such employment is to last. If the
51 person given such an emergency appointment as a
52 laborer has had prior emergency employment under
53 another title in the classified civil service within the
54 twelve consecutive months next following the date of
55 his first employment under the emergency appoint-
56 ment, the total emergency employment in any posi-
57 tion, including that of laborer, shall not exceed a total
58 of sixty days in any twelve-month period. Vacancies
59 of which an appointing authority has had, or might
60 with due diligence have, reasonable knowledge shall
61 not be considered an emergency under this section.

