

SENATE No. 682

The Commonwealth of Massachusetts

SENATE, April 21, 1958.

The committee on Bills in the Third Reading to which was referred the House bill authorizing cities and towns operating municipal lighting or gas plants to contract for the training and employment of cadet engineers (House, No. 2933), reports recommending that the same be amended by substituting therefor a new draft with the same title (Senate, No. 682), and that, when so amended, the same will be correctly drawn.

For the committee,

CHARLES E. FERGUSON.

The Commonwealth of Massachusetts

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

AN ACT AUTHORIZING CITIES AND TOWNS OPERATING MUNICIPAL LIGHTING OR GAS PLANTS TO CONTRACT FOR THE TRAINING AND EMPLOYMENT OF CADET ENGINEERS.

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 164 of the General Laws is hereby amended by
2 inserting after section 69 the following five sections, under the
3 following caption: —

4 TRAINING AND EMPLOYMENT OF CADET ENGINEERS IN
5 MUNICIPAL LIGHT AND GAS PLANTS.

6 *Section 69A.* The following words and phrases as used in
7 sections sixty-nine B to sixty-nine E, inclusive, shall, unless
8 the context otherwise requires, have the following meanings: —

9 “Municipal Light board”, the municipal light board, muni-
10 cipal gas and electric commission or similar body in a city or
11 town having a municipal light board, gas and electric commis-
12 sion or similar body; the mayor of a city having no municipal
13 light board, municipal gas and electric commission or similar
14 body; or the selectmen of a town having no municipal light
15 board, municipal gas and electric commission or similar body.

16 “Manager”, the manager of municipal lighting of the city
17 or town.

18 “Cadet engineer”, any individual who has contracted with
19 a city or town pursuant to the provisions of section sixty-nine B,
20 and who has not completed “graduate on the job training” as
21 provided for in said section.

22 “Plant”, the municipal light plant or the municipal gas plant
23 or the municipal gas and electric plant of the contracting city
24 or town.

25 “Educator”, the superintendent of schools of the contracting
26 city or town, or the superintendent or director of any accredited
27 school or school system located within such city or town, a
28 member of the school board or school committee of the con-
29 tracting city or town, or a principal officer of any duly accredited
30 high school or junior high school located within the contracting
31 city or town.

32 *Section 69B.* Any city or town owning or operating a muni-
33 cipal lighting or municipal gas plant pursuant to the provisions
34 of this chapter may contract for the training and employment
35 of cadet engineers in its plant; provided, however, that no such
36 contract shall be entered into if there is a civil service eligible
37 list from which an appointment may be made at the time.
38 Such contract shall be in writing and signed by the manager
39 and the applicant for training and employment as a cadet
40 engineer. Such contract shall not be voidable or unenforceable
41 because of the age of the cadet engineer; provided, that he had
42 attained the age of seventeen when the contract was executed
43 and that his parent or parents assent thereto in writing.

44 The contract shall provide (a) that the cadet engineer shall,
45 by a date to be specified, begin or continue attendance at a
46 duly accredited college or university within the commonwealth,
47 having a course of study leading to a degree of bachelor of
48 science in engineering. The contract may, in the discretion
49 of the municipal light board, prescribe certain minimum courses
50 of study to be undertaken by the cadet engineer in such college
51 or university.

52 (b) That the cadet engineer shall, throughout the course of
53 his college or university training as aforesaid, engage in work
54 to be known as “on the job training”, at the plant under the
55 supervision and direction of the manager or his duly authorized
56 representative, for such number of weeks during regular college
57 or university vacations as the municipal light board may
58 determine. The compensation for “on the job training” shall
59 be at an hourly rate to be determined by the municipal light
60 board.

61 (c) That the cadet engineer shall, upon final completion of
62 his course of study at a college or university as aforesaid, engage
63 in work to be known as “graduate on the job training” on a

64 full-time basis at the plant under the supervision and direction
65 of the manager or his duly authorized representative, for a
66 period of time to be determined by the said municipal light
67 board, and specified in the contract, which period of time shall
68 in no event exceed a period of five years. The compensation
69 for "graduate on the job training" shall be at an hourly rate
70 to be determined by the municipal light board.

71 (d) That the cadet engineer shall, throughout his course of
72 study at a college or university as aforesaid, maintain such
73 minimum academic standing in such college or university as
74 may be prescribed in the contract by the municipal light board.

75 (e) That the cadet engineer shall not work for any other
76 person, corporation or municipality until such time as he has
77 completed "graduate on the job training" as prescribed in the
78 contract; provided, however, that the municipal light board
79 may credit all or any part of time spent by a cadet engineer
80 in active service in the armed forces of the United States as
81 part of the cadet engineer's prescribed "graduate on the job
82 training".

83 (f) That the city or town shall pay all or such portion of the
84 cadet engineer's tuition at the college or university attended by
85 him as aforesaid, as the municipal light board shall determine
86 and prescribe in the said contract. The term "tuition" shall
87 be deemed to include the actual cost of all books or laboratory
88 or similar equipment that may be required by the cadet engineer
89 in his course of study.

90 (g) That the municipal light board may, in the event that
91 the cadet engineer at any time fails to maintain his attendance
92 or academic standing in the college or university as prescribed
93 in the contract, or in any other way fails to perform his obliga-
94 tions under the contract, terminate the contract by a written
95 notice to the cadet engineer; provided, however, that this
96 remedy shall not be deemed to be conclusive, and shall not
97 prejudice any other remedies which the contracting city or
98 town may have for breach of the said contract, whether at law
99 or in equity.

100 (h) For such other and further provisions, not inconsistent
101 with the provisions of sections sixty-nine A to sixty-nine E,
102 inclusive, as the municipal light board may deem necessary or
103 appropriate.

104 *Section 69C.* Applicants for training and employment as
105 cadet engineers shall be selected by a selection committee as
106 hereinafter provided upon request of the municipal light board.

107 The selection committee shall be appointed by the municipal
108 light board and shall be comprised of not less than five nor
109 more than seven members; provided, however, that the com-
110 mittee shall include the manager and shall include at least two
111 educators who are residents of the contracting city or town.
112 The members of the selection committee shall be appointed for
113 a term of one year, and shall serve without compensation.

114 At least three weeks prior to the date of final selection of the
115 applicants for training and employment as cadet engineers
116 the municipal light board shall cause a notice to be published
117 in a newspaper of general circulation in the contracting city or
118 town, which notice shall state that applications will be received
119 for appointments of cadet engineers pursuant to the provisions
120 of sections sixty-nine A to sixty-nine E, inclusive. The notice
121 shall state the time and place at which such applications will
122 be received.

123 An applicant for appointment as a cadet engineer must be a
124 resident of the contracting city or town, a graduate of a duly
125 accredited high school therein, shall be not less than seventeen
126 nor more than twenty-five years of age, and must have been
127 accepted for admission to or be enrolled in a duly accredited
128 college or university within the commonwealth having a course
129 of study leading to a degree of bachelor of science in engineering.

130 The municipal light board shall specify the number of cadet
131 engineers to be selected from among the applicants. The selec-
132 tion committee shall select cadet engineers from among the
133 applicants on the basis of academic ability, past courses of
134 study and good moral character. The selection committee
135 shall not discriminate among the applicants because of race,
136 color, creed or national origin.

137 *Section 69D.* The employment of the cadet engineer in
138 "on the job training" shall not be subject to the civil service
139 laws and rules, but the appointment shall be reported to the
140 division of civil service in such form as the director of civil
141 service may require. The employment of the cadet engineer in
142 "graduate on the job training" shall be in accordance with the
143 civil service laws and rules, wherever applicable.

144 A cadet engineer shall not be subject to or entitled to the
145 benefits of civil service laws, retirement laws, or pension laws
146 during his time of service as a cadet engineer, except that
147 deductions shall be made from his salary and paid into the
148 contributory retirement system of the city or town in accord-
149 ance with the provisions of the contributory retirement act,
150 but he shall, nevertheless, be considered as an employee of the
151 contracting city or town when actually employed in “on the
152 job training” or “graduate on the job training” for purposes
153 of workmen’s compensation laws; provided, however, that the
154 “graduate on the job training” period of any cadet engineer
155 who, following his “graduate on the job training”, continues
156 in the employ of the contracting city or town as a permanent
157 full-time employee, shall be considered as “creditable service”
158 for purposes of retirement laws, pension laws, and other laws
159 pertaining to municipal employees.

160 *Section 69E.* All expenses, obligations or commitments
161 for the payment of money incurred by the contracting city or
162 town, pursuant to the provisions of sections sixty-nine A to
163 sixty-nine D, inclusive, shall be considered as part of the annual
164 expense of the plant for the year in which they are incurred,
165 and shall be paid from the income of the plant in accordance
166 with the provisions of this chapter.

