

Accompanying the sixteenth recommendation to the Department of Natural Resources (House, No. 5264). Public Service.

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO THE INTERCHANGE OF GOVERNMENT EMPLOYEES.

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 48 of the General Laws is hereby amended by adding
2 after section 9 the following new section 9A.

3 *Declaration of Policy*

4 The State of Massachusetts recognizes that intergovernmental
5 cooperation is an essential factor in resolving problems affecting
6 this State and that the interchange of personnel between and
7 among governmental agencies at the same or different levels of
8 government is a significant factor in achieving such cooperation.

9 *Definitions*

10 For the purposes of this chapter:

11 1. Receiving agency. "Receiving agency" means any depart-
12 ment or agency of the Federal Government or a state or local
13 government, which receives an employee of another government
14 under this chapter.

15 2. Sending agency. "Sending agency" means any department
16 or agency of the Federal Government or a state or local
17 government, which sends any employee thereof to another
18 government agency under this chapter.

19 *Authority to Interchange Employees*

20 Any department, agency or instrumentality of the State,
21 county, city, town, municipality operated by the State or any
22 local government is authorized to participate in a program of

23 interchange of employees with departments, agencies or instru-
24 mentality of the Federal Government, another state or locality,
25 or other agencies, municipalities or instrumentalities of this State
26 as a sending or receiving agency or both.

27 The period of individual assignment or detail under an
28 interchange request shall not exceed the period of emergency.
29 Details relating to any matter covered in this chapter may be the
30 subject of an agreement between the sending and receiving
31 agencies. Elected officials shall not be assigned from a sending
32 agency nor detailed to a receiving agency.

33 *Status of Employees of This State*

34 Employees of a sending agency participating in an exchange of
35 personnel may be considered during such participation to be on
36 detail to regular work assignments of the sending agency.

37 Employees who are on detail shall be entitled to the same
38 salary and benefits to which they would otherwise be entitled
39 and shall remain employees of the sending agency for all other
40 purposes, except that the supervision of their duties during the
41 period of detail may be governed by agreement between the
42 sending agency and the receiving agency.

43 Any employee who participates in an exchange under the
44 terms of this section who suffers disability or death as a result of
45 personal injury arising out of and in the course of an exchange,
46 or sustained in performance of duties in connection therewith,
47 shall be treated, for the purposes of the sending agency's
48 employee compensation program, as an employee, as defined in
49 such Act, who has sustained such injury in the performance of
50 such duty, but shall not receive benefits under the Act for any
51 period for which he is entitled to and elects to receive similar
52 benefits under the receiving agency's employee compensation
53 program.

54 *Travel Expenses of Employees of This State*

55 A sending agency in this State may, in accordance with the
56 travel regulations of such agency, pay the travel expenses
57 assigned to a receiving agency on a detail basis, but shall not pay
58 the travel expenses of such employees incurred in connection
59 with their work assignments at the receiving agency.

60 *Status of Employees of Other Governments*

61 1. Appointment or on detail. When any unit of government of
62 this State acts as a receiving agency, employees of the sending

63 agency who are assigned under authority of this chapter may be
64 given appointments in the receiving agency covering the periods
65 of such assignments, with compensation to be paid from
66 receiving agency funds or without compensation, or be con-
67 sidered to be on detail to the receiving agency.

68 2. Laws or regulations not governing. Appointments of
69 persons so assigned may be made without regard to the laws or
70 regulations governing the selection of employees of the receiving
71 agency.

72 3. Not employees. Employees who are detailed to the re-
73 ceiving agency shall not by virtue of such detail be considered to
74 be employees thereof, except as provided in subsection 4, nor
75 shall they be paid a salary or wage by the receiving agency during
76 the period of their details. The supervision of the duties of such
77 employees during the period of detail may be governed by
78 agreement between the sending agency and the receiving agency.

79 4. Disability or death. Any employee of a sending agency
80 assigned in this State who suffers disability or death as a result of
81 personal injury arising out of and in the course of such
82 assignment, or sustained in the performance of duties in
83 connection therewith, shall be treated for the purpose of
84 receiving agency's employee compensation program, as an em-
85 ployee, as defined in such Act, who has sustained such injury in
86 the performance of such duty, but shall not receive benefits
87 under that Act for any period for which he elects to receive
88 similar benefits as an employee under the sending agency's
89 employee compensation program.

90 *Travel Expenses of Employees of Other Governments*

91 A receiving agency in this State may, in accordance with the
92 travel regulations of such agency, pay travel expenses of persons
93 assigned thereto under this chapter during the period of such
94 assignments on the same basis as if they were regular employees
95 of the receiving agency.

96 *Reimbursement*

97 The sending agency may receive from the United States
98 government reimbursement for funds expended in furtherance of
99 this section.

