

# HOUSE . . . . No. 2060

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, June 5, 1946.

The Committee on Ways and Means, to whom was referred the Bill protecting certain officers and employees of the Commonwealth against arbitrary removal (House, No. 1730), report that the same ought to pass in the form of a new draft herewith submitted (House, No. 2060).

For the committee,

TIMOTHY J. MORIARTY, 2ND.

## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Forty-Six.

AN ACT PROTECTING CERTAIN OFFICERS AND EMPLOYEES  
OF THE COMMONWEALTH AGAINST ARBITRARY REMOVAL.

*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 thirty of the General Laws is hereby  
2 amended by inserting after section nine the following  
3 new section: —

4 *Section 9A.* No person employed in any institu-  
5 tion under the department of mental health, public  
6 health, public welfare or correction or in the Soldiers'  
7 Home in Massachusetts, except an employee, other  
8 than a nurse, rendering professional service, who is  
9 not classified under chapter thirty-one, and no main-  
10 tenance employee in any institution under the depart-  
11 ment of education, shall, after having served satisfac-  
12 torily for six months in his position, be removed  
13 therefrom except for just cause and for reasons  
14 specifically given him in writing within seventy-two  
15 hours prior to such removal. If, within three days  
16 after the giving of such notice, the person sought  
17 to be removed shall so request in writing, he shall  
18 be given a hearing, either public or private in ac-  
19 cordance with his request, in not less than three nor  
20 more than fourteen days after the filing of the request,  
21 by the appointing authority whose action affected

22 him as aforesaid, and he shall be allowed to answer  
23 the charges preferred against him, either personally  
24 or by counsel, and he shall be notified, within three  
25 days after the hearing, of the decision of such au-  
26 thority. Upon failure to give the removed employee  
27 the requested hearing, such employee shall be forth-  
28 with reinstated. A copy of said reasons, notice and  
29 answer shall be made a matter of public record in the  
30 department in which he is employed. If, within five  
31 days after receiving written notice of the decision of  
32 the appointing authority, the person so removed shall  
33 so request in writing, he shall be given a hearing  
34 before an impartial commission of three members  
35 to be appointed by the governor. Such hearing shall  
36 be commenced in not less than three nor more than  
37 ten days, and shall be completed within thirty days  
38 after the filing of such request. The impartial com-  
39 mission of three shall have full authority to affirm or  
40 reverse the decision of the appointing authority by a  
41 majority vote of said commission. The decision of  
42 said commission shall be made a matter of public  
43 record and shall be final and conclusive upon the  
44 parties. If the removal is found to be without just  
45 cause, the employee shall be reinstated forthwith  
46 without loss of compensation.

