

HOUSE No. 35

Accompanying the third recommendation of the Civil Service Commission (House, No. 32). Civil Service.

The Commonwealth of Massachusetts

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

AN ACT PROVIDING FOR CLARIFICATION OF THE STATUTES WITH REFERENCE TO APPEALS BEFORE THE CIVIL SERVICE COMMISSION UPON SUSPENSIONS OR REMOVALS, ETC., OF CIVIL SERVICE 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 Section 43 of chapter 31 of the General Laws, as
2 most recently amended by chapter 373 of the Acts
3 of 1947, is hereby further amended by striking out
4 the second sentence in paragraph (b) and inserting
5 in place thereof the following sentence:— Said hear-
6 ing shall be commenced in not less than three nor
7 more than ten days and shall be completed within
8 thirty days after the filing of such request, unless in
9 either case both parties thereto shall otherwise agree
10 in writing, and the findings shall be reported forth-
11 with to the commission for action., — and by striking
12 out the second sentence in paragraph (c), — so that
13 paragraphs (b) and (c) shall read as follows:— (b) If
14 within five days after receiving written notice of the

15 decision of the appointing authority the person so
16 discharged, removed, suspended, laid off, transferred
17 or lowered in rank or compensation, or whose office
18 or position was abolished, shall so request in writing,
19 he shall be given a hearing before a member of the
20 commission or some disinterested person designated
21 by the chairman of the commission. Said hearing
22 shall be commenced in not less than three nor more
23 than ten days and shall be completed within thirty
24 days after the filing of such request, unless in either
25 case both parties thereto shall otherwise agree in
26 writing, and the findings shall be reported forthwith
27 to the commission for action. The decision of the
28 commission shall be in writing and notice thereof
29 sent to all parties concerned within ten days after
30 the filing of the report. If the commission finds that
31 the action of the appointing authority was justified,
32 such action shall be affirmed; otherwise, it shall be
33 reversed and the person concerned shall be returned
34 to his office or position without loss of compensation.
35 The commission may also modify any penalty imposed
36 by the appointing authority.

37 (c) Any hearing under this section shall, if either
38 party concerned so requests in writing, be public,
39 and at any such hearing the person concerned shall
40 be allowed to answer the charges preferred against
41 him either personally or by counsel.