

HOUSE . . . . . No. 2306

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**The Commonwealth of Massachusetts**

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HOUSE OF REPRESENTATIVES, March 30, 1949.

The Committee on Bills in the Third Reading, to whom was referred the Bill providing for clarification of the law relating to separation from the service in the official or labor service resulting from lack of work or lack of money or from abolition of positions (House, No. 26), report recommending that the same be amended by the substitution of the accompanying bill (House, No. 2306), which also includes the provisions of House, No. 27.

For the committee,

PHILIP A. CHAPMAN.

## The Commonwealth of Massachusetts

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

AN ACT CLARIFYING THE CIVIL SERVICE LAW RELATING TO SEPARATION FROM THE OFFICIAL OR LABOR SERVICE RESULTING FROM LACK OF WORK OR LACK OF MONEY OR FROM ABOLITION OF POSITIONS.

*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 1. Paragraph (a) of section 43 of chapter  
2 31 of the General Laws, as appearing in section 1  
3 of chapter 373 of the acts of 1947, is hereby amended  
4 by striking out, in lines 18 and 19, the words "other-  
5 wise expressly provided in this chapter" and in-  
6 serting in place thereof the words:— , except in  
7 cases of separation from service in the official or  
8 labor service, resulting from lack of work or lack  
9 of money or from abolition of positions, in which  
10 case at least seven days' written notice of hearing  
11 shall be given by the appointing authority, — so as  
12 to read as follows:— (a) Every person holding office  
13 or employment under permanent appointment in  
14 the official or labor service of the commonwealth, or  
15 of any county, city or town thereof, shall have un-  
16 limited tenure of office or employment, subject to the  
17 provisions of this chapter and the rules made there-  
18 under. He shall not be discharged, removed, sus-  
19 pended for a period exceeding three days, laid off,

20 transferred from such office or employment without  
21 his consent, lowered in rank or compensation, nor  
22 shall his office or position be abolished, except for  
23 just cause and for reasons specifically given him in  
24 writing, together with a copy of sections forty-three  
25 and forty-five of this chapter. Before any action  
26 affecting employment or compensation referred to  
27 in the preceding sentence is taken, the officer or em-  
28 ployee shall be given a full hearing before the ap-  
29 pointing authority, of which hearing he shall have  
30 at least three days' written notice, exclusive of Sundays  
31 and holidays, from the appointing authority, except  
32 in cases of separation from service in the official or  
33 labor service, resulting from lack of work or lack  
34 of money or from abolition of positions, in which  
35 case at least seven days' written notice of hearing  
36 shall be given by the appointing authority. Within  
37 two days, exclusive of Sundays and holidays, after  
38 completion of said hearing, the appointing authority  
39 shall give to the employee affected a written notice  
40 of his decision, stating fully and specifically the  
41 reasons therefor.

1 SECTION 2. Section 46G of said chapter 31, as most  
2 recently amended by section 9 of chapter 704 of  
3 the acts of 1945, is hereby further amended by striking  
4 out, in line 9 and in line 20, the word "point" and  
5 inserting in place thereof, in each instance, the word:—  
6 length, — so as to read as follows:— *Section 46G.* If  
7 the separation from service of persons in the official  
8 or labor service results from lack of work or lack of  
9 money or from abolition of positions, they shall be  
10 separated from service by class and grade, except as  
11 hereinafter provided, and be reinstated therein in

12 the same position or in a similar position as that  
13 formerly held by them, according to their seniority  
14 in the service, so that the senior officers or employees  
15 in length of service shall be retained the longest and  
16 reinstated first and before any certification of new  
17 names. Before any action is taken to effect such a  
18 separation from service of any officer or employee,  
19 seven days' written notice thereof shall be given to  
20 him by the appointing authority.

21 If before action is taken to effect such a separation  
22 and within said seven days an officer or employee  
23 files his written consent with the appointing officer,  
24 he shall be demoted to the next lower grade or grades  
25 in succession in the official service or to the next  
26 lower class or classes in succession in the labor service,  
27 if in such lower grades or classes there is an officer  
28 or employee junior to him in length of service. As  
29 soon as sufficient work or money is available, officers  
30 or employees so demoted shall be restored to the  
31 grade or class formerly held by them, according to  
32 their seniority.

33 Nothing in this section shall impair the preference  
34 provided for disabled veterans by section twenty-  
35 three.