

# HOUSE . . . . No. 837

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By Mr. O'Dea of Lowell, petition of Warren H. Shaw, James L. O'Dea, Jr., and another for giving tenure of office protection to certain county employees after five years of service. Counties.

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## The Commonwealth of Massachusetts

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

### AN ACT GIVING TENURE OF OFFICE PROTECTION TO CERTAIN COUNTY EMPLOYEES AFTER FIVE YEARS.

*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. Except as otherwise provided in this  
2 chapter, every person holding office or employment  
3 in the classified public service in any county, and who  
4 has been in such office or employment for not less  
5 than five years, shall hold such office or employment  
6 and shall not be removed therefrom, lowered in rank  
7 or compensation, or suspended, or without his con-  
8 sent transferred from such office or employment to  
9 any other, except for just cause and for reasons  
10 specifically given to him in writing forty-eight hours  
11 after such removal, suspension, transfer or lowering  
12 in rank or compensation.

13 If within five days thereafter, the person sought to  
14 be removed, suspended, lowered or transferred shall  
15 so request in writing, he shall be given a public hear-

16 ing in not less than three nor more than fourteen days  
17 after the filing of the request, by the officer or board  
18 whose action affected him as aforesaid, and he shall  
19 be allowed to answer the charges preferred against  
20 him, either personally or by counsel, and shall be  
21 notified, in writing, within five days after the hearing,  
22 of the decision of such officer or board. In default of  
23 such hearing, said person shall forthwith be reinstated.  
24 A copy of said reasons, notice, answer and decision  
25 shall be made a matter of public record in the de-  
26 partment of the removing board or official.

27 Within thirty days after said hearing the person so  
28 removed, transferred or lowered in rank or compensa-  
29 tion, or suspended, or whose office or position is  
30 abolished, may bring a petition in the district court  
31 of the judicial district where such person resides,  
32 addressed to the justice of the court, praying that  
33 the action of the officer or board may be reviewed by  
34 the court, and after such notice to such officer or  
35 board as the court deems necessary, it shall review  
36 such action, hear the witnesses, and shall affirm the  
37 decision of the officer or board unless it shall appear  
38 that it was made without proper cause or in bad  
39 faith, in which case said decision shall be reversed  
40 and the petitioner be reinstated in his office without  
41 loss of compensation. The decision of the court shall  
42 be final and conclusive upon the parties.

1 SECTION 2. The following positions shall be exempt  
2 from the foregoing provisions:— officers and em-  
3 ployees appointed by or subject to the approval of the  
4 supreme judicial court, the superior court, or a justice  
5 of either, a judge or judges of probate or the judges of  
6 the land court or a justice of a district court, court

7 officers of the supreme judicial court and superior  
8 courts, deputy sheriffs, assistant registers of deeds,  
9 assistant clerks of courts, superintendents of insti-  
10 tutions, employees in the district attorney's office,  
11 nurses employed in institutions, teachers or instructors  
12 in education employed in a school or institution, regis-  
13 tered physicians in positions duties of which include  
14 the prescription or administration of drugs for internal  
15 use, elected officials, director of the agricultural  
16 school, dog officer, jail chaplain, jail musician, jail  
17 singer and confidential secretaries.

1 SECTION 3. The provisions of this act shall not  
2 affect the powers and duties of the county personnel  
3 board established under section forty-eight of chap-  
4 ter thirty-five of the General Laws, nor the operation  
5 of any plan established by said board for any county  
6 or counties by sections forty-nine to fifty-five, in-  
7 clusive, of said chapter, nor the rights and other  
8 benefits given to any county officer or employee by  
9 any such plan.

