

HOUSE No. 2269

The Commonwealth of Massachusetts

EXECUTIVE DEPARTMENT,
STATE HOUSE, BOSTON, January 13, 1954.

To the Honorable Senate and House of Representatives:

My Annual Message made reference to recent actions by the Civil Service Commission which have given rise to much comment throughout the Commonwealth.

The Civil Service Commission is one body which should at all times be above public suspicion, and it is with the purpose of either allaying suspicions which now exist relative to the activities of that commission or taking necessary action if it should appear that they are justified, that I transmit to you herewith a Resolve providing for the establishment of a special commission to conduct an investigation of the Civil Service Commission.

The measure is designed to clothe the investigatory commission with sufficient powers to enable it to do its work efficiently and well, and I trust that the General Court will take speedy and favorable action on this Resolve.

Respectfully submitted,

CHRISTIAN A. HERTER,
Governor of the Commonwealth.

The Commonwealth of Massachusetts

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

RESOLVE ESTABLISHING A SPECIAL COMMISSION TO CONDUCT AN INVESTIGATION OF THE CIVIL SERVICE COMMISSION.

1 *Resolved*, That an unpaid special commission, to
2 consist of five members to be designated by the Gov-
3 ernor, the chairman to be appointed by him, is hereby
4 established for the purpose of conducting an investiga-
5 tion and study in the practices and procedures of the
6 civil service commission established under chapter
7 thirty-one of the General Laws and all questions in
8 relation thereto that would aid the general court in
9 establishing any necessary remedial legislation.

10 Said commission in addition to its other duties in
11 making its investigation shall consider specifically any
12 and all cases which have been heard and decided by
13 the commission under the provisions of section forty-
14 three of said chapter thirty-one.

15 Said commission shall be provided with quarters
16 in the state house or elsewhere, shall hold public hear-
17 ings, may travel within and without the common-
18 wealth, may sit during the session and recess of the
19 general court, may require by summons the attend-
20 ance of such witnesses and the production of such
21 books, papers and documents, and take such testi-
22 mony as it deems necessary.

23 Upon a majority vote of the commission, sum-
24 mons shall be issued under the signature of the
25 chairman or vice chairman, and shall be served by an
26 officer of the general court or by any person designated
27 by the commission. The chairman or any member of
28 the commission may administer oaths to witnesses.
29 Every person who, having been summoned as a wit-
30 ness by said commission, or any sub-committee thereof,

31 wilfully makes default, or who, having appeared, re-
32 fuses to answer any question pertinent to the investi-
33 gation hereby authorized, shall be guilty of contempt
34 and shall be subject to a fine of not more than two
35 hundred dollars or by imprisonment for not more than
36 one month, or both.

37 Any witness summoned at a public hearing and any
38 witness before a private hearing shall have the right
39 to be accompanied by counsel, who shall be permitted
40 to advise the witness while on the witness stand of
41 his rights.

42 Every witness shall have the opportunity at the
43 conclusion of the examination by the commission to
44 supplement the testimony which he has given by
45 making a written or oral statement, which shall be
46 made part of the record, but such statement shall be
47 confined to matters with regard to which he has pre-
48 viously been examined.

49 Said commission, during its investigation, shall have
50 the assistance of the attorney general and such other
51 departments, boards, commissions and officers of the
52 state, county and city and town governments as may
53 be requested by said commission to assist and co-
54 operate.

55 Said commission shall report its findings simultane-
56 ously to the governor and the general court at such
57 time or times as it may deem advisable, but in any
58 event shall file a final report not later than
59 and may expend for expenses and legal, clerical and
60 other assistance, such sums as may be appropriated
61 therefor.

- 31 willfully makes default or when having appeared, he
 32 fails to answer any question pertinent to the case in
 33 which he is a party, the court shall be authorized to
 34 and shall be subject to a fine of not more than ten
 35 hundred dollars or by imprisonment for not more than
 36 one month or both.
- 37 Any witness summoned as a witness in any civil
 38 action before a private hearing shall have the right
 39 to be accompanied by counsel, who shall be provided
 40 to a witness the hearing with an the witness called
 41 to the hearing.
- 42 Every witness shall have the opportunity of the
 43 testimony of the witness in the hearing and the
 44 testimony of the witness shall be taken in the
 45 presence of the hearing or such other person as
 46 may be designated by the hearing, but who is not
 47 a party to the hearing, and the hearing shall be
 48 held in private.
- 49 Each hearing shall be held in a hearing room
 50 in the office of the hearing officer and shall be
 51 held in the hearing room of the hearing officer
 52 and shall be held in a hearing room of the
 53 hearing officer and shall be held in a hearing room
 54 of the hearing officer.
- 55 The hearing officer shall report the hearing results
 56 only to the hearing and the hearing shall be
 57 held in the hearing room of the hearing officer, but in
 58 cases where the hearing officer is not present,
 59 the hearing shall be held in the hearing room of the
 60 hearing officer and shall be held in the hearing room
 61 of the hearing officer.