

SENATE No. 169

To accompany the petition of John H. Mahoney for an amendment of the civil service laws relative to removals, suspensions, transfers and compensation. Civil Service.

The Commonwealth of Massachusetts

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

An Act to amend the Civil Service Laws relative to Removals, Suspensions, Transfers and Compensation.

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. Section forty-three of chapter thirty-
2 one of the General Laws is hereby amended by striking
3 out said section and inserting in place thereof the
4 following:—

5 *Section 43.* Except as otherwise provided in this
6 chapter, every person holding office or employment in
7 the classified service of the commonwealth, or of any
8 county, city, or town thereof, shall hold such office or
9 employment and shall not be removed therefrom,
10 lowered in rank or compensation, or suspended, or
11 without his consent transferred from such office or
12 employment to any other, except for just cause, and
13 for detailed reasons specifically given him in writing
14 and filed with the board of commissioners of civil
15 service within twenty-four hours after such removal,
16 suspension, transfer, or lowering in rank or compensa-
17 tion.

1 SECTION 2. Section forty-five of chapter thirty-one
2 of the General Laws is hereby further amended by
3 striking out said section and inserting in place thereof
4 the following:—

5 *Section 45.* Within ten days of the decision at the
6 hearing under section forty-two A or the action under
7 section forty-six, or of the receipt of the written state-
8 ment required in section forty-three, the person so
9 removed, transferred, suspended, or lowered in rank
10 or compensation, except members of the police depart-
11 ment of Boston, the police of the metropolitan district
12 commission, and the state police, may petition the
13 board of commissioners for a review of the action of
14 the officer or board which affected him as aforesaid.
15 Said board of commissioners shall review the case and
16 shall affirm the action of the officer or board, unless it
17 shall appear that it was made without just cause or in
18 bad faith, in which case, said decision shall be reversed,
19 and the petitioner be reinstated in his office without
20 loss of compensation. The board of commissioners
21 shall make a decision upon the petition not later than
22 sixty days after receipt thereof. The decision of the
23 board of commissioners shall be final and conclusive
24 upon the parties.

25 If the petitioner so requests, or if the board of com-
26 missioners so decides, a public hearing shall be held at
27 such time and at such place within the commonwealth
28 as the board of commissioners shall determine, but in
29 any event, not later than thirty days after the petition
30 for review is presented. The hearing shall be before
31 the board of commissioners, or one of its members, as
32 it may determine, but in all cases, the board of com-
33 missioners shall make the decision. The board of
34 commissioners shall have power to subpoena wit-

35 nesses, administer oaths, and to require the production
36 of all papers pertinent to the case. The petitioner may
37 be present at the hearing, may be represented by
38 counsel, may produce evidence, and may cross examine
39 witnesses, either himself or through his counsel.

40 No person may petition the board of commissioners
41 for a review under this section or any other section of
42 this chapter, if he has been transferred without loss of
43 pay within the same class and grade, or if he has been
44 removed for the reason that his position has been
45 abolished. If a position which has been abolished is
46 re-established within two years from date of abolition,
47 the incumbent thereof at time of abolition shall be
48 notified thereof and upon his written request to the
49 officer or board in charge thereof he shall be reinstated.
50 If an officer or board effects a reduction in compensa-
51 tion, applicable equally or uniformly to all persons of
52 the same class or grade within the jurisdiction of said
53 officer or board, no person so reduced in compensation
54 may petition the board of commissioners for a review
55 under this section.

1 SECTION 3. Section forty-two B of chapter thirty-
2 one of the General Laws is hereby repealed.

