The committee on Bills in the Third Reading, to which was referred the House Bill providing for dispensing with hearings before the appointing or employing boards or officers relative to changes in civil service status of officers and employees of certain cities and towns, at the election of such boards or officers or the persons affected (House, No. 682), reports recommending that the same be amended by substituting therefor a new draft entitled "An Act dispensing with Certain Hearings under the Civil Service Laws in Certain Cases" (Senate, No. 276); and that, when so amended, the same will be correctly drawn.

For the committee,

NEWLAND H. HOLMES.
An Act dispensing with Certain Hearings under the Civil Service Laws in Certain Cases.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter thirty-one of the General Laws is hereby amended by inserting after section forty-three, as appearing in the Tercentenary edition thereof, the following new section: —

5 Section 43A. An officer or employee of any city, except Boston, or of any town, holding an office classified under the civil service rules, aggrieved by any action taken under section forty-two A or forty-three and entitled to a public hearing thereon before an administrative authority, may, by written notice to such authority given within the time limited for claiming such a hearing, elect to dispense with such hearing and to claim a judicial review of such action. Such authority may, in case such officer or employee has claimed such a hearing, by written notice to such officer or employee given within forty-eight hours after such a hearing has been requested, elect to dispense with the same and to claim such a review. In either case, the electing party, within ten days after giving notice of election as aforesaid, shall file
21 a petition in the district court of the judicial district
22 wherein such officer or employee is so employed,
23 addressed to the justice of the court and praying for
24 a judicial determination of the sufficiency and justice
25 of the action of such authority. After such notice
26 as the justice may order, he shall hold a hearing on
27 such action, at which evidence may be presented by
28 both parties. Such authority shall furnish to the
29 justice and to such officer or employee, at least ten
30 days prior to the date set for the hearing, a copy of
31 the charges or reasons for such action, and such
32 officer or employee shall furnish to the justice and to
33 such authority, at least seven days prior to said
34 date, a copy of his answers to said charges or reasons.
35 The hearing may be continued from time to time.
36 If, after such hearing, the justice finds, upon all the
37 evidence, that the action reviewed by him was justi-
38 fied, he shall affirm it, and the same shall stand. If
39 he finds otherwise, such authority shall thereupon
40 rescind such action without loss of compensation or
41 other prejudice to such officer or employee and shall
42 take such further action, if any, as may be necessary
43 to conform to the finding of the justice.