

SENATE No. 6

To accompany the petition of Charles G. Miles that preference in employment on certain public works, by the Commonwealth or any political subdivision thereof, be given to persons forty years of age or over. Public Service.

The Commonwealth of Massachusetts

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

An Act preferring in Employment on Certain Public Works, by the Commonwealth or Any Political Subdivision thereof, Persons Forty Years of Age or over.

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 one hundred and forty-nine of the
- 2 General Laws is hereby amended by striking out
- 3 section twenty-six, as appearing in the Tercen-
- 4 tenary edition, and inserting in place thereof
- 5 the following: —
- 6 *Section 26.* In the employment of mechanics,
- 7 teamsters and laborers in the construction, addi-
- 8 tion to and alteration of public works by the
- 9 commonwealth, or by a county, town or district,
- 10 or by persons contracting therewith for such
- 11 construction, addition to and alteration of pub-

12 lic works, preference shall first be given to citi-
13 zens of the commonwealth who have served in
14 the army or navy of the United States in time of
15 war and have been honorably discharged there-
16 from or released from active duty therein, and
17 who are qualified to perform the work to which
18 the employment relates; and secondly, to citi-
19 zens of the commonwealth generally, and, if
20 they cannot be obtained in sufficient numbers,
21 then to citizens of the United States; and, sub-
22 ject to the preference requirements hereinbefore
23 set forth, in employment of a non-manual char-
24 acter to persons forty years of age or older; and
25 every contract for such work shall contain a pro-
26 vision to the effect that in employment there-
27 under of a non-manual character on public works
28 referred to in, and subject to, this section prefer-
29 ence shall be given to persons forty years of age
30 or older, if they are qualified to perform the work
31 to which the employment relates and if their
32 status, civil or otherwise, is in conformity with
33 the preference requirements set forth in said
34 section. The wages for a day's work paid to
35 mechanics and teamsters employed in the con-
36 struction, addition to or alteration of public
37 works as aforesaid shall be not less than the
38 customary and prevailing rate of wages for a
39 day's work in the same trade or occupation in
40 the locality where such public works are under
41 construction or being added to or altered; pro-
42 vided, that no town in the construction, addition
43 to or alteration of public works shall be required

44 to give preference to veterans, not residents of
45 such town, over citizens thereof. This section
46 shall also apply to regular employees of the
47 commonwealth or of a county, town or district
48 when such employees are employed in the con-
49 struction, addition to and alteration of public
50 works for which special appropriations are pro-
51 vided. Any person or contractor who knowingly
52 and wilfully violates this section shall be pun-
53 ished by a fine of not more than one hundred
54 dollars.

