

# HOUSE . . . . . No. 462

By Mr. Nagle of Fall River, petition of Charles E. Stevenson and another for legislation to make changes in the civil service laws relative to eligible lists. Civil Service.

## The Commonwealth of Massachusetts

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

### AN ACT MAKING CHANGES IN THE CIVIL SERVICE LAWS RELATIVE TO ELIGIBLE LISTS.

*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. Chapter 31 of the General Laws is hereby  
2 amended by striking out section 12 thereof, as most recently  
3 amended by chapter 571 of the acts of 1955, and inserting in  
4 place thereof the following section:—

5 *Section 12.* Each list of persons eligible to any position  
6 shall be prepared or revised as soon as may be after their re-  
7 spective ratings or standings have been determined by the  
8 director by examination or otherwise in accordance with the  
9 rules of the commission, but, in case of the determination  
10 thereof by a written examination, not later than six months  
11 after the date of such examination. The director shall not  
12 place on any such list any person not a citizen of the United  
13 States. All lists established as aforesaid shall be open to pub-  
14 lic inspection. All persons who have taken an examination  
15 shall be notified of the results thereof not later than sixty  
16 days after the date of such examination. If more than one  
17 similar eligible list exists for the same position, certification  
18 shall first be made from the list with the earliest date of es-  
19 tablishment and in accordance with the civil service laws and  
20 rules governing certification.

21 For the purpose of an appointment or a promotion, no per-  
22 son shall remain eligible for more than two years upon any  
23 eligible list, notwithstanding any other provision of law to the  
24 contrary, except provisions of law extending eligibility to  
25 persons in the military or naval service.

26 For the purpose of a temporary transfer, without regard to  
27 the class or grade of the positions involved, a person shall re-  
28 main eligible upon an eligible list until the establishment of a  
29 subsequent eligible list for the same position.

1 SECTION 2. Said chapter 31 is hereby further amended by  
2 striking out section 16A, as amended by section 6 of chapter  
3 703 of the acts of 1945, and inserting in place thereof the fol-  
4 lowing section: —

5 *Section 16A.* Except as otherwise provided by law, any  
6 person duly certified for permanent employment and actually  
7 employed for at least one year in any position in the official  
8 or labor service may, after application in writing to the di-  
9 rector by the appointing authority and with the consent of the  
10 director, be transferred to another similar position. No posi-  
11 tion shall be considered as similar which is higher in grade  
12 or for which there are substantially dissimilar requirements  
13 for appointment.

14 In the absence of a suitable eligible list, a temporary trans-  
15 fer, without regard to the class or grade of the positions in-  
16 volved, may be authorized by the director for a period not to  
17 exceed six months if, in his opinion, such transfer will be for  
18 the public good.

19 When the period of eligibility of a person upon an eligible  
20 list has been extended as provided in section twelve, no tem-  
21 porary transfer without regard to the class or grade of the  
22 positions involved shall be authorized except after certification  
23 from such list.

24 No transfer shall be made without the consent of the em-  
25 ployee and the approval and consent of the appointing au-  
26 thority in the department or departments involved.