

HOUSE No. 3155

The Commonwealth of Massachusetts

COMMISSION ON ADMINISTRATION AND FINANCE,
STATE HOUSE, BOSTON 33, May 27, 1957.

To the Honorable Senate and House of Representatives.

I am enclosing herewith proposed legislation under the provisions of chapter 7, section 7, of the General Laws, "An Act to clarify the Effect of Certain Provisions of Law relative to the Fixing of Salaries for Employees in the Office of the Commissioner of Probation."

I would appreciate your filing this bill with the proper committee.

Respectfully submitted,

FRANCIS X. LANG,
Commissioner of Administration.

The Commonwealth of Massachusetts

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

AN ACT TO CLARIFY THE EFFECT OF CERTAIN PROVISIONS OF LAW
RELATIVE TO THE FIXING OF SALARIES FOR EMPLOYEES IN THE
OFFICE OF THE COMMISSIONER OF PROBATION.

1 *Whereas*, The deferred operation of this act would tend to
2 defeat its purpose, which in part is to forthwith clarify the
3 law relative to the inclusion of employees of the Commis-
4 sioner of Probation in the office and classification plan of
5 state employees, therefore, it is hereby declared to be an
6 emergency law, necessary for the immediate preservation of
7 the public convenience.

*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. Paragraph (1) of section 45 of chapter 30 of
2 the General Laws, as appearing in section 9 of chapter 680 of
3 the acts of 1954, is hereby amended by inserting after the
4 word "probate", in line 6, the following: — and assistants
5 employed by the commissioner of probation under section
6 ninety-eight of chapter two hundred and seventy-six, — so
7 that the first sentence will read as follows: — (1) In pursuance
8 of such responsibilities as to the said classification plan, the
9 said director shall classify all appointive offices and positions
10 in the government of the commonwealth, excepting such
11 offices and positions in the judicial and legislative branches,
12 but including clerical assistants of registers of probate and
13 assistants employed by the commissioner of probation under
14 section ninety-eight of chapter two hundred and seventy-six,
15 and he may from time to time reclassify any such office or
16 position.

1 SECTION 2. Paragraph (9) of said section 45 of said chap-
2 ter 30 is hereby amended by striking out the definitions of

3 “Departmental list” and “Schematic list”, as appearing in
4 section 4 of chapter 729 of the acts of 1956, and inserting in
5 place thereof the following: —

6 “Departmental list”, a listing of classes, irrespective of
7 fields of work or job group, which are included in the au-
8 thorized staff of an agency of the commonwealth, except
9 offices and positions in the judicial and legislative branches,
10 but including clerical assistants of registers of probate, and
11 assistants employed by the commissioner of probation under
12 section ninety-eight of chapter two hundred and seventy-six,
13 arranged to show the relationships between the several classes
14 of offices and positions in said agency and in the principal ad-
15 ministrative units thereof.

16 “Schematic list”, a list of classes of offices or positions in
17 all agencies of the commonwealth, except offices and positions
18 in the judicial and legislative branches, but including clerical
19 assistants of registers of probate, and assistants employed by
20 the commissioner of probation under section ninety-eight of
21 chapter two hundred and seventy-six, all performing duties
22 primarily in the same field of work, irrespective of depart-
23 ment or job group, so arranged therein to show their relative
24 position or degree of importance in the position classification
25 plan of the commonwealth, and to show the relationships be-
26 tween all the said classes.

1 SECTION 3. This act shall take effect as of October first,
2 nineteen hundred and fifty-six, and any position in the office
3 of the commissioner of probation which, because of the opera-
4 tion of any provision of chapter seven hundred and thirty-one
5 of the acts of nineteen hundred and fifty-six may have been
6 considered to have ceased to be subject to sections forty-
7 five to fifty, inclusive, of chapter thirty of the General Laws,
8 shall be held to be, and have been, subject to said sections
9 without interruption, and any action which could have been
10 taken or should have been taken under the provisions of
11 chapter seven hundred and twenty-nine of the acts of nine-
12 teen hundred and fifty-six, or under said sections forty-five
13 to fifty, inclusive, which was not taken because of the pas-
14 sage of said chapter seven hundred and thirty-one, may or

15 shall be taken immediately after the passage of this act, and
16 the effect of such action shall relate back to and operate from
17 said October first, or such date thereafter as it would have
18 been taken or have operated from but for the passage of said
19 chapter seven hundred and thirty-one, and any action which
20 was taken with regard to any position affected by this act by
21 any administrative official, or by any incumbent thereof,
22 under the provisions of said sections forty-five to fifty, in-
23 clusive, or of said chapter seven hundred and twenty-nine,
24 shall be as fully effective as if said chapter seven hundred and
25 thirty-one had not been passed. Any officer or employee
26 who, because of the passage of said chapter seven hundred
27 and thirty-one, failed to take an appeal under said chapter
28 seven hundred and twenty-nine, or whose appeal thereunder
29 was refused, shall have at least two months from the date of
30 passage of this act within which to claim such an appeal.

31 Any officer or employee who, because of the passage of said
32 chapter seven hundred and thirty-one was denied an in-
33 crease in salary to which he would otherwise have been en-
34 titled under the provisions of said chapter seven hundred and
35 twenty-nine, or said sections forty-five to fifty, inclusive, shall
36 be paid the difference between the compensation paid to him
37 in the period from October first, nineteen hundred and fifty-
38 six, and the date of passage of this act, and the compensation
39 he would have been entitled to receive if said chapter seven
40 hundred and thirty-one had not been passed.