

SENATE No. 1339

By Mr. Webber, a petition (accompanied by bill, Senate, No. 1339) of Peter C. Webber for legislation to establish a Massachusetts conservation corps. Natural Resources and Agriculture.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-four.

AN ACT TO ESTABLISH A MASSACHUSETTS CONSERVATION CORPS.

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. *Definitions:* Unless the context clearly indicates
2 otherwise when used in this chapter, the following words and
3 phrases shall have the following meanings: —
4 “department”, the department of environmental manage-
5 ment as established by chapter 21, section 1 of the General
6 Laws.
7 “division”, the division of civilian conservation in the de-
8 partment of environmental management.
9 “commissioner”, the commissioner of environmental man-
10 agement.
11 “director”, the director of the division of civilian conserva-
12 tion in the department of environmental management.
13 “corps”, the Massachusetts conservation corps.
14 “corpsmember”, an individual enrolled in the Massachusetts
15 conservation corps as provided under section 5(2) or 5(3) of
16 this act.
17 “program” — the civilian conservation program.
18 “project”, a specific work program funded under this act.
19 “project sponsor”, a department or agency of the common-
20 wealth, or any political subdivision of the commonwealth, or
21 any non-profit organization which has been in existence for a
22 period of at least five years, which receives funding from the
23 division for operation of a Massachusetts conservation corps
24 work program as provided for under this act.
25 “summer project”, a project or program funded during the

26 months of June, July, or August for the purpose of providing
27 summer jobs.

28 “year round project”, a project or program funded for six
29 months or greater for the purpose of providing employment to
30 persons who are unemployed and not attending school on a
31 full time basis.

32 “public lands”, any lands or waters of the commonwealth
33 or interest therein owned and administered by the common-
34 wealth or a political subdivision of the commonwealth or lands
35 or waters of the commonwealth over which there is sub-
36 stantial long term control by the commonwealth or its po-
37 litical subdivisions such that any improvements to these lands
38 or waters accrue to the general public.

1 SECTION 2. *Establishment and Administration of the Pro-*
2 *gram:* There is hereby established in the department of en-
3 vironmental management a summer and year round work pro-
4 gram and civilian conservation corps to maintain and conserve
5 public lands managed by state and local units of government
6 in a cost effective manner. Said program may be headed by a
7 director.

8 The director shall be appointed by the commissioner, and
9 may be removed in like manner. Said position shall not be
10 subject to section 9A of chapter 30 or chapter 31 of the Gen-
11 eral Laws. He shall be responsible for overall administration
12 and direction of the division and the corps.

13 He shall devote his full time during business hours to the
14 duties of his office.

15 The director may appoint such staff as the work of the of-
16 fice may require, subject to appropriation and the commis-
17 sioner's approval.

1 SECTION 3. *Duties and Responsibilities of the Director:* The
2 duties and responsibilities of the director shall include, but not
3 be limited to the following: —

4 Direct and administer a summer and a year round employ-
5 ment program to be known as the Massachusetts conservation
6 corps for the purpose of conducting conservation work proj-
7 ects on public land. The year round program shall include 40
8 hours per week of intensive work and the summer program

9 shall include 30 hours per week of intensive work and 10 hours
10 per week of conservation and environmental awareness train-
11 ing. The 10 hours per week of conservation and environmental
12 awareness training of the summer program shall be unpaid.
13 From monies appropriated for the purpose of this act, the di-
14 vision is authorized to fund projects within the department
15 and make grants for projects to other state agencies, political
16 subdivisions, and non-profit private organizations.

1 SECTION 4. The following positions may be appointed by the
2 commissioner, and may be removed in like manner. Said po-
3 sitions shall not be subject to section 9A of Chapter 30 or
4 Chapter 31 of the General Laws.

5 (1) *field coordinator* — An employee who works under the
6 director in the monitoring of projects funded by the division
7 and who provides technical assistance and direction to project
8 sponsors in carrying out the purposes of this act, and whose
9 pay grade shall be initially classified as program manager II
10 as defined by chapter 699 of the acts of 1981.

11 (2) *conservation corps worker I* — a corpsmember enrolled
12 in either a summer project or year round project who works
13 under the direction of the project sponsor in completing con-
14 servation work on public lands. The rate of pay for the con-
15 servation workers I shall be the prevailing federal minimum
16 wage at the time of employment.

17 (3) *conservation corps worker II* — A corpsmember enrolled
18 in either a summer project or year round project who works
19 under the direction of the project sponsor in completing con-
20 servation work on public lands, who has demonstrated su-
21 perior leadership and work performance in the corps. The rate
22 of compensation for a conservation corps worker II shall be
23 30 percent over and above the prevailing federal minimum
24 wage provided that no corpsmember shall be appointed to a
25 conservation corps worker II position unless they have been
26 enrolled in the corps for 30 calendar days.

27 Total conservation corps worker II position shall at no time
28 exceed twenty-five percent of total state enrollment in the
29 corps.

30 (4) Corpsmembers employed in year round projects shall re-
31 ceive no sick or vacation credits but shall accrue leave credits

32 at the rate of one and one quarter days for each month of en-
33 rollment in the corps not to exceed 10 days of leave credit
34 per year, shall not be subject to the provisions of chapter 150E
35 of the General Laws, nor shall they be eligible for unemploy-
36 ment compensation following termination from the program
37 as provided by chapter 151A of the General Laws, and shall be
38 paid at their prevailing wage for all legal state holidays as
39 defined by the department of personnel administration.

40 Corpsmembers employed in summer projects shall not be sub-
41 ject to the provision of chapter 150E of the General Laws nor
42 be eligible for unemployment compensation following their
43 termination from the program as provided by chapter 151A
44 of the General Laws, and shall not receive credits for sick, va-
45 cation, or leave time. The maximum term of employment for
46 corpsmembers in summer projects shall be one term defined
47 as an enrollment for six weeks or greater and for corpsmem-
48 bers enrolled in year round projects maximum enrollment shall
49 be one calendar year.

50 Persons who apply for employment in a year round project
51 of the corps shall at the time of application be unemployed,
52 not less than sixteen or older than twenty-three years of age,
53 and be eligible to work 40 hours per week. Any applicant who
54 has not reached the age of 18 years must provide certification
55 that he or she did not leave school for the purpose of enrolling
56 in the corps.

57 Persons who apply for employment in summer projects of
58 the corps shall at the time of application be not less than 15
59 nor older than 18 years of age and be able to participate for
60 the full term of the summer program.

1 SECTION 5. Any person within a state agency of the com-
2 monwealth whose position is funded under this act shall be
3 considered an employee of the sponsoring agency for time in
4 service credit provided that no position funded under this act
5 shall be subject to the provisions of chapter 31 of the General
6 Laws.

1 SECTION 6. *Allowable Work Activities:*

2 (1) Work programs established under this act may include
3 but are not limited to the following: —

- 4 a. Forestry and nursery operations.
- 5 b. Urban park and restoration and beautification.
- 6 c. Historical and cultural site preservation and maintenance.
- 7 d. Recreation areas development, maintenance and improve-
- 8 ment.
- 9 e. Road and trail maintenance within recreation and con-
- 10 servation areas.
- 11 f. Solid conservation work including erosion control.
- 12 g. Wildlife culture and habitat improvement.
- 13 h. Flood, draught, storm damage and other assistance which
- 14 may be necessary as a result of natural disaster.
- 15 i. Stream, lake, waterfront, harbor and port improvement
- 16 and pollution control.
- 17 j. Insect pest control activities.
- 18 2. No corpsmember may engage in any work activities
- 19 which will result in displacement of currently employed work-
- 20 ers including partial displacement due to reduction in wages
- 21 or non-overtime work or replace work duties of an individual
- 22 who is on lay-off from a substantially equivalent job which
- 23 has these duties.

1 SECTION 7. Persons who wish to apply for employment with
2 the corps shall file an application with the division of employ-
3 ment security which shall screen applicants for conformance
4 with section of this act. The director and the division of
5 employment security shall develop written guidelines and pro-
6 cedures for referral of applicants to project sponsors, for
7 corpsmember selection, and for efforts to recruit minority
8 and economically disadvantaged youths.

1 SECTION 8. *Rules and Regulations.* Not less than sixty days
2 from the passage of this act, the director with the approval of
3 the commissioner shall promulgate regulations pertaining to
4 the provisions of this act to include but not be limited to
5 corpsmember safety, corpsmember grievance procedures, and
6 criteria for selection of project sponsors.

1 SECTION 9. The director with the approval of the commis-
2 sioner shall file an annual report not later than the first
3 Wednesday in October with the clerk of house and senate and

4 shall include, but not be limited to, the work projects accom-
5 plished by the corps, project sponsors, and cost per participant.

1 SECTION 10. *Severability Clause.* It is hereby declared that
2 the provisions of this act are severable, and if any provisions
3 of this act shall be declared unconstitutional by the valid judg-
4 ment or decree of any court of competent jurisdiction, such
5 unconstitutionality shall not affect any of the remaining pro-
6 visions of this act.

1 SECTION 11. There is hereby appropriated for fiscal year
2 1985 the amount of \$1,500,000 for the purpose of carrying
3 out the provisions of this act by providing that not less than
4 \$500,000 be set aside by the division for the purpose of fund-
5 ing summer projects.

The following text is extremely faint and illegible due to the quality of the scan. It appears to be a list or a series of entries, possibly related to a collection or inventory. The text is organized into several columns and rows, but the individual words and numbers are not discernible.

