

# HOUSE . . . . . No. 901

By Mr. McGlynn of Medford, petition of John J. McGlynn for legislation to place offices and positions in the Civil Defense Agency and in local civil defense agencies under the civil service laws. Civil Service.

## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty-Two.

AN ACT PLACING OFFICES AND POSITIONS IN THE CIVIL DEFENSE AGENCY AND IN LOCAL ORGANIZATIONS FOR CIVIL DEFENSE, EXCEPTING THE DIRECTOR, UNDER THE CIVIL SERVICE LAWS.

1 *Whereas*, The deferred operation of this act would tend to  
2 defeat its purpose, which is to advance the public interest and  
3 to improve the public service by bringing all positions in the  
4 civil defense agency and in local organizations for civil defense  
5 (except the position of director of civil defense) under the pro-  
6 tection of the civil service laws and rules, and to render the  
7 commonwealth and its political subdivisions eligible for financial  
8 assistance from the federal government for civil defense person-  
9 nel and administrative costs, therefore it is hereby declared to  
10 be an emergency law, necessary for the immediate preservation  
11 of 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. Any contrary provision of section two of chapter  
2 six hundred and thirty-nine of the acts of nineteen hundred and  
3 fifty, as amended, notwithstanding all offices and positions in the  
4 civil defense agency, except that of director of civil defense, shall  
5 be subject to the civil service laws and rules, as of the effective  
6 date of this act.

1 SECTION 2. All offices and positions, except that of director  
2 of civil defense, in a local organization for civil defense estab-

3 lished in a city under section thirteen of said chapter six hun-  
4 dred and thirty-nine, shall, if not previously classified under  
5 the civil service laws and rules, be subject to the civil service  
6 laws and rules, as of the effective date of this act.

1 SECTION 3. All offices and positions in a local organization  
2 for civil defense established in a town under section thirteen of  
3 said chapter six hundred and thirty-nine, except that of director  
4 of civil defense, shall, if not previously classified under the civil  
5 service laws and rules, be subject to the civil service laws and  
6 rules. This section shall take effect upon its acceptance at an  
7 annual or special town meeting.

1 SECTION 4. The office or position of director of a local organ-  
2 ization for civil defense established in a city or town under sec-  
3 tion thirteen of said chapter six hundred and thirty-nine, shall  
4 be subject to the civil service laws and rules.

5 This section shall take effect in a city having a Plan D or a  
6 Plan E charter by the affirmative vote of the majority of all  
7 the members of the city council, and, in the case of other cities,  
8 by vote of the city council, subject to the provisions of the  
9 charter.

10 This section shall take effect in a town upon its acceptance  
11 at an annual or special town meeting.

1 SECTION 5. Any person employed on the effective date of  
2 this act in an office or position, except that of director of civil  
3 defense, in said civil defense agency or in a local organization  
4 for civil defense established in a city, who has been employed  
5 in said office or position, or a substantially similar office or  
6 position, shall continue to serve in such position in accordance  
7 with the provisions of section 47A of chapter thirty-one of the  
8 General Laws, as amended.

1 SECTION 6. Any person employed in an office or position  
2 (except that of director of civil defense) in a local organization  
3 for civil defense established in a town, on the date said office  
4 or position becomes subject to the provisions of the civil serv-  
5 ice laws and rules in accordance with the provisions of this act,  
6 who has been employed in said office or position, or a substan-  
7 tially similar office or position, shall continue to serve in such

8 position in accordance with the provisions of section forty-  
9 seven A of chapter thirty-one of the General Laws, as amended.

1 SECTION 7. Any person employed in an office or position in  
2 said civil defense agency or in a local organization for civil  
3 defense on the date said office or position becomes subject to  
4 the provisions of the civil service laws and rules in accordance  
5 with the provisions of this act, who do not qualify for civil  
6 service tenure under section five or section six of this act, may  
7 continue to serve in such office or position until an appointment  
8 shall have been made thereto in accordance with chapter thirty-  
9 one of the General Laws.

1 SECTION 8. The provisions of paragraph (g) of section nine  
2 of chapter six hundred and thirty-nine of the acts of nineteen  
3 hundred and fifty, as amended, shall not be construed to per-  
4 mit the exclusion of said civil defense agency or any local organ-  
5 ization for civil defense in a city, or in a town which accepts this  
6 act, from the operation of the civil service laws and rules, and  
7 any such exclusion of a local organization for civil defense ap-  
8 proved prior to the effective date of this act under said para-  
9 graph (g) of section nine, shall be terminated on said effective  
10 date.

1 SECTION 9. The director of civil service shall establish, with  
2 the approval of a board consisting of the director of civil defense,  
3 the chairman of the civil service commission, and the director of  
4 accounts, ex officio, a compensation plan for holders of offices or  
5 positions in each local organization for civil defense, which, by  
6 this act or heretofore, has been made subject to the civil service  
7 laws and rules. The director of civil service may, with like  
8 approval, make rules and regulations providing for the appli-  
9 cation and administration of said compensation plan. Said  
10 director, with like approval, may from time to time modify or  
11 change said compensation plan or said rules and regulations.  
12 Any holder of such office or position objecting to any provisions  
13 of such plan, or any action taken in connection therewith, which  
14 affects his office or position, may appeal in writing to said board  
15 and shall be entitled to a hearing, after due notice, upon such  
16 appeal. The decision of the said board shall be final.

1 SECTION 10. Any person appointed to an office or position  
2 in a local organization for civil defense which is subject to the  
3 civil service laws and rules, shall be given an annual step-rate  
4 increase, to be set forth in the compensation plan established  
5 under section nine, but such increase shall not entitle such  
6 person to any change of rating or increased authority. Such  
7 increase shall be paid annually until the maximum salary set  
8 forth in said compensation plan for such office or position has  
9 been reached. The superior court, upon suit by the attorney  
10 general or petition of one or more taxable inhabitants of a city  
11 or town in which it is alleged that the provisions of this sec-  
12 tion or section two, three or nine of this act are not enforced,  
13 may, in law, or by equity, enforce said sections.

14 This section shall become effective in a city having a Plan D  
15 or a Plan E charter by the affirmative vote of the majority of  
16 all the members of the city council, and, in the case of other  
17 cities by vote of the city council, subject to the provisions of  
18 the charter, and in a town by a majority vote at an annual  
19 town meeting.

1 SECTION 11. In establishing qualifications for any position  
2 subjected to the civil service laws and rules by or in accordance  
3 with this act, the director of civil service shall, at the request  
4 of the appointing authority, include:

5 (a) A requirement that, as a condition precedent to appoint-  
6 ment, the applicant shall meet physical standards for the posi-  
7 tion established by the director of civil service:

8 (b) A requirement that, as a term and condition of appointment  
9 and employment, the applicant have, at the time of appoint-  
10 ment or established within six months thereafter, and maintained  
11 during employment, a principal residence which shall be located  
12 not more than ten air miles from said place of employment. In  
13 the event of subsequent change in the place of employment, the  
14 employee shall comply with the provisions of this section within  
15 six months after such change, as a term and condition of em-  
16 ployment.

1 SECTION 12. Any person otherwise eligible for appointment  
2 in accordance with the provisions of sections five or six of this  
3 act, shall also be subject to the provisions of section eleven of  
4 this act.