

HOUSE No. 2412

By Mr. Long of Fall River, petition of John J. Long and Lawrence P. Smith for reimbursement of public employees for expenses incurred by them in successfully defending themselves against discharge, removal or other charges. Civil Service.

The Commonwealth of Massachusetts

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

AN ACT PROVIDING FOR CERTAIN REIMBURSEMENTS TO EMPLOYEES OF THE COMMONWEALTH, COUNTIES, CITIES OR TOWNS FOR EXPENSES INCURRED BY SUCH AN EMPLOYEE IN SUCCESSFULLY DEFENDING HIMSELF AGAINST DISCHARGE, REMOVAL OR VARIOUS OTHER CHARGES DIRECTED AGAINST HIS POSITION.

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 43 of chapter 31 of the General Laws is hereby amended
2 by striking out subparagraph (h), as most recently amended
3 by section 4 of chapter 569 of the acts of 1959, and inserting in
4 place thereof the following subparagraph: —

5 (h) Any person holding office or employment under permanent
6 appointment in the official or labor services of the commonwealth,
7 or any county, city, town or district thereof, in defending him-
8 self against an unwarranted discharge, removal, suspension,
9 laying off, transfer, lowering in rank or compensation, or aboli-
10 tion of his position, shall, if he engages an attorney for such
11 defense, be reimbursed for such expense; provided, however,
12 that the amount of such reimbursement shall in no event exceed
13 an aggregate sum of six hundred dollars. Such reimbursement,
14 in each instance, shall be limited to a sum not to exceed two
15 hundred dollars in: —

16 (1) a hearing by the appointing authority;

17 (2) a hearing by the civil service commission;

18 (3) a judicial review by the municipal court of the city of
19 Boston or by the district court within the judicial district where
20 such person resides, as provided in section forty-five.

21 In addition thereto, reimbursement shall be made for the
22 summons of witnesses, the cost of stenographic transcript or
23 any other necessary expense incurred in defending himself against
24 unwarranted discharge, removal, suspension, laying off, transfer,
25 lowering in rank or compensation, or abolition of his position;
26 and provided, further, that such person makes written appli-
27 cation to his appointing authority for such reimbursement, an
28 shall be reimbursed from the same source from which his salary
29 is paid. Written application to the appointing authority for
30 such reimbursement shall be made by such person within thirty
31 days from final disposition of his case. Reimbursement, in such
32 matter or matters, shall be paid from his salary source within
33 thirty days from the receipt of such written application by the
34 appointing authority.