

CHAP. 615. AN ACT PROVIDING FOR THE DISPOSITION OF CERTAIN GRIEVANCES OF EMPLOYEES OF THE COMMONWEALTH, ABOLISHING THE PERSONNEL APPEAL BOARD AND CREATING A NEW PERSONNEL APPEALS BOARD AND DEFINING ITS POWERS AND DUTIES.

*Be it enacted, etc., as follows:*

SECTION 1. Chapter 30 of the General Laws is hereby amended by striking out sections 53 to 57, inclusive, added by chapter 485 of the acts of 1945, and inserting in place thereof the following five sections: —

*Section 53.* The director of personnel and standardization shall make and from time to time may amend, subject to the approval of the commission on administration and finance, rules and regulations providing informal procedure for the prompt disposition of any grievance of any employee of the commonwealth, or of any group of such employees employed by the same appointing authority, relating to classification, hours of employment, vacations, sick leave or other forms of leaves of absence, and overtime. No such grievance shall be so disposed of if the disposition thereof is within the jurisdiction of the civil service commission or the contributory retirement appeal board. Such rules and regulations shall provide the procedure to be followed by an employee or by a group of employees employed by the same appointing authority in bringing an alleged grievance before the appointing authority. An aggrieved party may appeal in writing from the finding of the appointing authority to the director of personnel and standardization and shall be entitled to a hearing upon such appeal. If the appointing authority fails to make a finding within fifteen days of the hearing, the aggrieved party may appeal to said director in like manner. Said director shall grant a hearing to the aggrieved party within fifteen days of the receipt of such appeal, and shall make a decision thereon not later than fifteen days after the close of the hearing. If either the appellant or the appointing authority is aggrieved by a decision of the director, said appellant or appointing authority may appeal to the personnel appeals board established under section fifty-four, but said appeal shall be taken not later than ten days after the mailing of said decision to the appellant or the appointing authority. If the director fails to grant a hearing or having granted a hearing fails to make a decision within the above prescribed time, the aggrieved party may appeal to said board, but said appeal shall, in the event no hearing was granted, be taken not later than twenty-five days after the date of his appeal to the director, and, in the event that no decision was made, not later than twenty-five days after the hearing was closed.

The decision of the director shall be final and shall be binding on all agents and agencies of the commonwealth, subject to the provisions contained in section fifty-seven, unless an appeal therefrom is made to the personnel appeals board as hereinbefore provided.

No appeal shall be allowed at any stage of the proceedings unless there is a compliance with the provisions of this section and with the rules and regulations established by the director of personnel and standardization.

*Section 54.* There is hereby established the personnel appeals board, which shall consist of three members who shall have expert knowledge

and skill in the field of personnel administration or industrial relations, and who shall not hold any office or position, appointive or elective, in the service of the commonwealth. The members shall be appointed by the governor with the advice and consent of the council. The governor shall designate one of the members as chairman. The terms of the three members shall be as follows: the first member appointed shall serve until July first, nineteen hundred and sixty-three; the second member appointed shall serve until July first, nineteen hundred and sixty-two; and the third member appointed shall serve until July first, nineteen hundred and sixty-one. Upon the expiration of the term of office of any member, his successor shall be appointed in like manner for a term of five years. The governor may also, in like manner, fill any vacancy in said board for the unexpired portion of the term.

*Section 55.* The chairman of the board shall receive compensation at the rate of thirty-five dollars per day for each day of service, and the other members shall receive compensation at the rate of thirty dollars per day for each day of service, but in any fiscal year not more than twenty-one hundred dollars shall be paid to the chairman, and not more than eighteen hundred dollars shall be paid to any other member. Each member of the board shall be reimbursed for necessary traveling expenses incurred by him in the performance of his duties. The director of personnel and standardization shall furnish such clerical assistance as may be required to carry out the provisions of sections fifty-three to fifty-seven, inclusive, and shall make provision for the keeping in his office of the records relative to the disposition of grievances of state employees. Said director shall be represented at all hearings of the board, and the aggrieved employee or his designated representative or the designated representative of a group of aggrieved employees employed by the same appointing authority may be present and may participate in the hearing when the appeal is to be heard.

*Section 56.* The chairman of the personnel appeals board shall call meetings of the board when necessary, shall set the dates for such meetings as well as for hearings before said board, and shall cause the necessary notices to be given. The personnel appeals board shall, before hearing any appeal, determine whether it has jurisdiction over the subject matter of the alleged grievances, and whether the rules and regulations of the director of personnel and standardization have been complied with. If said board refuses to accept jurisdiction over the subject matter of an alleged grievance, it shall within fifteen days of the request for a hearing, so notify the appellant in writing, giving the reason therefor. The appellant may request a review by the board of said refusal and shall be entitled to a hearing thereon. If the board determines that it has jurisdiction over the subject matter, it shall grant a hearing thereon within fifteen days of the request, and it shall make its decision within fifteen days of the close of said hearing. Each decision of said board shall be by a majority vote, shall be in writing, and a copy thereof shall be furnished to the parties involved and to the director of personnel and standardization forthwith.

*Section 57.* The decision of the board shall be final and shall be binding on all agents and agencies of the commonwealth; provided, that any such decision may have retroactive effect only in accordance with rules made under the provisions of section fifty-three; and provided,

further, that no such decision shall require any payment to be made as of any date before the beginning of the fiscal year in which such decision shall be rendered. If such decision shall require the payment of money to any employee of the commonwealth, the board shall notify the appointing authority, the director of personnel and standardization, the budget commissioner, and the comptroller of the amount or amounts thereof, and such amount or amounts shall be paid from available appropriations if in accordance with law.

SECTION 2. The personnel appeal board existing immediately prior to the effective date of this act is hereby abolished, and all papers and records of said board shall upon said date be turned over to the personnel appeals board established under section fifty-four of chapter thirty of the General Laws, as appearing in section one of this act.

*Approved October 3, 1958.*

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CHAP. 616. AN ACT INCREASING THE MINIMUM FAIR WAGE RATE.

*Be it enacted, etc., as follows:*

SECTION 1. Section 7 of chapter 151 of the General Laws, is hereby amended by striking out the second paragraph as most recently amended by section 2 of chapter 740 of the acts of 1956, and inserting in place thereof the following paragraph: —

No wage board, however, can recommend minimum fair wage rates below ninety cents per hour, except for learners and apprentices, and except for service people who regularly receive gratuities and whose minimum fair wage rates shall not be below sixty-five cents per hour, and except for janitors and caretakers of residential property, who, when furnished with living quarters, shall be paid a wage of not less than twenty-eight dollars per week, and except for services as golf caddies.

SECTION 2. Existing minimum wage orders which have been promulgated under the provisions of chapter one hundred and fifty-one and which, on the effective date of this act, contain minimum wage requirements less than those provided herein shall on the effective date of this act automatically advance to the minimums set forth herein and the commissioner of labor and industries shall issue a mandatory order to that effect prior to said date.

*Approved October 3, 1958.*

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CHAP. 617. AN ACT RELATIVE TO THE RETIREMENT OF CERTAIN TEACHERS WHO AFTER REACHING THE AGE OF RETIREMENT REMAINED IN SERVICE AT THE REQUEST OF THE SCHOOL COMMITTEE FOR THE CONTINUED EMPLOYMENT OF SUCH TEACHER UNTIL THE END OF THE SCHOOL YEAR.

*Be it enacted, etc., as follows:*

Any teacher who was permitted to remain in service after January first, nineteen hundred and fifty-seven under the provisions of paragraph (f) of subdivision (1) of section five of chapter thirty-two of the General Laws, as in effect prior to the effective date of this act, and remained in such service until the end of the school year in nineteen hundred and fifty-seven, shall, notwithstanding any provision of law to the contrary, receive the retirement allowance to which he would have been entitled if chapter six hundred and sixty-one of the acts of nineteen hundred and fifty-seven had been in effect on the date he attained the age of seventy.

*Approved October 3, 1958.*