

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT
STATE HOUSE, BOSTON 02133

COMMONWEALTH OF MASSACHUSETTS

WILLIAM F. WELD

GOVERNOR

EXECUTIVE ORDER NO. 298

INDUSTRIAL ACCIDENT BOARD NOMINATING PANEL

(Superseding Executive Order No. 258)

WHEREAS, the Industrial Accident Board has been established pursuant to M.G.L. c. 23 E, section 4, as a forum for claims arising from injuries suffered in the course of employment; and

WHEREAS, the Governor with the advice and consent of the Executive Council has the statutory authority to appoint Administrative Judges for a term of six years pursuant to M.G.L. c. 23 E, section 4; and

WHEREAS, the Governor with the advice and consent of the Executive Council has the statutory authority to appoint Administrative Law Judges for a term of six years pursuant to M.G.L. c. 23 E, section 5; and

WHEREAS, Nominees shall be submitted to the governor from a nominating panel under procedures to be established by the governor;

NOW, THEREFORE, I, William F. Weld, Governor of the Commonwealth, by virtue of the authority vested in me as supreme executive magistrate, do hereby revoke executive order 258 and order that it be superseded as follows:

1. An Industrial Accident Board Nominating Panel is hereby established to advise the Governor with respect to the appointment of all Administrative Judges pursuant to M.G.L. c. 23E, section 4, and Administrative Law Judges pursuant to M.G.L. c. 23 E, section 5. The Panel shall also review all such judges for reappointment.
2. The panel shall consist of three members appointed to serve at the pleasure of the Governor. The initial membership shall include the Secretary of Labor, the Secretary of Economic Affairs, and the Chief Legal Counsel to the Governor.

3. The Chief Legal Counsel to the Governor shall serve as chair of the Panel. The Panel shall adopt procedures for the conduct of its affairs which shall be communicated to the public. The Panel shall act by the concurrence of at least two members. All records and deliberations with respect to candidates for the office of Administrative Judge or Administrative Law Judge shall be held in confidence by the Panel, but shall be available to the Governor or his duly authorized representatives.
4. Any vacancy in the office of Administrative Judge or Administrative Law Judge shall be filled as follows: when a vacancy occurs or is expected to occur, the Governor shall so notify the Panel. The Panel shall recommend to the Governor as soon as possible no more than three candidates qualified and willing to accept the office. Upon receipt of the Panel's original recommendation, the Governor may require that the Panel submit within thirty days one set of supplementary recommendations of no more than three other qualified candidates willing to accept the office. The Governor shall make his nomination for the office from the original or supplementary recommendations. Whenever the Executive Council declines to consent to the Governor's nomination, the Governor may require that the Panel submit a set of supplementary recommendations of no more than three qualified candidates willing to accept the office. The Governor shall make his nomination from the original or any subsequent supplementary recommendations.
5. In making its recommendations to the Governor, the Panel shall seek men and women who by ability, integrity, and temperament will impartially and independently interpret and apply the workers' compensation law. Persons shall be recommended without regard to race, religion, gender, physical disability, sexual orientation, or national origin.
6. In accordance with M.G.L. c. 23 E, sections 4 and 5, the panel shall review all Administrative Judges and Administrative Law Judges who are candidates for reappointment and shall present its recommendation to the Governor.
7. This Executive Order shall continue in effect until amended, superseded, or revoked by a subsequent Executive Order.

Given at the Executive Chamber
in Boston this 21st day

of February in the year
of our Lord one thousand nine
hundred and ninety-one.

William F. Weld, Governor
Commonwealth of Massachusetts

Michael Joseph Connolly
Secretary of the Commonwealth

GOD SAVE THE COMMONWEALTH OF MASSACHUSETTS