

**The Commonwealth of Massachusetts**

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House of Representatives, May 11, 1970.

The committee on Commerce and Labor, to whom were referred the petition (accompanied by Senate, House, No. 265) of the Mass. Nurses Association by Alice Y. Conlon, executive administrator, for legislation to provide for coverage of registered nurses under the Workmen's Compensation Act; and the petition (accompanied by bill, Senate, No. 266) of the Mass. Nurses Association, by Alice Y. Conlon, executive administrator, for legislation to provide for coverage of registered nurses under the Workmen's Compensation Act, report the accompanying bill (House, No. 5551).

For the committee,

MARY NEWMAN.

## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy.

AN ACT PROVIDING FOR UNIFORM COVERAGE OF EMPLOYEES INCLUDING NURSE EMPLOYEES, OF A COUNTY, CITY, TOWN OR DISTRICT UNDER THE WORKMEN'S COMPENSATION ACT.

*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. Section 68 of chapter 152 of the General Laws, as  
2 most recently amended by section 8 of chapter 427 of the acts of  
3 1949, is hereby further amended by striking out, in line 5, the  
4 words "laborers, workmen or mechanics" and inserting in place  
5 thereof the word: — employees.

1 SECTION 2. Said chapter 152 is hereby further amended by  
2 striking out section 69 and inserting in place thereof the  
3 following section: —

4 *Section 69.* The commonwealth and every county, city, town  
5 or district shall pay to its employees who receive injuries arising  
6 out of and in the course of their employment, or, in case of death  
7 resulting from such injury, to the persons entitled thereto, the  
8 compensation provided by this chapter.

9 The term "employee", as used in sections sixty-eight to  
10 seventy-five, inclusive, shall include laborers, workmen, me-  
11 chanics, clerical and office workers, nurse employees, and other  
12 employees of the commonwealth, a county, city, town, or  
13 district, members of a police or fire force, regardless of the nature  
14 of their work; and may also include, to such extent as a county,  
15 city, town or district may determine, any elected or appointed  
16 officers of such county, city, town or district, except the mayor,  
17 city councillors, selectmen, or county commissioners.

18 Compensation payable under this chapter to an injured

19 employee of the commonwealth or of any such county, city,  
20 town or district who receives full maintenance in addition to his  
21 cash salary or wage, and compensation payable thereunder to his  
22 dependents in case of his death, shall be based upon his average  
23 weekly wages plus the sum of thirteen dollars and fifty cents a  
24 week in lieu of the full maintenance received by him provided,  
25 that, in the discretion of the superintendent or other person in  
26 charge or control of any institution where such an employee is  
27 employed, such maintenance, computed at the rate per week  
28 hereinbefore set forth, may be continued during total incapacity,  
29 in which event such weekly compensation shall be based solely  
30 upon the cash salary or wages of such employee. No cash salary  
31 or wages shall be paid by the commonwealth or any such county,  
32 city, town or district to any person for any period for which  
33 weekly total incapacity compensation under this chapter is  
34 payable, except that such salary or wages may be paid in full until  
35 any overtime or vacation which the said employee has to his  
36 credit has been used, without deduction of any compensation  
37 herein provided for which may be due or become due the said  
38 employee during the period in which said employee may be  
39 totally incapacitated, and except that such salary or wages may  
40 be paid in part until any sick leave allowance which the employee  
41 has to his credit has been used, any other provisions of law  
42 notwithstanding. An employee who is entitled to any sick leave  
43 allowance may take such of his sick leave allowance payment as,  
44 when added to the amount of any disability compensation herein  
45 provided, will result in the payment to him of his full salary or  
46 wages.

47 A county, city, town or district may provide for payment of  
48 compensation of its employees by insurance with an insurer,  
49 subject, however, to the provisions and limitations of this section.

50 The term "employee" as used in this section shall include the  
51 manager of the municipal light plant, municipal gas plant or  
52 municipal gas and electric plant of any city or town owning and  
53 operating such plant either pursuant to the provisions of chapter  
54 one hundred and sixty-four or of any special law.

1 SECTION 3. Section 71 of said chapter 152, as appearing in  
2 the Tercentenary Edition, is hereby amended by striking out, in  
3 line 3, the words "a laborer, workman or mechanic" and inserting  
4 in place thereof the word: — an employee.

1 SECTION 4. Section 74 of said chapter 152 is hereby amended  
2 by striking out, in lines 2 and 3, and in lines 12 and 13 as  
3 appearing in section 57 of chapter 451 of the acts of 1939, the  
4 words "all laborers, workmen and mechanics" and inserting in  
5 place thereof, in each instance, the word: — employees.