

By Mr. Quinlan, a petition of the Mass. State Employees Assoc., by James M. A. Dolan, president, Samuel Harmon and John M. Quinlan for legislation to make permanent certain temporary positions in the government of the Commonwealth. Public Service.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy.

AN ACT MAKING PERMANENT CERTAIN TEMPORARY POSITIONS IN THE GOVERNMENT OF THE COMMONWEALTH.

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. Notwithstanding the provisions of Section 6 of
2 Chapter 380 of the Acts of 1968, or of any provision of any
3 supplementary appropriation act for the fiscal year 1969, the
4 number of permanent positions duly approved with reference
5 to each item thereby appropriated for personal services shall
6 be increased to include, in each case, every full time temporary
7 position (1) recommended by the Director of Personnel and
8 Standardization and approved by the General Court in con-
9 nection with the enactment of said Chapter 380 of the Acts
10 of 1968 (2) for which, for a continuous period of three years
11 or more past compensation has been duly paid or authorized
12 under the same or a like item in prior appropriation acts, and
13 (3) which exists in connection with the maintenance of any
14 agency of the commonwealth established, or the performance
15 of any service by the commonwealth required or provided for,
16 by virtue of any general act the operation of which is not
17 expressly limited as to time. The director of personnel and
18 standardization shall determine which positions shall qualify
19 as permanent under the provisions of this section and shall,
20 by title and code number and subject to the approval of the
21 commissioner of administration, certify to the budget director,
22 the comptroller, the director of civil service, each appointing
23 authority concerned, and the House and Senate committees

24 on ways and means, each such position to be so included.

25 The provisions of this act shall not apply to any present or
26 future temporary position created by any general or special
27 act the operation of which is expressly limited as to time, nor
28 for any such position in a service which by its nature or intent
29 is temporary.

1 SECTION 2. Notwithstanding any provision of general or
2 special law to the contrary, any incumbent of a position in the
3 service of the commonwealth who has been appointed to a
4 temporary position which subsequently is established as a
5 permanent position or who has been temporarily appointed to
6 a permanent position, which has been temporarily vacated by
7 the bona fide incumbent due to temporary promotion, leave of
8 absence or other absence, which subsequently is permanently
9 vacated by the bona fide incumbent shall be deemed to be the
10 permanent occupant of the position, provided that he has
11 been employed in said position for not less than three years
12 next prior to it being established as a permanent position or
13 being permanently vacated by the former bona fide incumbent.
14 The provisions of this section shall apply in the case of posi-
15 tions subject to chapter thirty-one if said employment on a
16 temporary basis to such a temporary position or such perman-
17 ent position temporarily vacated which subsequently is estab-
18 lished on a permanent basis or becomes permanently vacated,
19 as the case may be, was after certification in accordance with
20 the provisions of said chapter, provided the incumbent shall
21 be required to serve a probationary period as set forth in
22 section twenty D of chapter thirty-one which shall commence
23 upon the establishment of the position on a permanent basis
24 or when the position becomes permanently vacant.

25 This section shall not apply in the case of any position if the
26 provisions are contrary to federal standards which have been
27 established as a condition of receiving federal grants for pro-
28 grams and activities to which the federal standards for a merit
29 system of personnel administration relate.