

By Mr. McKenna of Springfield, petition of Arthur J. McKenna for legislation to promote competition in departmental promotional examinations. Public Service.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-One.

AN ACT TO PROMOTE COMPETITION IN DEPARTMENTAL PROMOTIONAL EXAMINATIONS.

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 1 of chapter 31 of the General Laws is
2 hereby amended by inserting after the definition "eligible list"
3 the following definition: — "Executive office promotional ex-
4 amination", a competitive examination within an executive
5 office for promotion within the executive office, to be con-
6 ducted as provided in section fifteen.

1 SECTION 2. Section 15 of said chapter 31 is hereby
2 amended by striking out the first sentence of paragraph B and
3 inserting the following: —

4 *B. (1)* Except as otherwise provided in section twenty, all
5 promotions in the official service in a department shall be
6 made (a) in accordance with paragraph A, (b) after a depart-
7 mental promotional examination subject to this clause or after
8 a departmental promotional examination subject to clause (2)
9 of this paragraph, (c) after an executive office promotional
10 examination, (d) after a competitive promotional examination,
11 or (e) the position shall be filled as the result of an open
12 competitive examination, whichever method shall be selected
13 by the appointing authority, with the approval of the director.

1 SECTION 3. Paragraph B of said section 15 is hereby
2 amended by striking out the paragraph inserted by chapter 896
3 of acts of 1969 and inserting in place thereof the following
4 clause: - (2) Departmental promotional examinations which
5 are not made in accordance with clause (1) of this paragraph
6 shall be open to permanent employees in the department (a)
7 who have been employed therein, after certification, whether in
8 a permanent or temporary status, for at least one year pre-
9 ceding the date of examination in a position determined by the
10 director to be directly qualifying for the position for which the
11 examination is held, or (b) who meet such experience or edu-
12 cation and training requirements as shall be determined by the
13 director to be qualifying for the position for which the exami-
14 nation is held. Such experience, education or training may have
15 been acquired within or without the department, and shall be
16 creditable only upon presentation of evidence satisfactory to
17 the director that such experience or training of the length, type
18 and quality determined by the director to be appropriate for
19 the classification; provided that no such promotional exami-
20 nation shall be open to any employee of the department who
21 has not been employed therein, after certification and in a
22 permanent status, for at least one year next preceding the date
23 of examination, or to any employee who has permanent status,
24 after certification, in a grade higher than that of the position
25 for which the examination is held. All promotions in the
26 official service of the division of employment security in the
27 department of labor and industries shall be made in accordance
28 with paragraph A or the provisions of this clause. The pro-
29 visions of this clause at the discretion of the director may be
30 applied to any position in the official service in any other
31 department, and, so far as practicable, to executive office
32 promotional examinations, with the approval of the secretary
33 thereof, to competitive promotional examinations.