

# HOUSE . . . . . No. 2631

By Mr. Frank of Boston, petition of Barney Frank, Angelo Cataldo, Thomas P. O'Neill III, John A. Businger, Peter F. Harrington and another relative to authorizing the appointment of blind persons in the classified civil service. Public Service.

## The Commonwealth of Massachusetts

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

### AN ACT AUTHORIZING THE APPOINTMENT OF BLIND PERSONS IN THE CLASSIFIED CIVIL SERVICE.

*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 paragraph "Mentally  
3 Retarded Person", as appearing in section 1 of chapter 756 of the  
4 acts of 1968 the following paragraph: —

5 "Blind person", a person who upon examination at a clinic,  
6 hospital or other institution, or elsewhere, by a physician or  
7 optometrist, is found to have a visual acuity with correction of  
8 20/200 or less in the better eye, or the peripheral field of his  
9 vision to be contracted to the ten degree radius or less regardless  
10 of visual acuity.

1 SECTION 2. Chapter 31 of the General Laws is hereby  
2 amended by inserting after section 10A the following section: —

3 *Section 10B.* Whenever an appointing authority makes requi-  
4 sition to fill a temporary position in the classified service and  
5 attaches thereto a request that approval be given for the  
6 employment of a blind person in the position, the director may,  
7 notwithstanding the provisions of this chapter or any other law,  
8 approve such employment, provided that the appointing author-

9 ity certifies that in his opinion the duties of the position may be  
10 performed by a blind person. The appointing authority shall  
11 forward the name of such blind person to the director together  
12 with a certificate from the Massachusetts Commission for the  
13 Blind that such person is blind, and a statement of approval of  
14 such employment of said blind person from said commission.  
15 The director may also require the apointing authority to submit a  
16 written agreement including the following: (1) a statement by  
17 the appointing authority as to the specific position, title, grade  
18 and duties to be assigned to the blind person who is employed  
19 and the title of the immediate supervisor of such position, (2) a  
20 statement by the appointing authority that prior to employing  
21 the blind person it has obtained a certificate from the Massachu-  
22 setts Commission for the Blind that the blind person (a) can  
23 satisfactorily perform the duties of the position (b) is qualified to  
24 do the work without hazard to himself or to others and (c) is  
25 socially competent to maintain himself in a work environment,  
26 (3) a commitment by the appointing authority that it will fully  
27 utilize the services of the Massachusetts Commission for the  
28 Blind for assistance to the employee's immediate supervisor in  
29 the training and supervision of the employee and for post-place-  
30 ment counseling to the employee, (4) a statement that the  
31 appointing authority will not terminate a blind person's employ-  
32 ment without prior notification to the Massachusetts Commis-  
33 sion for the Blind. Thereupon, the director of civil service shall  
34 approve such appointment. The director may require any such  
35 blind person to undergo such tests as in his opinion will test the  
36 fitness of the applicant to properly perform the duties of the  
37 position.

38 Upon the approval by the director of such employment in  
39 accordance with the provisions of this section, the blind person  
40 shall be regarded as properly appointed to the position and shall  
41 continue subject to the provisions of this chapter.

42 The position of any such blind person who has been employed  
43 in a year-round temporary position in the commonwealth for a  
44 continuous period of three years or more for which compensa-  
45 tion has been duly paid or authorized under the same or like item  
46 in prior appropriation acts shall be deemed to be a permanent

47 position. The director of personnel shall, by title and code  
48 number and subject to the approval of the executive office for  
49 administration and finance, certify to the budget director, the  
50 comptroller, the director of civil service, each appointing  
51 authority concerned, and the house and senate committees on  
52 ways and means each such position to be included.

