

By Mr. Mann of Hanson, petition of Charles W. Mann relative to reassignment procedures for certain employees of the Department of Public Safety. Public Service.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Seven.

AN ACT FURTHER REGULATING PROCEDURE FOR CERTAIN DEPARTMENT OF PUBLIC SAFETY EMPLOYEES.

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 9A of Chapter 22 of the General Laws, as appearing in
2 the 1984 Official Edition, is hereby amended by striking out the
3 second paragraph and inserting in place thereof the following
4 paragraphs: —

5 No officer appointed under section 9A of Chapter 22 shall be
6 denied re-enlistment if he has served satisfactorily for six years or
7 more; provided, that he has passed such physical examination as is
8 prescribed by rules and regulations made hereunder. Any officer
9 appointed under section 9A who has served for one year or more,
10 against whom charges have been preferred, shall be tried by a Board
11 consisting of three members of the Uniformed Branch. One
12 member shall be selected by the deputy superintendent with the
13 approval of the Commissioner, a second member shall be a com-
14 missioned or non-commissioned officer of higher rank selected by
15 the affected officer and the third member is to be selected by mutual
16 agreement between the affected officer and the deputy superinten-
17 dent with the approval of the commissioner. The decision of the
18 department trial board shall, at the request of the affected officer,
19 be in writing and specify the penalty, if any, attributable to each
20 charge. The board's decision shall be accompanied by a statement
21 of reasons for the decision, including a written determination of
22 each issue of fact or law necessary to the decision. Any person
23 aggrieved by the findings of such trial board may within sixty days
24 after having notified thereof, bring a petition in the district court

25 within the judicial district of which he resides or in the municipal
26 court of the City of Boston addressed to the justice of the court
27 praying that the action of the departmental trial board be reviewed
28 de novo by the court, and after such notice to the Commissioner as
29 the District court deems necessary, it shall hear witnesses and
30 determine whether or not upon all the evidence there is probable
31 cause to believe that the officer is guilty of said offense the court
32 shall then impose penalties consistent with its findings. Penalties
33 imposed by the trial board shall not commence until 10 days after
34 the affected officer has received a copy of said written decision,
35 either in person or by certified mail. Upon receipt of the written
36 decision, the aggrieved officer may file a notice of claim for review
37 by trial de novo. The filing of this notice with the departmental trial
38 board, within 10 days of receipt of the written decision, shall
39 automatically stay the commencement of the penalty imposed by
40 that board. If the district court finds no probable cause the action of
41 the Trial Board shall be reversed and the petitioner shall be rein-
42 stated in his office without loss of compensation. The decision of
43 the District court shall be final and conclusive upon the parties, and
44 a copy of the decision shall be forwarded forthwith by the clerk of
45 the said District court to the parties. A member of the uniformed
46 branch who was dismissed from the force after trial before a trial
47 Board, or who resigned while charges to be tried before a trial
48 Board or court material were pending against him, shall not be
49 reinstated by the Commissioner.