

By Mr. Fitzgerald of Boston, petition of the Professional Fire Fighters of Massachusetts and Kevin W. Fitzgerald relative to the manner of selection of persons eligible and willing to accept appointments or promotions in public service. Public Service.

---

---

**The Commonwealth of Massachusetts**

---

In the Year One Thousand Nine Hundred and Ninety-Two.

---

**AN ACT RELATIVE TO THE MANNER OF SELECTION OF PERSONS ELIGIBLE AND WILLING TO ACCEPT APPOINTMENT OR PROMOTION.**

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Chapter 31 of the General Laws is hereby amended by striking  
2 out section 27 and inserting in place thereof the following  
3 section: —

4 Section 27. Except as provided otherwise by section fifteen, if  
5 the administrator certifies from an eligible list the names of three  
6 persons who are eligible for and willing to accept appointment,  
7 the appointing authority, pursuant to the civil service law and  
8 rules, may appoint only from among such persons. If such eligible  
9 list contains the names of less than three persons who are willing  
10 to accept appointment the appointing authority may appoint from  
11 among those persons or may request authorization to make a  
12 provisional appointment pursuant to sections twelve, thirteen and  
13 fourteen.

14 If an appointing authority makes an original or promotional  
15 appointment from a certification of any person other than the  
16 person whose name appears highest, and the person whose name  
17 is highest is willing to accept such appointment, the appointing  
18 authority shall immediately file with the administrator a written  
19 statement of his reasons for appointing the person whose name  
20 was not highest. Such an appointment of a person whose name  
21 was not highest shall be effective only when such statement of

22 reasons has been received by the administrator. The administrator  
23 shall make such statement available for public inspection at the  
24 office of the division.