

By Mr. McKenna of Springfield, petition of Arthur J. McKenna for legislation to clarify the provisions of the civil service law relative to reinstatements. Public Service.

The Commonwealth of Massachusetts

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

AN ACT TO CLARIFY THE PROVISIONS OF CIVIL SERVICE LAW RELATIVE TO REINSTATEMENT.

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 striking out the definition of "Reinstatement"
3 and inserting the following definition in place
4 thereof:—

5 "Reinstatement", the restoration to employment of an
6 officer or employee made in accordance with this chapter and
7 the rules made thereunder.

1 SECTION 2. The first sentence of section 46C of chapter 31
2 of the General Laws is hereby amended by inserting after the
3 word "from", the first time it appears, the following words:
4 —an office or position in.

1 SECTION 3. Said section 46C is hereby further amended by
2 striking out the sixth and seventh sentences and inserting the
3 following sentence:—The director shall forthwith hold a
4 hearing and render his decision.

1 SECTION 4. Section 46E of said chapter 31 is hereby
2 amended by adding at the end of the first paragraph the
3 following sentence:—The provisions of this paragraph rela-

4 tive to the making of a written request for a leave of absence
5 and the giving of approval by the appointing authority in
6 writing shall apply to an extension of a leave of absence.

1 SECTION 5. Said section 46E is further amended by adding
2 at the end the following paragraph:—

3 Any person who has been granted a leave of absence or an
4 extension of a leave of absence in accordance with the
5 provisions of this section shall be reinstated at the end of the
6 period of approved absence and may be reinstated earlier. If
7 the appointing authority fails to make a request of the
8 director for the approval of the reinstatement upon demand
9 of such person, the person may make a request for a hearing
10 before the director. The director shall forthwith hold a
11 hearing and render his decision. Notwithstanding the provi-
12 sions of section forty-three and forty-five, if any person does
13 not return to his office or employment prior to or at the end
14 of the period of leave of absence for which approval has been
15 so given, the appointing authority shall, within fourteen days
16 after the expiration of such period, give such person a written
17 notice setting forth the pertinent facts in the case and
18 notifying him that his services are considered as terminated,
19 whereupon the service of the officer or employee shall termi-
20 nate. The appointing officer shall forward to the director a
21 copy of the written notice and a notice of the termination of
22 service, setting forth the date on which the service of such
23 officer or employee should be noted as terminated. Nothing in
24 this section shall be deemed to prevent the subsequent
25 reinstatement of such a person in accordance with the provi-
26 sions of section forty-six C.