

HOUSE . . . . . No. 5416

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**The Commonwealth of Massachusetts**

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HOUSE OF REPRESENTATIVES, June 23, 1969.

The committee on Public Service, to whom was referred so much of the message from His Honor the Lieutenant-Governor, Acting Governor, recommending legislation relative to changes in the civil service system of the Commonwealth (House, No. 5289) as relates to veterans preference in the official service of the Commonwealth and its subdivisions (App. E), report the accompanying bill (House, No. 5416) [Senators Harmon, McKenna, Umana and Pelligrini, and Representatives Gayron of Lynn, Kitterman of Pittsfield, Campobasso of Arlington and Tobin of Quincy, dissenting].

For the committee,

JOHN R. BUCKLEY.

## The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO VETERANS PREFERENCE IN THE OFFICIAL SERVICE OF THE COMMONWEALTH AND ITS SUBDIVISIONS.

*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. Chapter 31 of the General Laws is hereby  
2 amended by striking out section 23 and inserting in place  
3 thereof the following new section:—

4 *Section 23.* The names of persons who pass examinations  
5 for original appointment to any position classified under the  
6 civil service shall be placed upon the eligible lists in the order  
7 of their respective standing except that in determining such  
8 standing (1) a total of five points shall be added to the  
9 general average mark, providing such mark is a passing mark,  
10 of any person who is a veteran or who is not a veteran but is  
11 a person described in section twenty-three B; and (2) in  
12 addition to the number of points added under the provisions  
13 of the preceding clause (1), another five points shall be added  
14 to such passing mark of any such veteran who is a disabled  
15 veteran as defined in section twenty-three A.

1 SECTION 2. (a) The names of persons who pass examina-  
2 tions for original appointment to any position classified under  
3 the civil service shall be placed upon the eligible lists in the  
4 following order:—

5 (1) Vietnam veterans who are disabled veterans as defined  
6 in section twenty-three A of chapter thirty-one of the  
7 General Laws in the order of their respective standing;

8 (2) Vietnam veterans in the order of their respective  
9 standing;

10 (3) the widow or widowed mother of a veteran who was  
11 killed in action during such service in said Vietnam conflict  
12 or died from service-connected disability incurred in such ac-  
13 tive service in the said Vietnam conflict, upon presenting  
14 proof from official sources, of such facts, satisfactory to the

15 director, and that she has not remarried and that five years  
16 have not elapsed since the said end of the Vietnam conflict;  
17 (4) all other persons in the order of their respective  
18 standings. A disabled Vietnam veteran shall be appointed  
19 and employed in preference to all other persons, including  
20 Vietnam veterans.

21 (b) For the purposes of this section, a person shall be  
22 deemed to be a Vietnam veteran only in the establishment of  
23 an eligible list based on a civil service examination held  
24 within five years following the date of such person's discharge  
25 or release from service in the said armed forces, or within five  
26 years following said end of the Vietnam conflict, whichever  
27 comes later.

28 (c) Whenever any period is set forth in this section, the  
29 director of civil service, with the approval of the civil service  
30 commission, upon request made upon him in writing prior to  
31 the expiration of the period specified in clause (b) of this bill  
32 in cases where hospitalization or training is given under the  
33 Veterans' Administration, may authorize an extension in said  
34 period for the further period required by such hospitalization  
35 or training, if, in his opinion, the rights of such person would  
36 otherwise be prejudiced. The director may require such  
37 certificates as are necessary to determine the facts in the  
38 case.

39 (d) Insofar as the provisions of this section conflict with  
40 the provisions of section twenty-three of chapter thirty-one  
41 of the General Laws, the provisions of this section shall be  
42 controlling, except that the provisions of section forty-six G  
43 shall remain in full force and effect.

44 (e) Any reference in any provision of general or special law  
45 to section twenty-three of chapter thirty-one of the General  
46 Laws, shall also be considered as a reference to this section.

1 SECTION 3. The provisions of sections one and two of this  
2 act shall not apply to eligible lists established on the basis of  
3 examinations taken before the effective date of this act.

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