

HOUSE No. 5600

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, August 5, 1969.

The committee on Ways and Means, to whom was referred the Bill providing that the civil service law and certain provisions of law relative to tenure shall not apply to certain positions in experimental or demonstrative programs (House, No. 5231), report that the same ought to pass in the form of a new draft herewith submitted (House, No. 5600).

For the committee,

ALLAN McGUANE.

The Commonwealth of Massachusetts

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

AN ACT PROVIDING THAT THE CIVIL SERVICE LAW AND CERTAIN PROVISIONS OF LAW RELATIVE TO TENURE SHALL NOT APPLY TO CERTAIN POSITIONS IN EXPERIMENTAL OR DEMONSTRATIVE PROGRAMS.

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. Officers and employees appointed or employed
2 on programs relative to a comprehensive city demonstration
3 program established under the provisions of the "Demon-
4 stration Cities and Metropolitan Development Act of 1966",
5 as amended, or employed in the "Concentrated Code En-
6 forcement Program" so called, as defined in section one
7 hundred and seventeen of the housing act of nineteen hun-
8 dred and sixty-five, shall be exempt from the provisions of
9 chapter thirty-one of the General Laws, as provided in the
10 second paragraph. The provisions of this act shall not be
11 deemed to exempt from chapter thirty-one of the General
12 Laws such officers and employees who may displace civil
13 service employees in any existing positions or to permit the
14 filling of positions except in accordance with chapter thirty-
15 one for which civil service employees are actively being
16 sought in the regularly established departments of a
17 municipality or for which there are budgetary appropriations,
18 nor shall persons be employed as police officers or fire fighters
19 or to perform the law enforcement functions of members of
20 police and fire forces, code enforcement inspectors, plumbing
21 inspectors, electricians, stationary engineers, steam firemen or
22 other positions requiring licenses or certificates, except regis-
23 tered physicians, except in accordance with chapter thirty-
24 one of the General Laws.

25 The administrator of such a program shall file with the
26 director of civil service, prior to employment thereon, a list of

27 the titles of all offices and positions, with a request for
28 exemption from chapter thirty-one of the General Laws, if
29 desired, together with a statement of duties and a statement
30 of the conditions existing which make impractical or difficult
31 the application of the provisions of the civil service law, such
32 as the necessity for the incumbent residing within a limited
33 and specified geographical area or being in such circum-
34 stances as will entitle him to participate in the program,
35 which circumstances would not exist in the case of those
36 persons who might apply for such offices or positions if the
37 offices or positions were subject to the provisions of said
38 chapter thirty-one. The director may grant exemptions for
39 those positions which he, with the approval of a majority of
40 the Civil Service Commission, believes necessary for the
41 effective operation of the Model Cities Program and which
42 are not in violation of any ordinance, by-law, order or
43 collective bargaining agreement. No exemption approved
44 hereunder shall continue if, in the opinion of the director of
45 civil service, there is any violation of chapter thirty-one of
46 the General Laws or of this act and in such cases, section
47 thirty-eight of chapter thirty-one shall apply.

1 SECTION 2. Nothing in this act shall be deemed to abrogate
2 the provisions of any ordinance, resolution or order which
3 must be or has been approved by the legislative body of a
4 participation in programs under the "Demonstration Cities
5 and Metropolitan Development Act of 1966", as amended.

1 SECTION 3. The administrators of such programs shall co-
2 operate to the fullest extent with the director of civil service
3 in interesting the officers and employees engaged in the
4 Model Cities Program, so-called, in the recruitment program
5 which said director is required to establish under the pro-
6 visions of clause (m) of section two A of chapter thirty-one
7 of the General Laws to recruit persons to fill vacancies for
8 officers and positions in the classified civil service.

1 SECTION 4. In making any appointment under this act, in
2 positions classified under chapter thirty-one, section twenty-
3 five of chapter thirty-one of the General Laws shall apply.

1 SECTION 5. Said officers and employees shall be deemed
2 municipal employees within the meaning of chapter seven
3 hundred and sixty-three of the acts of nineteen hundred and
4 sixty-five.

1 SECTION 6. Chapter six hundred and three of the acts of
2 nineteen hundred and sixty-eight is hereby repealed.

1 SECTION 7. This act shall become inoperative on July
2 fifteenth, nineteen hundred and seventy-four.