

By Mr. Businger of Brookline, petition of AFSCME Council 93 and John A. Businger for legislation to eliminate the waiting period for insurance coverage for seasonal employees of the Commonwealth hired annually. Public Service.

The Commonwealth of Massachusetts

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

AN ACT TO ELIMINATE THE WAITING PERIOD FOR INSURANCE COVERAGE FOR SEASONAL EMPLOYEES OF THE COMMONWEALTH HIRED ANNUALLY.

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 2 (b) of Chapter 32A shall be amended to read as
2 follows: —
3 “Employee”, any person in the service of the Commonwealth,
4 which shall include a person employed by the National Guard as
5 a technician, and who is not at the same time an employee of the
6 United States, and a person who is an employee of a mosquito
7 control project, the Massachusetts Parking Authority, the
8 Metropolitan area planning council, the division of savings bank
9 life insurance, the Massachusetts State College Building
10 Authority, Worcester county, the county cooperative extension
11 service of Suffolk county, a local housing authority or a
12 redevelopment authority, whether such person be employed,
13 appointed or elected by popular vote, provided the duties of such
14 person require that his time be devoted to the service of the
15 commonwealth during the regular work week of permanent
16 employees, except that persons elected by popular vote, other than
17 those serving as members of mosquito control projects, local
18 housing and redevelopment authorities, will be considered
19 employees during the entire term of which they are elected
20 regardless of the hours devoted to the service of the common-
21 wealth. By way of illustration but not limitation, a person

22 appointed or elected by popular vote shall include employees of
23 the general court, state officials, constitutional officers and mem-
24 bers of the general court, but shall in no event be construed to
25 include members of the judiciary paid in whole or in part from
26 other than state funds, seasonal employees or emergency
27 employees. Seasonal employees who are rehired annually and who
28 are entitled to insurance shall be eligible for insurance coverage
29 from the first day of the month following re-employment and shall
30 not be required to wait sixty days for eligibility. A determination
31 by the commission that a person is eligible for participation in
32 the plan of insurance shall be final and shall be binding on all
33 parties. A person serving on a temporary or provisional basis in
34 a position which is subject to the provisions of chapter thirty-one,
35 notwithstanding the provisions of said chapter, and only for
36 purposes of continuation of insurance coverages granted herein,
37 may be granted a leave of absence by the appointing authority
38 for reasons of illness of such person provided that the person
39 agrees in writing to return to an active working status at the
40 conclusion of such leave of absence in the same or similar position.
41 Any such illness shall be evidenced by a certificate as prescribed
42 by the commission of a registered physician approved by the
43 commission. The appointing authority may extend such leave of
44 absence from month to month subject to concurrence by the
45 commission as to the continuation of the person's insurance
46 coverages. Such a leave of absence in the case of employment
47 subject to said chapter thirty-one shall not be deemed to confer
48 on the person any civil service rights which the person did not
49 hold when said leave of absence was granted; and no person whose
50 name is on an eligible civil service list for said position shall lose
51 any rights to appointment to said position.