

HOUSE No. 5533

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, May 6, 1991.

The committee on Public Service, to whom were referred the petition (accompanied by bill, House, No. 601) of William Constantino, Jr., relative to requiring the posting of vacancies in certain public offices and positions, the petition (accompanied by bill, House, No. 824) of Peter I. Blute and Larry F. Giordano for legislation to require the Secretary of Administration and Finance to provide the House of Representatives and Senate with a list of all state employees and their corresponding salaries, and the petition (accompanied by bill, House, No. 1625) of Paul Kollios relative to requiring the posting of vacancies in certain public offices and positions, reports recommending that the accompanying bill (House, No. 5533) ought to pass.

For the committee,

KEVIN P. BLANCHETTE.

The Commonwealth of Massachusetts

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

AN ACT REQUIRING THE POSTING OF VACANCIES IN CERTAIN PUBLIC OFFICES AND POSITIONS.

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 30 of the General Laws is hereby amended by inserting
2 after section 25B the following section: —
3 Section 25C. At least thirty days prior to the appointment of
4 any person to an office or position not subject to the provisions
5 of chapter thirty-one in any department and at least thirty days
6 prior to the provisional appointment of any person to an office
7 or position subject to said chapter thirty-one in any such
8 department, except in the case of an emergency appointment
9 pursuant to the first paragraph of section fourteen of said chapter
10 thirty-one, the appointing authority shall cause to be posted a
11 notice in each of the various offices of the department of
12 employment security of the commonwealth for a period of not
13 less than fifteen days, excluding Saturdays, Sundays, and legal
14 holidays. Such notice shall state the office or position to which
15 such appointment is to be made, the qualifications and eligibility
16 requirements for such office or position, the salary and other
17 benefits payable in such office or position, and the place where
18 and the person to whom application should be made for
19 appointment to such position; provided, however that upon a
20 written certification by the commissioner of administration and
21 the appointing authority filed with the house and senate
22 committees on ways and means and the joint committee on public
23 service stating that the provisions of this section would
24 substantially impair the orderly operation of state government,
25 the commissioner may authorize such temporary or provisional
26 appointment of a person to such office or position prior to such
27 posting, provided, further, that no such temporary or provisional

28 appointment shall be continued for more than thirty days after
29 the date of filing of any such certification. Any person appointed
30 to an office or position subject to the provisions of this section
31 shall, upon such appointment, be given written notification of the
32 provisions of this paragraph and no payment shall be authorized
33 to any person serving pursuant to an appointment made or
34 continued in violation of the provisions of this section. The
35 provisions of this section shall not be deemed to impair any
36 provision of law or regulation requiring the posting of any like
37 notice for a period or periods in excess of said thirty days. Said
38 notice and posting may be made by means of computer terminals.

