

HOUSE No. 6051

By Mr. Petersen of Marlblehead, petition of Douglas W. Petersen, Daniel J. Ranieri, Walter J. Boverini and other members of the General Court relative to deferring the compensation of certain teachers. Local Affairs.

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO DEFERRING THE COMPENSATION OF CERTAIN TEACHERS.

1 *Whereas*, the deferred operation of this act would tend to defeat
2 its purpose which is to immediately clarify the law relating to
3 deferring of certain teachers' compensation, therefore it is hereby
4 declared to be an emergency law, necessary for the public
5 convenience.

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 44 of the General Laws is hereby
2 amended by striking out section 56, as amended by section 225
3 of chapter 135 of the acts of 1991, and inserting in place thereof
4 the following section: —

5 Section 56. The fiscal year of all towns of the commonwealth
6 shall begin with July first and end with the following June
7 thirtieth, and the returns made to the director under section forty-
8 three shall show the financial condition of the town at the close
9 of business on June thirtieth; provided, that the treasurer shall,
10 until July fifteenth, enter in his books all items for the payment
11 of bills incurred and salaries and wages earned during the previous
12 fiscal year, excepting payment of school teachers' salaries which
13 have been deferred under the provisions of section forty of
14 chapter seventy-one, and expenditures thereof shall be deemed to
15 be as of June thirtieth preceding.

1 SECTION 2. Chapter 44 of the General Laws is hereby further
2 amended by striking out section 56A, as amended by section 229
3 of chapter 135 of the acts of 1991, and inserting in place thereof
4 the following section: —

5 Section 56A. The fiscal year of all cities of the commonwealth
6 shall begin with July first and end with the following June
7 thirtieth, notwithstanding the provisions of their respective
8 charters, and the returns made to the director under section forty-
9 three shall show the financial condition of the city at the close
10 of business on June thirtieth; provided, that the treasurer shall,
11 until July fifteenth, enter in the books all items for the payment
12 of bills incurred and the salaries and wages earned during the
13 previous fiscal year, excepting payment of school teachers' salaries
14 which have been deferred under the provisions of section forty
15 of chapter seventy-one, and the expenditures therefor shall be
16 deemed to be as of June thirtieth preceding.

1 SECTION 3. Section 40 of chapter 71 of the General Laws is
2 hereby amended by striking out the first paragraph, as amended
3 by section 230 of chapter 135 of the acts of 1991, and inserting
4 in place thereof the following paragraph: —

5 The compensation of each teacher, except a person in training
6 and except a person employed as a temporary substitute, upon
7 a majority vote of the respective school committee and the appro-
8 priating authority or, in the case of a regional school district, upon
9 acceptance as provided hereafter, shall be at a rate of not less than
10 eighteen thousand dollars or at a rate not less than twenty
11 thousand dollars, as designated by said vote, for the school year
12 commencing after July first, nineteen hundred and eighty-seven.
13 In the case of a regional school district, acceptance shall require
14 the approval of the regional school district committee and two-
15 thirds of the appropriating authorities of the municipalities in such
16 regional school district. The compensation paid to such teachers
17 shall be deemed to be fully earned at the end of the school year,
18 and proportionately earned during the school year. Payment of
19 such compensation may be deferred to the extent that equal
20 payments may be established for a twelve month period including
21 amounts payable in July and August subsequent to the end of the
22 school year. Educational collaboratives, formed under the provi-
23 sions of section four E of chapter forty, may accept the provi-

24 sions of this section by a majority vote of the collaborative board
25 and the approval by a vote of the majority of the appropriating
26 authorities of the member cities and towns.

1 SECTION 4. Chapter 138 of the acts of 1991 is hereby
2 amended by striking out section 231 and inserting in place thereof
3 the following section: —

4 In any city, town or school district which accepts the provisions
5 of this section, on or before October first, nineteen hundred and
6 ninety-one teachers' compensation shall be deemed to be fully
7 earned by August thirty-first and proportionately earned during
8 the contract year. In such fiscal year, payment of such
9 compensation for July and August may be deferred to the end
10 of said months at the election of such teachers; provided, further,
11 that teachers may elect to receive as an accelerated payment, one-
12 tenth of such compensation each of the ten months from
13 September to June of the contract year; and provided, however,
14 that teachers so receiving accelerated payments shall receive one-
15 twentieth of such compensation on July second. Compensation
16 in any such fiscal year shall be treated as an expenditure for the
17 fiscal year in which the compensation is paid, provided, however,
18 no school district or regional school district may defer more than
19 one-twelfth of the compensation due to any teacher in any year
20 under the provisions of this section.

21 Notwithstanding the provisions of the preceding paragraph, for
22 the contract year beginning September first, nineteen hundred
23 ninety-one and ending August thirty-first, nineteen hundred
24 ninety-two, payments to teachers for compensation earned for the
25 months September through July, inclusive, of said contract year
26 shall be made on or before June thirtieth, nineteen hundred ninety-
27 two, and payments to teachers for compensation for the month
28 of August of said contract year must be made on July second
29 nineteen hundred ninety-two; provided that teachers may elect to
30 receive such August payments after such date; and provided
31 further that teachers who receive one-tenth of their salaries each
32 month from September to June of said contract year shall have
33 one-twentieth of their salaries paid on July second, nineteen
34 hundred ninety-two.

35 Notwithstanding the provisions of any general or special law
36 to the contrary, for the contract year beginning on September first

37 of nineteen hundred and ninety-one and ending on August thirty-
38 first of nineteen hundred and ninety-two, in such school districts
39 or regional school districts where the manner of compensation
40 described in this section would violate collective bargaining
41 agreements in effect as of June fifteenth, nineteen hundred and
42 ninety-one, actual payments shall be made in accordance with the
43 terms of the collective bargaining agreement unless such payments
44 are changed through the collective bargaining process; provided,
45 that any such payments which are made in accordance with such
46 contracts and which deviate from such payments which would
47 otherwise be made pursuant to this section shall not be considered
48 a budget liability to the school district or regional school district
49 making such payments until July second of nineteen hundred and
50 ninety-two.

51 Notwithstanding the provisions of any general or special law
52 to the contrary, for fiscal year nineteen hundred and ninety-two,
53 the school committee of each regional school shall, by August
54 first, nineteen hundred and ninety-one, reduce the budget of each
55 regional school to reflect the reduction in expenditures that result
56 from the provisions of this section, shall not increase any other
57 expenditures of such regional school, and shall proportionately
58 reduce the assessments on the member cities and towns of the
59 regional school district.

60 Notwithstanding the foregoing provisions of this paragraph, no
61 reduction shall be made in the budget of any regional school
62 district until such budget has been adopted and approved in
63 accordance with the provisions of section sixteen B of
64 chapter seventy-one of the General Laws.

65 Notwithstanding the provisions of any general or special law
66 to the contrary, for fiscal year nineteen hundred and ninety-two,
67 any amount of reduction in expenditures for the budget of a city
68 or town that results from this section, including reductions in
69 regional school assessments, if any, shall not be used to increase
70 any other expenditures of such budgets and the budget for every
71 city and town shall be reduced by the amount of reduction in
72 teachers' salary payments that result from the provisions of this
73 section, including reductions in regional school assessments, if
74 any. In order to reduce such budgets, the school superintendent
75 in each city and town is hereby authorized and directed to
76 calculate the amount of the reduction in teachers' salaries and to

77 report the amount of such reduction to the town accountant, or
78 to the city auditor, or to any other municipal official with
79 authority over the municipal budget, whichever is appropriate.
80 Such municipal official shall forthwith reduce the budget by such
81 amount and by an amount equal to the reduction in regional
82 school assessments, if any.

83 Nothing in this section shall prohibit a city or town that has
84 had its school budget or regional school assessment reduced in
85 accordance with this section from increasing its budget for any
86 municipal purpose by appropriation.

87 The provisions of this section shall take effect for fiscal year
88 nineteen hundred and ninety-two in a city upon a vote of the city
89 council with the approval of the mayor, in a town by a vote of
90 the board of selectmen, in a town having a town council form of
91 government by a vote of the town council.

92 The provisions of this section shall take effect for the fiscal year
93 nineteen hundred and ninety-two in a regional school district
94 unless the regional school committee and a majority of the city
95 councils, boards of selectmen, and town councils in the district
96 vote to reject by October fifteenth, nineteen hundred and ninety-
97 one.

98 Any city or town which has had its tax rate certified by the
99 department of revenue prior to the date of enactment of this act
100 and has not rejected section two hundred and thirty-one of
101 chapter one hundred and thirty-eight of the acts of nineteen
102 hundred and ninety-one in existence prior to the enactment of this
103 act shall be deemed to have accepted the provisions of this act
104 without any further action.

1 SECTION 5. This act shall take effect as of July first, nineteen
2 hundred and ninety-one.

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