

# HOUSE . . . . . No. 4827

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, July 2, 1968.

The committee on Ways and Means, to whom was referred the Resolve providing for an investigation and study by a special commission of the feasibility of providing for career executive assignments under the civil service law (House, No. 4463), report that the same ought to pass in the form of a new draft herewith submitted (House, No. 4827).

For the committee,

ARTHUR L. DESROCHER.

## The Commonwealth of Massachusetts

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

### AN ACT PROVIDING FOR A RECRUITMENT PROGRAM FOR CAREER EXECUTIVES IN THE COMMONWEALTH.

1 *Whereas*, The deferred operation of this act would tend to  
2 defeat its purpose, which is to provide forthwith for a  
3 program of recruitment of career executive employees in the  
4 various departments and agencies of the commonwealth in  
5 order to encourage the development and effective use of well  
6 qualified and carefully selected employees, therefore it is  
7 hereby declared to be an emergency law, necessary for the  
8 immediate preservation of the public 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. The director of civil service, with the approval  
2 of the civil service commission, shall designate not more than  
3 one hundred and fifty positions in the service of the common-  
4 wealth, and not more than ten such positions in any one  
5 department, as career executive positions. Such positions  
6 shall be limited to those which carry basic responsibilities for  
7 policy determination, leadership and the internal manage-  
8 ment and administration of a department or other unit.

9 The incumbents of such positions shall be recruited from  
10 among the employees of the commonwealth, or its political  
11 subdivisions.

1 SECTION 2. The commission shall establish by rule a merit  
2 system for the training, selection, placement and motivation  
3 of managerial personnel. Eligibility for appointment to posi-  
4 tions in the career executive assignment program shall be  
5 established as a result of competitive examination of persons  
6 who first meet such qualifications for each position as the  
7 commission may, from time to time, determine.

1 SECTION 3. The provisions of the General Laws insofar as  
2 they relate to the selection, classification, salary, preference,  
3 tenure and other conditions of employment shall not apply in  
4 administering managerial personnel through the career  
5 executive assignment program. Assignments to such positions  
6 may be terminated by the appointing authority, provided,  
7 however, that a written report relative to such termination is  
8 first approved by the commission.

9 An employee shall have the right of appeal to the commis-  
10 sion only on the ground that his termination was due to  
11 discrimination because of race, color, creed, religion or  
12 national origin, and the burden of proving any such charge  
13 shall be on the employee. He shall also have the right to a  
14 conference with his appointing authority relative to the  
15 reasons for such termination.

1 SECTION 4. The commission shall certify the names of those  
2 persons passing a competitive examination to the appointing  
3 authority in the order of their performance in said examina-  
4 tion, and the appointing authority shall be limited in his  
5 appointment to the first ten names on such list.

1 SECTION 5. No person appointed to a career executive  
2 position shall be deemed to acquire any vested rights or  
3 tenure to such position, provided, however, that the time  
4 served in such position shall be credited to his seniority, sick  
5 leave, vacation and retirement rights. Upon the termination  
6 of his appointment to a career executive position, an em-  
7 ployee shall be reinstated to his former grade in the same or  
8 similar position under the civil service laws.

1 SECTION 6. This act shall cease to be effective on June  
2 thirtieth, nineteen hundred and seventy-three.

