

By Mr. Buglione of Methuen, petition of Nicholas J. Buglione and Thomas R. Lussier relative to appointments in the public service based upon special state or federal training programs. Public Service.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Three.

AN ACT RELATIVE TO APPOINTMENTS BASED UPON SPECIAL STATE OR FEDERAL TRAINING 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. The General Laws are hereby amended by insert-
2 ing after Chapter 31A the following Chapter.

3 **CHAPTER 31B.**

4 Notwithstanding the provisions of section six and section
5 twenty-eight of chapter thirty-one of the General Laws, an
6 appointment to a position subject to said chapter may be made to a
7 position in the lowest title in a series as determined by the personnel
8 administrator, provided, that the appointee has successfully com-
9 pleted a certified work-training program for disadvantaged per-
10 sons. The executive office of manpower affairs is responsible for
11 certifying programs that are state-administered, federally-funded
12 employment and training programs, the department of personnel
13 administration is responsible for certifying in-service state agency
14 programs, the board of regents is responsible for certifying two-
15 year and four-year college training education programs, and the
16 department of education is responsible for certifying secondary
17 public schools, vocational schools and other certified education
18 facilities, for example adult certified centers, that are work training
19 programs which meet the qualifications and work specifications of
20 the positions and adequately prepare the trainee to perform the
21 duties of said positions and shall furnish a list of the approved

22 programs to the personnel administrator; provided, that such
23 training programs shall have been advertised to the public and
24 made available to permanent employees of the commonwealth and
25 its political subdivisions who meet the criteria as hereinafter estab-
26 lished for disadvantaged persons and shall have been sponsored or
27 conducted by, or in cooperation with, the commonwealth, a politi-
28 cal subdivision thereof or the federal government.

29 Prior to appointment under this act, persons so trained shall
30 have passed an examination for the position administered by the
31 personnel administrator. If more than one person eligible for an
32 appointment under this act shall satisfactorily pass the examina-
33 tion, the names of the disadvantaged persons shall be placed in the
34 order of their passing grade, subject to said section twenty-six, or
35 section twenty-eight for labor service, of chapter thirty one of the
36 General Laws, upon an eligible list hereafter called a special eligible
37 list.

38 When an eligible list already exists for the position for which
39 such examination has been given, the personnel administrator
40 shall certify names alternately from such eligible list and the special
41 eligible list until the required number of eligibles is certified, pro-
42 vided, that persons on such list shall be grouped according to the
43 provisions of chapter thirty-one of the General Laws, and that
44 nothing in this act shall affect the provisions of chapter thirty-one
45 concerning promotional examinations. Names from a departmen-
46 tal promotional list shall be certified before names from a special
47 eligible list.

48 For the purpose of this act a disadvantaged person shall be a
49 person whose annual family net income, in relation to size and
50 location, does not exceed low-income guidelines established by the
51 federal government, and who is a person lacking a high school
52 education or its equivalent or belonging to a minority group or
53 under twenty-one years of age or forty-five years of age or older, or
54 is handicapped; provided, that a permanent state or municipal
55 employee who otherwise meets the foregoing criteria shall not be
56 barred from consideration as a disadvantaged person by reason of
57 his receiving a salary from the commonwealth or its political
58 subdivisions; and provided, further, that a public service employ-
59 ment enrollee who is unsuitably employed as defined by regula-
60 tions promulgated pursuant to the comprehensive employment

61 and training act or other similarly enacted federally sponsored
62 training programs, shall not be barred from consideration as a
63 disadvantaged person by reason of the amount of his salary.

64 The provisions of this act shall not apply to positions in the
65 police or fire services.

66 The department of personnel administration shall be available
67 to assist in designing training programs to meet stated specifica-
68 tions of the positions for which persons referred to in this act are
69 trained.

1 SECTION 2. Chapter three hundred ninety-six of the Acts of
2 nineteen hundred eighty-two is hereby repealed.

