

By Mr. Thompson of Cambridge, petition of the Professional Fire Fighters of Massachusetts and Alvin E. Thompson for legislation to make certain changes in the civil service law. Public Service.

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO CIVIL SERVICE LAW.

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 31 of the General Laws as appearing in the 1992
2 Official Edition is amended by the following:

3 Section 1 — In Section 16 by adding after the word “adminis-
4 trator” in line 27 the following: But that the use of so-called oral
5 boards shall not be deemed appropriate criteria.

6 Section 2 — In section 16 by adding the following paragraph:
7 Notwithstanding any other law to the contrary the passing
8 grade for all promotional examinations in the fire service shall be
9 set at 70 percent.

10 Section 3 — By striking Section 27, as so appearing, and
11 replacing with the following new section:

12 Section 27. Except as provided otherwise by section 15, if the
13 administrator certifies from an eligible list the names of three per-
14 sons who are eligible for and willing to accept appointment, the
15 appointing authority, pursuant to civil service law and rules, may
16 appoint only from among such persons. If such eligible list con-
17 tains the names of less than three persons who are willing to
18 accept appointment, the appointing authority may appoint from
19 among those persons or may request authorization to make a pro-
20 visional appointment pursuant to sections twelve, thirteen and
21 fourteen.

22 If an appointing authority makes an original or promotional
23 appointment from a certification of any person other than the
24 person whose name appears highest and is willing to accept such

25 appointment, the appointing authority shall immediately file with
26 the administrator a written statement of his reasons for appointing
27 the person whose name was not highest. such an appointment of a
28 person whose name was not highest shall be effective only when
29 such statement of reasons has been received by the administrator.
30 The administrator shall make such statement available for public
31 inspection at the office of the division.

32 Section 4 — By adding at the end of Section 33 the following
33 paragraph: —

34 Notwithstanding any other section of this chapter to the con-
35 trary in determining the seniority of a firefighter for the purpose
36 of reduction in rank or reduction in force, his seniority shall be
37 based on length of service in the department in which such reduc-
38 tion is to take place.

39 Section 5 — The second paragraph of Section 41 is hereby
40 deleted.

41 Section 6 — By adding the following to Section 46:

42 Where the Civil Service Commission finds any action against a
43 permanent employee of a city or town to be unwarranted and
44 orders that the administrator reinstate said employee and said
45 notice of decision to the appointing authority specifies that the
46 employee be made whole for all wages and benefits lost, such
47 payments shall be made within 30 days after receipt of said notice
48 of decision.

49 Section 7 — By adding the following paragraph after the fourth
50 paragraph of Section 58:

51 As a prerequisite to permanent appointment to the position of
52 regular firefighter in a city or town, or a fire district, newly
53 appointed firefighters must successfully complete a seven-week
54 course at the Massachusetts Fire Academy during the first twelve
55 months of employment. This section shall not apply to those com-
56 munities that have their own adequate training programs.

57 Section 8 — By striking in Section 59, Line 19 from the word
58 “and” the remainder of that paragraph and replacing with the
59 following: — And provided, however, that no such examination
60 for the first title above the lowest title shall be open to any person
61 who has not been employed for at least three years after certifica-
62 tion, unless there are not four persons in such lowest title in such
63 force qualified, in which case the examination shall be open to
64 any person employed for one year following certification.

65 Section 9 — Section 59 shall be further amended by adding at
66 the end the following paragraph: The results of any examination
67 shall be presented on eligible lists in whole numbers and, in the
68 event of a tie mark, the person with the higher raw score shall
69 appear first on the eligible list.

70 Section 10 — Section 61 is amended by adding after the word
71 “firefighters” in Line 11 the following: Provided further that the
72 provisions of Chapter 150E of the General Laws shall apply to
73 said probationary employee.

74 Section 11 — Notwithstanding any general or special law to the
75 contrary, no experience points for volunteer fire or emergency
76 medical service shall be granted on promotion examination in the
77 fire service pursuant to Chapter 31.

