

By Mr. Robinson of Melrose, petition of Edward W. Connelly and other members of the House relative to stabilizing the number of state employees without a reduction of state services. Public Service.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty.

AN ACT CONTROLLING THE SIZE OF STATE GOVERNMENT.

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 purpose of this act is to place a cap on the
2 total level of state employment, to enact procedures which will
3 control the level of state employment and lead to an orderly
4 reduction, through attrition whenever possible, in the number of
5 state employees without a reduction of state services and without
6 endangering the public safety and welfare.

1 SECTION 2. For the purpose of this act, the following terms
2 shall have the following meanings unless the context requires
3 otherwise:

4 (1) "Executive branch," all departments, boards, commissions,
5 agencies and other entities declared by the constitution or by law to
6 constitute a part of the executive branch and all such entities, other
7 than local political subdivisions and district offices, declared by the
8 constitution or by law not to be within the legislative or judicial
9 branches of government.

10 (2) "Legislative branch," the Senate and House of Representa-
11 tives, their officers and committees, and all legislative staff and
12 agencies.

13 (3) "Judicial branch," the courts created or recognized by the
14 Constitution, or created by the legislature pursuant thereto, and all
15 agencies, boards, and commissions or other entities created by the
16 courts.

17 (4) "Reporting agencies," the Civil Service Commission, the
18 Commissioner of administration and finance.

19 (5) "Position of new employment," any position of employment
20 which has been authorized, for which a budget has been approved
21 and for which an appropriation has been made or a transfer of
22 funds effected pursuant to law, but which position has never been
23 filled or occupied by the employment of any person.

24 (6) "Vacancy," any position of employment which has been
25 authorized, for which a budget has been approved and for which an
26 appropriation has been made or a transfer of funds effected pursu-
27 ant to law, and which position has previously been occupied but,
28 due to termination of employment, is unoccupied.

1 SECTION 3. No vacancy in any position of permanent
2 employment shall be filled nor shall a new position of permanent
3 employment be created or filled, within the executive, judicial, or
4 legislative branches of state government except in the manner
5 authorized by this act or pursuant to the exceptions contained
6 herein.

1 SECTION 4. A. No vacancy in any position of permanent
2 employment shall be filled, nor shall a new position of permanent
3 employment be created or filled, within the executive branch with-
4 out the express written approval of the governor or his designated
5 representative. Each secretary or other head of any department,
6 board, commission, agency, office or other entity shall file a writ-
7 ten request with the governor for permission to fill a vacancy, to
8 create a new position of employment or to fill the same and such
9 request shall include a justification for the filling or creation of
10 such position. The governor may, by executive order, provide
11 additional procedures for the filing of written requests, including
12 the promulgation of standard forms.

13 B. The following exceptions shall apply to this section:

14 (1) Vacant or new positions of employment among faculty
15 members at all state colleges and universities.

16 (2) Vacant positions which must be filled in order to prevent an
17 emergency directly affecting the public safety or welfare or neces-
18 sary to be filled to prevent a serious disruption of public services.
19 Notice of such appointment shall be made within ten calendar days
20 to the governor. No appointment under this provision shall extend
21 for longer than thirty calendar days, nor shall a further appoint-
22 ment be made thereto, without the express approval of the gover-
23 nor given in accordance with the procedures established by
24 Subsection A hereof.

25 (3) Transfers, promotions and reallocations within a depart-
26 ment or agency and between departments or agencies, which will
27 not increase the aggregate number of employees within the depart-
28 ment or agency after the action has occurred. Notice of such
29 transfers, promotions and reallocations shall be given to the gover-
30 nor within ten calendar days of such action, and the governor may
31 rescind such employment by written order.

32 C. Each secretary or other head of any department, board,
33 commission, agency or other entity shall, not later than the tenth
34 calendar day of each calendar quarter; file with the governor, clerk
35 of the house of representatives, and ways and means committee of
36 both Houses a statement for the previous quarter which shall spec-
37 ify employment figures by job classification at the beginning and
38 the end of the quarter, and shall indicate the number of vacancies
39 filled or positions created within the quarter and indicate the
40 authority under which such positions were filled. The report shall
41 specify with particularity the number and nature of all positions re-
42 maining unfilled at the end of the quarter, whether new positions or
43 vacancies, and shall otherwise reflect a full accounting of all per-
44 sonnel changes within the department or other agency, including
45 transfers, promotions and reallocations, within the quarter. The
46 first quarter shall commence July 1, 1980 and end September 30,
47 1980.

48 D. No secretary or other agency head shall obtain from the
49 Department of Civil Service applicant lists with which to fill vacant
50 or new positions until approval for the filling thereof shall have
51 been given in accordance with the provisions of Subsection A
52 hereof.

53 E. All requests to fill vacancies; requests to create and fill new

54 positions; notices of emergency appointments; notices of transfers,
55 promotions and reallocations; approvals, rejections or orders re-
56 scinding appointment by the governor and quarterly reports shall
57 be sent to the reporting agencies simultaneously with the original
58 transmittal and shall be public records.

1 SECTION 5. A. No vacancy in any position of permanent
2 employment shall be filled, nor shall a new position of permanent
3 employment be created or filled within the legislative branch with-
4 out the express written approval of the joint committee on rules.
5 Each head of any legislative office or agency shall file a written
6 request with the joint committee on rules for permission to fill a
7 vacancy, to create a new position of employment or to fill the same.
8 Such request shall include justification for the filling or creation of
9 such position. The joint committee on rules may, by rule, provide
10 additional procedure for the filing of written requests, including
11 the promulgation of standard forms.

12 B. The following exception shall apply to this section;

13 (1) Transfers, promotions and reallocations within an office or
14 agency which will not increase the aggregate number of employees
15 within the office or agency after the action has occurred. Notice of
16 such transfers, promotions and reallocations shall be given to the
17 joint committees on rules and the reporting agencies within ten
18 calendar days of such action.

19 (2) The employment of legislative staff by individual members
20 of the legislature and paid for by said members.

21 C. Each head of any legislative office or agency, not later than
22 the tenth calendar day of each calendar quarter, shall file with the
23 clerk of the House of Representatives, the joint committee on rules
24 and the joint committee on ways and means a statement for the
25 previous quarter which shall specify employment figures by job
26 classification at the beginning and the end of the quarter, and shall
27 indicate the number of vacancies filled or positions created within
28 the quarter and indicate the authority under which such positions
29 were filled. The report shall specify with particularity the number
30 and nature of all positions remaining unfilled at the end of the
31 quarter, whether new positions or vacancies, and shall otherwise
32 reflect a full accounting of all personnel changes within the office

33 or agency, including transfers, promotions and reallocations,
34 within the quarter. The first quarter shall commence July 1, 1980
35 and end September 30, 1980.

36 D. All requests to fill vacancies; requests to create and fill new
37 positions; notices of transfers, promotions and reallocations;
38 approvals and rejections by the joint committee on rules and
39 quarterly reports shall be sent to the reporting agencies simultane-
40 ously with the original transmittal and they shall be public records.

1 SECTION 6. A. No vacancy in any position of permanent
2 employment shall be filled, nor shall a new position of permanent
3 employment be created or filled within the judicial branch without
4 the express written approval of the appointing authority. Each
5 head of any court, office or agency shall file a written request with
6 the appointing authority for permission to fill a vacancy, to create a
7 new position of employment, or to fill the same. Such request shall
8 include justification for the filling or creation of such position. The
9 appointing authority may, by rule, provide additional procedures
10 for the filing of written requests, including the promulgation of
11 standard forms.

12 B. The following exception shall apply to this section:

13 Transfers, promotions and reallocations within a court office or
14 agency which will not increase the aggregate number of employees
15 within the office or agency after the action has occurred. Notice of
16 such transfers, promotions and reallocations shall be given to the
17 appointing authority and the reporting agencies within ten
18 calendar days of such action.

19 C. Each head of any court, office or agency, not later than the
20 tenth calendar day of each calendar quarter, shall file with the clerk
21 of the house of representatives and the joint committee on ways
22 and means, a statement for the previous quarter which shall specify
23 employment figures by job classification at the beginning and the
24 end of the quarter, and shall indicate the number of vacancies filled
25 or positions created within the quarter and indicate the authority
26 under which such positions were filled and the report shall specify
27 with particularity the number and nature of all positions remaining
28 unfilled at the end of the quarter, whether new positions or vacan-
29 cies, and shall otherwise reflect a full accounting of all personnel

30 changes within the office or agency, including transfers, promo-
31 tions and reallocations, within the quarter. The first quarter shall
32 commence July 1, 1980 and end September 30, 1980.

33 D. All requests to fill vacancies; requests to create and fill new
34 positions; notices of transfers, promotions and reallocations;
35 approvals and rejections by the appointing authority and quarterly
36 reports shall be sent to the reporting agencies simultaneously with
37 the original transmittal and they shall be public records.

1 SECTION 7. Effective January 1, 1981 the total number of
2 state employees shall not exceed the total number of authorized
3 positions filled on July 1, 1980. Effective July 1, 1981 the total
4 number of state employees shall decrease at an annual rate of not
5 less than 1% of the total population of the commonwealth as
6 determined by the 1975 state census, until such time as the total
7 number of employees of the commonwealth does not exceed 1% of
8 the total population of the commonwealth as determined by the
9 most recent state census.

1 SECTION 8. The secretary of administration and finance shall
2 develop staffing plans and personnel management policies for the
3 purpose of containing the level of personnel within the limits as
4 specified in section 7 of this act.

1 SECTION 9. The secretary of administration and finance shall
2 file an annual report with the Clerk of the House of Representa-
3 tives of the staffing plans and personnel management policies
4 adopted to implement the provisions of section 7 of this act.

