

By Mr. Glaser of Malden, petition of the Massachusetts Police Association and another relative to the discharge, removal, suspension, laying off, transfer, lowering in rank or compensation, or abolishing of the office or position of civil service employees. Civil Service.

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO THE DISCHARGE, REMOVAL, SUSPENSION, LAYING OFF, TRANSFER, LOWERING IN RANK OR COMPENSATION, OR ABOLISHING OF THE OFFICE OR POSITION OF CIVIL SERVICE EMPLOYEES.

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 is hereby amended by striking out section 46A,
2 as appearing in the Tercentenary Edition, and inserting in place
3 thereof the following section: —

4 *Section 46A. (a)* The supreme judicial court shall have juris-
5 diction of any petition for a writ of mandamus for the reinstatement
6 of any person alleged to have been illegally discharged,
7 removed, suspended, laid off, transferred, lowered in rank or
8 compensation, or whose office or position is alleged to have been
9 illegally abolished under this chapter; provided, that such petition
10 shall be filed in said court within six months next following
11 such allegedly illegal procedure, unless said court for cause
12 shown extends the time.

13 *(b)* If any person alleges that his employment or compensa-
14 tion has been affected by action of the appointing authority in
15 failing to follow the procedural requirements of section forty-
16 three, he may file a complaint with the civil service commission
17 within seven days, exclusive of Saturdays, Sundays and holidays,
18 after the said action has been taken, or after receipt of notice of
19 said action. Said complaint shall set forth just how the appoint-
20 ing authority has failed to follow the said procedural require-

21 ments of said section forty-three. This complaint may be filed
22 with the request of the said person for a hearing under the pro-
23 visions of said section forty-three, and if it is determined by the
24 civil service commission that the said authority has failed to
25 follow the said procedural requirements of said section forty-
26 three, and in its opinion the employee's rights have been prej-
27 udiced by failure to follow said procedural requirements, the
28 said commission may order the said appointing authority to re-
29 store immediately said person to his employment without loss
30 of compensation or other rights. This paragraph shall not be
31 deemed to restrict the right of any person to elect to proceed
32 with a petition for mandamus in court as set forth in paragraph
33 (a) of this section. The superior court upon suit by the attorney
34 general brought upon petition by the civil service commission
35 may enforce paragraph (b) of section forty-six.