

By Mr. Farrell of Worcester, petition of Thomas F. Farrell and another for legislation to authorize the appointment of deaf persons to positions in the classified civil service. Public Service.

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Seventy-Two.

**AN ACT AUTHORIZING THE APPOINTMENT OF DEAF PERSONS TO POSITIONS IN THE CLASSIFIED CIVIL SERVICE.**

*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. Section 1 of chapter 31 of the General Laws is  
2 hereby amended by inserting after the paragraph "Competitive  
3 promotional examination", as appearing in section 1 of chapter  
4 703 of the acts of 1945, the following paragraph: —

5 "Deaf person", a person whose hearing deficiency or hearing  
6 impairment, as determined by an otologist or otolaryngologist,  
7 whether unstable or permanent is such that he is unable to  
8 comprehend and react to audible sounds of communication of  
9 normal volume and intensity for the everyday purposes and  
10 necessities of life.

1 SECTION 2. Section 10 of said chapter 31 is hereby  
2 amended by striking out the second paragraph as most recently  
3 amended by section 2 of chapter 31 of the acts of 1968 and  
4 inserting in place thereof the following paragraph: —

5 Whenever an appointing authority makes requisition to fill a  
6 temporary position in the classified civil service and attaches  
7 thereto a request that approval be given for the employment of  
8 a mentally retarded person or a deaf person in the position, the  
9 director may, notwithstanding the provisions of this chapter or  
10 any other law, approve such employment, provided that the  
11 appointing authority certifies that in his opinion the duties of

12 the position be performed by a mentally retarded person or a  
13 deaf person. The appointing authority shall forward the name  
14 of such mentally retarded person or deaf person to the director  
15 together with a certificate from the Massachusetts rehabilitation  
16 commission that said person is mentally retarded or deaf and a  
17 statement of approval of such employment of said mentally  
18 retarded person or deaf person from said commission. The  
19 director may also require the appointing authority to submit a  
20 written agreement including the following: (1) a statement by  
21 the appointing authority as to the specific position, title, grade  
22 and duties to be assigned to the mentally retarded person or  
23 deaf person who is to be employed, and the title of the  
24 immediate supervisor of such position, (2) a statement by the  
25 appointing authority that prior to employing the mentally  
26 retarded person or deaf person it has obtained a certificate  
27 from the Massachusetts rehabilitation commission that the re-  
28 tarded person or deaf person (a) can satisfactorily perform the  
29 duties of the position, (b) is qualified to do the work without  
30 hazard to himself or to others, and (c) is socially competent to  
31 maintain himself in a work environment, (3) a commitment by  
32 the appointing authority that it will fully utilize the services of  
33 the Massachusetts rehabilitation commission for assistance to  
34 the employee's immediate supervisor in the training and super-  
35 vision of the employee and for post-placement counseling to  
36 the employee, (4) a statement that the appointing authority  
37 will not terminate a mentally retarded or a deaf person's  
38 employment without prior notification to the Massachusetts  
39 rehabilitation commission. Thereupon, the director of civil ser-  
40 vice shall approve such appointment. The director may require  
41 any such mentally retarded person or deaf person to undergo  
42 such tests as in his opinion will test the fitness of the applicant  
43 to properly perform the duties of the position.

1 SECTION 3. Said section 10 of said chapter 31 is hereby  
2 further amended by striking out the third paragraph added by  
3 chapter 562 of the acts of 1967 and inserting in place thereof  
4 the following paragraph: —

5 Upon the approval by the director of such employment in  
6 accordance with the provisions of this section, the retarded

7 person or deaf person shall be regarded as property appointed  
8 to the position and shall continue subject to the provisions of  
9 this chapter.

1 SECTION 4. Said section 10 of said chapter 31 is hereby  
2 further amended by striking out the fourth paragraph as most  
3 recently amended by chapter 756 of the acts of 1968 and  
4 inserting in place thereof the following paragraph: —

5 The position of any such mentally retarded person or deaf  
6 person who has been employed in a year-round temporary  
7 position in the commonwealth for a continuous period of three  
8 years or more for which compensation has been duly paid or  
9 authorized under the same, or a like item in prior appropria-  
10 tion acts shall be deemed to be a permanent position. The  
11 director of personnel shall, by title and code number and  
12 subject to the approval of the executive office for administra-  
13 tion and finance, certify to the budget director, the comp-  
14 troller, the director of civil service, each appointing authority  
15 concerned, and the house and senate committees on ways and  
16 means, each such position to be included.