

By Mr. Frank of Boston, petition of Barney Frank for legislation to increase the productivity of public employees in certain cities and towns. Public Service.

**The Commonwealth of Massachusetts**

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

AN ACT TO INCREASE PRODUCTIVE EMPLOYMENT IN THE COMMONWEALTH.

*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. Chapter 31 of the General Laws is hereby  
2 amended by striking out Section 47, as most recently amended by  
3 Section 2 of Chapter 701 of the Acts of 1945, and inserting in  
4 place thereof the following section: —

5 *Section 47.* This chapter shall be in force with respect to the  
6 official and the labor service in all cities of the commonwealth  
7 which have accepted the corresponding provision of earlier laws  
8 or accept the pertinent provisions of this chapter by vote of the  
9 City Council.

1 SECTION 2. This chapter shall be in force with respect to the  
2 official or the labor service, or both, in every town of more than  
3 five thousand inhabitants using official ballots at town elections  
4 which accepts the provisions of this chapter relative thereto by  
5 vote in answer to a question placed on the official ballot at an  
6 annual town election as hereinafter provided, and in every such  
7 town not using official ballots at town elections which accepts  
8 said provisions at an annual town meeting; and all applicable  
9 provisions of this chapter shall be in force in every town of more  
10 than twelve thousand inhabitants which has accepted said  
11 provisions or corresponding provisions of earlier laws by vote at a  
12 town meeting.

1 SECTION 3. Upon the filing, with the clerk of any town of  
2 more than five thousand inhabitants using official ballots at town  
3 elections, of a petition signed either by not less than one thousand  
4 registered voters thereof or by not less than five per cent of the  
5 total number of registered voters thereof, requesting that the  
6 question of accepting the pertinent provisions of this chapter with  
7 respect to the official or the labor service, or both, be placed upon  
8 the official ballot, the clerk shall, if such provisions are not  
9 already in force in such town, place such question on the official  
10 ballot for the next town election occurring more than thirty days  
11 after the filing of such petition. The provisions of section forty-  
12 nine A relative to the certification of names on petitions under  
13 said section and to the filing and hearing of objections to the  
14 validity or sufficiency of such petitions or of the signatures  
15 thereon shall apply in the case of petitions under this section.

1 SECTION 4. Any city of the Commonwealth of one hundred  
2 thousand or more inhabitants may terminate the application of  
3 the corresponding provisions of earlier laws or the pertinent  
4 provisions of this chapter by vote of the city council, without the  
5 prior approval of the state legislature.

1 SECTION 5. Any city of the Commonwealth which has  
2 accepted the corresponding provisions of earlier laws or has  
3 accepted the pertinent provisions of this chapter may revoke such  
4 acceptance by the same procedure by which the city accepted the  
5 corresponding provisions of earlier laws or the pertinent  
6 provisions of this chapter without prior approval of the state  
7 legislature.

1 SECTION 6. Any town of the Commonwealth which has  
2 accepted the provisions of this Chapter, or the corresponding  
3 provisions of earlier laws, may revoke such acceptance by the  
4 same procedure by which the town accepted the provisions of this  
5 chapter without prior approval of the state legislature.

1 SECTION 7. Chapter 31, Section 15, paragraph B is hereby  
2 amended by striking it in its entirety and replacing it with the  
3 following:

4 In no instance shall promotions be based upon a competitive  
5 examination utilizing multiple choice questions or other  
6 standardized testing procedures unless the appointing authority  
7 shall certify to the Director that the number of applicants requires  
8 an initial screening using such tests. In no instance shall a final list  
9 of qualified applicants be produced or an applicant promoted  
10 from such a testing procedure alone.

11 The criteria for promotions in the official service shall be prior  
12 performance as reflected in the semi-annual performance  
13 evaluations required by Chapter 31, sub-section 3, paragraph 2  
14 (k). Applicants will be ranked on the basis of these evaluations in  
15 a manner consistent with the goal of rewarding meritorious  
16 service to the Commonwealth. No promotion shall take effect  
17 until justified in writing to the Director.

1 SECTION 8. Chapter 31, sub-section 3, paragraph 2 is hereby  
2 amended by adding a sub-section (k):

3 Shall require semi-annual evaluations of all employees by their  
4 supervisors and approved by the appointing authority. These  
5 shall be open to the employees' inspection and shall be the basis  
6 for the determination of step increases, promotions, and other  
7 personnel actions.

1 SECTION 9. Chapter 31, sub-section 5, is hereby amended by  
2 striking paragraph 2 and inserting in place thereof the following:

3 Heads of departments, members of boards and commissions,  
4 chaplains employed as such, members of authorities appointed  
5 by the Governor or whose appointment is subject to approval by  
6 the Governor, all employees exercising supervisory respon-  
7 sibilities over other employees, and heads of municipal  
8 departments.

1 SECTION 10. Chapter 31, sub-section 1 of the General Laws,  
2 is further amended by adding the phrase "supervising respon-  
3 sibilities," the responsibility to coordinate, direct or inspect,  
4 continuously and at first hand, the accomplishment of tasks or  
5 projects by other employees or consultants to the Com-  
6 monwealth.

1 SECTION 11. Chapter 31, sub-section 3, paragraph 2, is  
2 further amended to add a sub-section (1):

3 Develop a compensation and tenure plan for all employees not  
4 subject to Civil Service Commission rules under Chapter 31, sub-  
5 section 5. Such employees may be offered limited employment  
6 security on a personal contractual basis up to a maximum of five  
7 years.

1 SECTION 12. Chapter 150E, sub-section 3, paragraph 2, is  
2 hereby amended by adding after the word "Managerial" the word  
3 "supervisory".

1 SECTION 13. Chapter 150E, sub-section 1, is further amend-  
2 ed by inserting a new tenth paragraph:

3 "Supervisory employee", any employee that has responsibility  
4 for the coordination, direction, or inspection, continuously and at  
5 first hand, the accomplishment of tasks or projects by other  
6 employees or consultants or prepares evaluations of other  
7 employees under Chapter 3, sub-section 3, paragraph 2 (k).

1 SECTION 14. Chapter 150E, sub-section 7, paragraph 3, is  
2 further amended by adding a sub-section (k).

1 SECTION 15. Chapter 31 of the General Laws is hereby  
2 amended by adding the following section:

3 *Section 52.* The Chief Executive of any agency or department  
4 of the Commonwealth shall have the authority to discipline up to  
5 two per cent (2%) of the tenured employees under this authority  
6 and may delegate in writing this authority to any of his  
7 subordinates.