

Accompanying the first recommendation of the Department of Environmental Management (House, No. 109). Natural Resources and Agriculture.

The Commonwealth of Massachusetts

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

AN ACT TO ESTABLISH A MASSACHUSETTS CONSERVATION CORPS.

1 *Whereas,*

2 (1) It is the policy of the commonwealth to conserve and protect
3 its natural resources;

4 (2) There exists in the commonwealth a high level of unemploy-
5 ment among the state's youth and a need for meaningful summer
6 and year round employment;

7 (3) Many public lands of the commonwealth including its parks,
8 forests, wildlife refuges, beaches, and conservation areas are sub-
9 ject to increasing production demand and public use; and

10 (4) Youth conservation corps programs have been found to
11 provide meaningful job experiences for the state's youth while
12 serving to reduce the backlog of conservation work on public
13 lands;

14 (5) The deferred operation would defeat its purpose which is to
15 provide employment for the state's youth, therefore it is hereby
16 declared to be an emergency 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 SECTION 1. *Definitions:* Unless the context clearly indicates
2 otherwise when used in this chapter, the following words and
3 phrases shall have the following meanings:

4 "department", the department of environmental management as

5 established by chapter 21, section 1 of the General Laws.

6 “division”, the division of civilian conservation in the depart-
7 ment of environmental management.

8 “commissioner”, the commissioner of environmental manage-
9 ment.

10 “director”, the director of the division of civilian conservation in
11 the department of environmental management.

12 “corps”, the Massachusetts conservation corps.

13 “corpsmember”, an individual enrolled in the Massachusetts
14 conservation corps as provided under section 5(2) or 5(3) of this
15 act.

16 “program”, the civilian conservation program.

17 “project”, a specific work program funded under this act.

18 “project sponsor”, a department or agency of the common-
19 wealth, or any political subdivision of the commonwealth, or any
20 non-profit organization which has been in existence for a period of
21 five years, at the time of application for a project which receives
22 funding from the division for operation of a Massachusetts conser-
23 vation corps work program as provided for under this act.

24 “summer project”, a project or program funded during the
25 months of June, July, or August for the purpose of providing
26 summer jobs.

27 “year round project”, a project or program funded for six
28 months or greater for the purpose of providing employment to
29 persons who are unemployed and not attending school on a full
30 time basis.

31 “public lands”, any lands or waters of the commonwealth or
32 interest therein owned and administered by the commonwealth or
33 a political subdivision of the commonwealth or lands or waters of
34 the commonwealth over which there is substantial long term con-
35 trol by the commonwealth or its political subdivisions such that
36 any improvements to these lands or waters accrue to the general
37 public.

1 SECTION 2. *Establishment and Administration of the Pro-*
2 *gram:* There is hereby established in the department of environ-
3 mental management a summer and year round work program and
4 civilian conservation corps to maintain and conserve public lands

5 managed by state and local units of government in a cost effective
6 manner. Said program may be headed by a director.

7 The director shall be appointed by the commissioner, and may
8 be removed in like manner. Said position shall not be subject to
9 section 9A of chapter 30 or chapter 31 of the General Laws. He
10 shall be responsible for overall administration and direction of the
11 division and the corps.

12 He shall devote his full time during business hours to the duties
13 of his office.

14 The director may appoint such staff as the work of the office may
15 require, subject to appropriation and the commissioner's approval.

1 SECTION 3. *Duties and Responsibilities of the Director:* The
2 duties and responsibilities of the director shall include, but not be
3 limited to the following: —

4 Direct and administer a summer and a year round employment
5 program to be known as the Massachusetts conservation corps for
6 the purpose of conducting conservation work projects on public
7 land. The year round program shall include 40 hours per week of
8 intensive work and the summer program shall include 30 hours per
9 week of intensive work and 10 hours per week of conservation and
10 environmental awareness training. The 10 hours per week of con-
11 servation and environmental awareness training of the summer
12 program shall be unpaid. From monies appropriated for the pur-
13 poses of this act, the division is authorized to fund projects within
14 the department and make grants for projects to other state agen-
15 cies, political subdivisions, and non-profit private organizations.

1 SECTION 4. The following positions may be appointed by the
2 commissioner, and may be removed in like manner. Said positions
3 shall not be subject to section 9A of Chapter 30 or Chapter 31 of
4 the General Laws.

5 (1) *field coordinator* — An employee who works under the
6 director in the monitoring of projects funded by the division and
7 who provides technical assistance and direction to project sponsors
8 in carrying out the purposes of this act, and whose pay grade shall
9 be initially classified as program manager II as defined by chapter
10 699 of the acts of 1981.

11 (2) *conservation corps worker I* — A corpsmember enrolled in
12 with a summer project or year round project who works under the

13 direction of the project sponsor in completing conservation work
14 on public lands. The rate of pay for the conservation workers I
15 shall be the prevailing federal minimum wage at the time of
16 employment.

17 (3) *conservation corps worker II* — A corpsmember enrolled in
18 either a summer project or year round project who works under the
19 direction of the project sponsor in completing conservation work
20 on public lands, who has demonstrated superior leadership and
21 work performance in the corps. The rate of compensation for a
22 conservation corps worker II shall be 30 percent over and above
23 the prevailing federal minimum wage provided that no corps-
24 member shall be appointed to a conservation corps worker II
25 position unless they have been enrolled in the corps for 30 calendar
26 days.

27 Total conservation corps worker II positions shall at no time
28 exceed twenty-five percent of total state enrollment in the corps.

29 (4) Corpsmembers employed in year round projects shall re-
30 ceive no sick or vacation credits but shall accrue leave credits at the
31 rate of one and one quarter days for each month of enrollment in
32 the corps not to exceed 10 days of leave credit per year, shall not be
33 subject to the provisions of chapter 150E of the General Laws, nor
34 shall they be eligible for unemployment compensation following
35 termination from the program as provided by chapter 151A of the
36 General Laws, and shall be paid at their prevailing wage for all
37 legal state holidays as defined by the department of personnel
38 administration.

39 Corpsmembers employed in summer projects shall not be sub-
40 ject to the provision of chapter 150E of the General Laws nor be
41 eligible for unemployment compensation following their termina-
42 tion from the program as provided by chapter 151A of the General
43 Laws, and shall not receive credits for sick, vacation, or leave time.
44 The maximum term of employment for corpsmembers in summer
45 projects shall be one term defined as an enrollment for six weeks or
46 greater and for corpsmembers enrolled in year round projects
47 maximum enrollment shall be one calendar year.

48 Persons who apply for employment in a year round project of
49 the corps shall at the time of application be unemployed, not less
50 than sixteen or older than twenty-three years of age, and be eligible
51 to work 40 hours per week. Any applicant who has not reached the
52 age of 18 years must provide certification that he or she did not

53 leave school for the purpose of enrolling in the corps.

54 Persons who apply for employment in summer projects of the
55 corps shall at the time of application be not less than 15 nor older
56 than 18 years of age and be able to participate for the full term of
57 the summer program.

1 SECTION 5. Any person within a state agency of the common-
2 wealth whose position is funded under this act shall be considered
3 an employee of the sponsoring agency for time in service credit
4 provided that no position funded under this act shall be subject to
5 the provisions of chapter 31 of the General Laws.

1 SECTION 6. *Allowable Work Activities:*

2 (1) Work programs established under this act may include but
3 are not limited to the following:

- 4 a. Forestry and nursery operations.
- 5 b. Urban park and restoration and beautification.
- 6 c. Historical and cultural site preservation and maintenance.
- 7 d. Recreation areas development, maintenance and improve-
8 ment.
- 9 e. Road and trail maintenance within recreation and conserva-
10 tion areas.
- 11 f. Soil conservation work including erosion control.
- 12 g. Wildlife culture and habitat improvement.
- 13 h. Flood, drought, storm damage and other assistance which
14 may be necessary as a result of natural disaster.
- 15 i. Stream, lake, waterfront, harbor and port improvement and
16 pollution control.
- 17 j. Insect pest control activities.

18 (2) No corpsmember may engage in any work activities which
19 will result in displacement of currently employed workers includ-
20 ing partial displacement due to reduction in wages or non-overtime
21 work or replace work duties of an individual who is on lay-off from
22 a substantially equivalent job which has these duties.

1 SECTION 7. Persons who wish to apply for employment with
2 the corps shall file an application with the division of employment
3 security which shall screen applicants for conformance with sec-
4 tions of this act. The director and the division of employment
5 security shall develop written guidelines and procedures for refer-

6 ral of applicants to project sponsors, for corpsmember selection,
7 and for efforts to recruit minority and economically disadvantaged
8 youths.

1 SECTION 8. *Rules and Regulations.* Not less than sixty days
2 from the passage of this act, the director with the approval of the
3 commissioner shall promulgate regulations pertaining to the pro-
4 visions of this act to include but not be limited to corpsmember
5 safety, corpsmember grievance procedures, and criteria for selec-
6 tion of project sponsors.

1 SECTION 9. The director with the approval of the commis-
2 sioner shall file an annual report not later than the first Wednesday
3 in October with the clerk of house and senate and shall include, but
4 not be limited to, the work projects accomplished by the corps,
5 project sponsors, and cost per participant.

1 SECTION 10. *Severability Clause.* It is hereby declared that
2 the provisions of this act are severable, and if any provisions of this
3 act shall be declared unconstitutional by the valid judgment or
4 decree of any court of competent jurisdiction, such unconstitution-
5 ality shall not affect any of the remaining provisions of this act.



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3. The third part of the document is a list of names and dates, continuing the record. The names and dates are clearly legible, and the format is consistent with the previous parts.

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