

By Mr. Manning of Milton, petition of M. Joseph Manning and another for legislation to further regulate eligibility lists for certain civil service examinations. Public Service.

The Commonwealth of Massachusetts

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

AN ACT FURTHER REGULATING ELIGIBILITY LISTS FOR CERTAIN CIVIL SERVICE EXAMINATIONS.

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 527 of the Acts of 1985 is hereby amended, by striking
2 out sections twelve (12) and sections thirteen (13), in their entirety,
3 and substituting the following:

4 The administrator shall establish, maintain and revise lists of
5 persons who are eligible for appointment to positions in the
6 official service. The names of such persons shall be arranged on
7 each such list, subject to the provisions of section twenty-six,
8 where applicable, in the order of their marks on the examination
9 based upon which the list is established. Each such list shall be
10 established or revised as soon as such marks are determined by
11 the administrator, except that if such determination is made by
12 the use of a written examination, the establishment or revision
13 of the list shall be completed no later than six months after the
14 date of such examination. The administrator shall make all
15 eligible lists available for public inspection. All persons who have
16 taken an examination shall be notified of the results thereof not
17 later than sixty days after the date of such examination.

18 If an examination is held for a position and the results are
19 determined during the period of eligibility on a list for such
20 position of persons who have taken a previous examination of
21 the same type, the names of all persons who passed such
22 examination shall be consolidated in a single list. Eligibility of a
23 person for placement on, and the standing of such person on, an

24 eligible list for any position shall be determined by the results of
25 the last examination taken by such person for such position.

26 Persons on an eligible list shall be eligible for certification from
27 such list for a period not to exceed two years unless one of the
28 following exceptions applies: (1) such eligibility is extended by law
29 because such persons are in the military or naval service; (2) the
30 administrator is temporarily enjoined by a court order from
31 certifying names from an eligible list, on which case eligibility of
32 persons on such list shall be extended for a period equal to the
33 duration of such order; (3) the administrator determines that the
34 public convenience requires an extension of eligibility, in which
35 case eligibility of all persons on such list shall be extended until
36 such time as a new eligible list is established for the same position
37 for which the original list was established; or (4) the administrator
38 reestablishes an expired eligible list pursuant to the provisions of
39 the following paragraph.

40 The administrator shall reestablish the eligibility of all persons
41 on an eligible list for a position in a departmental unit in order
42 to fill a vacancy in such position which occurs as a result of a
43 death or retirement if such persons were eligible to be certified
44 for appointment to such position at the time such vacancy
45 occurred and requisition to fill such vacancy is made not later than
46 six months after such death or retirement.

47 Following the certification of names to an appointing authority,
48 such appointing authority shall submit a written notice to the
49 administrator indicating, with respect to each person whose name
50 was certified, whether such person appeared to be interviewed,
51 declined to accept employment, or expressed his willingness to
52 accept employment, and whether or not such person has been
53 selected for appointment. Failure to submit such notice on or prior
54 to the date of expiration of the eligibility of a person on the list
55 from which such names were certified shall nullify an appointment
56 of such person.

57 The name of a person which was placed on an eligible list as
58 the result of an examination for original appointment shall be
59 removed from such list if the person fails to respond to a notice
60 of certification or refuses to accept permanent or temporary
61 employment after having previously expressed willingness to
62 accept such employment, provided that the administrator may

63 permit the name of such person to remain on the eligible list if
64 such person submits to the administrator, during the period of
65 his eligibility on such list, a satisfactory explanation of such refusal
66 or failure to respond, and provided, further, that any person
67 whose name is certified three times from an eligible list and who
68 refused, in each instance, to accept employment which he had
69 previously expressed willingness to accept shall be ineligible to
70 have his name certified again from such list for such employment.

