

# HOUSE . . . No. 2268

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## The Commonwealth of Massachusetts

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EXECUTIVE DEPARTMENT,  
STATE HOUSE, BOSTON, January 13, 1954.

*To the Honorable Senate and House of Representatives:*

In my Annual Message, I raised questions relative to the inequity of denying to appointing authorities rights of appeal from decisions of the Civil Service Commission which presently are extended to aggrieved employees.

I reiterate the need for correction of this situation and I submit herewith a bill extending to appointing authorities that right of appeal which is my belief should be theirs on hearings provided for in Section 43 of Chapter 31 of the General Laws.

It is my hope that the General Court will take favorable action on this measure.

Respectfully submitted,

CHRISTIAN A. HERTER,  
*Governor of the Commonwealth.*

## The Commonwealth of Massachusetts

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

### AN ACT PROVIDING FOR JUDICIAL REVIEW OF CERTAIN REMOVALS UNDER THE CIVIL SERVICE LAWS.

1 *Whereas*, The deferred operation of this act will  
2 tend to defeat its purpose, which is to provide a more  
3 equitable method of judicial review of certain re-  
4 movals, suspensions and the like under the civil serv-  
5 ice laws, therefore this act is hereby declared to be  
6 an emergency law, necessary for the immediate pres-  
7 ervation of the public convenience.

*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 thirty-one of the General Laws is hereby  
2 amended by striking out section forty-five and insert-  
3 ing in place thereof the following section: —  
4 *Section 45.* Within thirty days after action by the  
5 commission on a hearing provided for in section forty-  
6 three, the appointing authority or the person who was  
7 discharged, removed, suspended, laid off, transferred  
8 or lowered in rank or compensation, or whose office  
9 or position was abolished or both, may appeal from  
10 said action by bringing a petition in the district court  
11 within the judicial district wherein said appointing  
12 authority has an office, addressed to the justice of  
13 the court, praying that the action of the commission  
14 may be reviewed by the court, and, after such notice  
15 as the court deems necessary to the appointing au-  
16 thority, said person and to the commission, it shall  
17 hear witnesses, review such action, and determine  
18 whether or not upon all the evidence such action was  
19 justified. Following review, the court shall make such

20 an order as in its discretion is warranted in law and  
21 fact. The decision of the court shall be final and  
22 conclusive upon the parties, and a copy of the deci-  
23 sion shall be forwarded by the clerk of court to the  
24 director.

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