

HOUSE . . . . No. 1430

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The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, May 9, 1932.

The committee on Bills in the Third Reading, to whom was referred the Bill relative to the appointment and removal of instructors and certain other employees at the State Prison Colony (House, No. 1349), report recommending that the same be amended by the substitution of the accompanying bill (House, No. 1430).

For the committee,

PHILIP BARNET.

## The Commonwealth of Massachusetts

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

An Act relative to the Appointment and Removal of Officers and Employees at the State Prison Colony.

1    *Whereas*, The deferred operation of this act would  
2 tend to defeat its purpose, therefore it is hereby  
3 declared to be an emergency law, necessary for the  
4 immediate preservation 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    SECTION 1. Section four of chapter thirty-one of  
2 the General Laws, as most recently amended by  
3 chapter thirty-four of the acts of nineteen hundred  
4 and thirty, is hereby further amended by striking  
5 out the sixth paragraph, as printed in chapter one  
6 hundred and ninety-seven of the acts of nineteen  
7 hundred and twenty-four, and inserting in place  
8 thereof the following:—

9    Instructors in the state prison, the Massachusetts  
10 reformatory and the state prison colony, and all other  
11 employees in said institutions having prisoners under  
12 their charge.

1    SECTION 2. Section forty-six of said chapter thirty-  
2 one, as amended by section four of chapter two hun-  
3 dred and twenty of the acts of nineteen hundred and

4 twenty-five, is hereby further amended by inserting  
5 after the word "hospital" in the second line the  
6 words: — , of the state prison colony, — so as to read  
7 as follows: — *Section 46.* An officer or employee of  
8 the state prison, of the reformatory for women, of  
9 the prison camp and hospital, of the state prison  
10 colony, or of the Massachusetts reformatory, sought  
11 to be removed, suspended, lowered in rank or com-  
12 pensation, or transferred, shall be notified of the  
13 proposed action, and shall be furnished a copy of the  
14 reasons therefor as required by section forty-three,  
15 and shall, if he so requests in writing, be given a  
16 hearing before the commissioner of correction, and  
17 be allowed to answer any charges preferred against  
18 him, either personally or by counsel. Said commis-  
19 sioner, after hearing the officer preferring the charges,  
20 and the officer or employee in question, together with  
21 such witnesses as either of the parties may produce,  
22 shall determine whether or not the reasons for such  
23 proposed removal, suspension, lowering in rank or  
24 compensation, or transfer, are just and sufficient, and  
25 shall certify his finding to the head of the institution  
26 in which such officer or employee is employed, who  
27 shall, if the reasons given have been sustained by the  
28 finding, forthwith remove from office or employment,  
29 suspend, lower in rank or compensation, or transfer  
30 the officer or employee in question, subject to the  
31 right of judicial review provided by the preceding  
32 section. If said commissioner finds that such reasons  
33 are not just and sufficient, the head of the institution  
34 in which the officer or employee is employed shall  
35 continue him in service or, if he has temporarily been  
36 suspended, shall forthwith restore him to duty or to  
37 his original rank or compensation, as the case may

38 be. A copy of the reasons, notice, answer, finding,  
39 and order of removal, suspension, lowering in rank  
40 or compensation, or transfer, shall, in each case, be  
41 filed in the office of the division and made a matter  
42 of public record.

1 SECTION 3. Section four of chapter one hundred  
2 and twenty-five of the General Laws, as amended by  
3 section four of chapter two hundred and eighty-nine  
4 of the acts of nineteen hundred and twenty-seven, is  
5 hereby further amended by striking out, in the fourth  
6 and fifth lines, the words "and hold office during the  
7 pleasure of said warden or superintendent", — so as  
8 to read as follows: — *Section 4.* All subordinate  
9 officers and employees in the several institutions shall  
10 be appointed by the warden or superintendent thereof.  
11 Appointments in the prison camp and hospital, state  
12 prison colony and stat efarm shall be subject to the  
13 approval of the commissioner.

1 SECTION 4. Each person who holds an office or  
2 position, at the time when the same is included by  
3 rule within the classified civil service as required by  
4 section one of this act, shall continue to be employed  
5 in such office or position without taking a civil  
6 service examination, with the same status he then has.

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Passed to be engrossed.

Sent up for concurrence.

FRANK E. BRIDGMAN, *Clerk.*