

SENATE No. 3142

The Commonwealth of Massachusetts

PRESENTED BY:

Diana DiZoglio

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to the reinstatement of positions in a departmental unit according to seniority for the city of Methuen.

PETITION OF:

NAME:

Diana DiZoglio

DISTRICT/ADDRESS:

First Essex

SENATE No. 3142

By Ms. DiZoglio, a petition (accompanied by bill, Senate, No. 3142) of Diana DiZoglio (with approval of the mayor and city council) for legislation relative to the reinstatement of positions in a departmental unit according to seniority for the city of Methuen. Public Service. [Local Approval received]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to the reinstatement of positions in a departmental unit according to seniority for the city of Methuen.

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. (a) Notwithstanding sections 31, 33, and 39 of the Massachusetts General
2 Laws Chapter 31, or any other general or special law to the contrary, if permanent employees
3 tenured under Chapter 31, who hold the same rank in an agency, are to be separated from
4 employment because of lack of work, lack of funding, or abolition of positions, such employees
5 shall, except as hereinafter provided, be separated from employment according to their seniority
6 in such rank and shall be reinstated in the same agency unity and in the same position or
7 positions similar to those formerly held by them according to seniority in such rank. Thus,
8 employees senior in length of service within each respective rank shall be retained the longest
9 and reinstated first. Employees separated from positions under this section shall be reinstated
10 prior to the appointment of any other applicants to fill such openings.

11 (b) Any action by an appointing authority to separate a tenured employee from
12 employment based on lack of work, lack of money, or abolition of positions shall comply with
13 section 41 of Chapter 31. Any such employee who has received written notice of an intent to
14 separate the employee from employment for such reasons may, as an alternative to such
15 separation, file with the appointing authority, within seven days of receipt of such notice, a
16 written consent to demotion in (i) a position in the next lower rank or ranks in succession in the
17 official service or to (ii) the next lower rank or ranks in the labor service, as the case may be, if
18 in such next lower rank or ranks there is an employee junior to the employee in length of service
19 within that rank. If work or funding is restored, any employee so demoted shall be restored to the
20 rank in which the employee was formerly employed, according to seniority in such rank.

21 (c) A permanent employee tenured under Chapter 31, who has become separated from
22 employment because of disability and is subsequently deemed capable of employment as
23 determined pursuant to section eight of Massachusetts General Laws Chapter thirty-two by the
24 Methuen Retirement Board, as defined in section one of chapter thirty-two, such employee shall
25 be placed in a position in the same or similar title in the department from which the employee
26 was separated, or any other department prior to the appointment from any civil service list;
27 provided, however, that if such placement of such employee occurs more than five years after the
28 date of such separation, or if such placement is in a different title from the title of the position
29 from which the employee was separated, such employee must undergo a retraining program
30 established by the appointing authority, and approved by the personnel administrator, prior to,
31 and as a condition of, such placement.

32 SECTION 2. Nothing in this section shall impair the preference provided for disabled
33 veterans by section twenty-six.