

SENATE No. 1100

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relative to accrued sick time of certain state employees..

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 7 of the General Laws, is hereby amended by striking out in its entirety Section
2 28 and inserting in place thereof the following new section: -

3 CHAPTER 7. Executive Office For Administration And Finance

4 Chapter 7: Section 28. Department of personnel administration; research; technical
5 advisors; rules and regulations

6 Section 28. The personnel administrator may carry on departmental research, tending to
7 greater co-ordination and standardization of personnel administration, including the making of
8 examinations and investigations, the employment of technical advisers for such purposes, and the
9 making of recommendations based thereon.

10 Subject to approval of the commissioner of administration and the governor, the said
11 administrator shall make, and from time to time may amend, rules which shall regulate vacation
12 leave, sick leave and other leave with pay and overtime compensation, maintenance charges, or
13 payments in lieu thereof, travel and meals for persons traveling within or without the

commonwealth; provided, however, that all authorized travel shall be administered and coordinated by the state purchasing agent in a cost-effective manner, for permanent and temporary employees and for officers other than those exempted by such rules; provided, however, that such rules regulating sick leave shall provide that any such officer or employee who, while in the performance of duty, shall receive bodily injuries resulting from acts of violence of any patient or prisoner in his custody, and who as a result of such injury shall be entitled to weekly cash benefits under chapter one hundred and fifty-two, may be paid the difference between such benefits and his regular pay, without use of any sick leave credit to which he may have been entitled prior to such injury, and notwithstanding the fact that such injury shall be for less than eight days duration; and provided, further, that rules and rates established pursuant to the provisions of this section relative to the reimbursement for the expenses of meals for persons traveling within or without the commonwealth at the expense thereof shall apply to all offices, departments, boards, commissions, and other agencies of the commonwealth which receive state appropriations. Such rules regulating vacation leave shall provide for the accrual of such leave by managers on a monthly basis, beginning with the first working day of the calendar month on or after the date of initial employment, with the annual rate of accrual as determined by such rules to be pro rated for such calendar month, and for each calendar month thereafter. Such rules regulating vacation leave and sick leave shall provide that employees be credited with all prior service performed by them while employed by or attached to the general court or either branch thereof, the executive and judicial branches, and the offices of the constitutional officers, as though such prior service were performed in the service of the department in which they are employed, and said eligible credit shall be made retroactively available for a period not less than three years, effective immediately upon passage of this act;

provided, however, that such credit shall not be given to any such employee re-entering the service of the commonwealth after having been separated from such service for a period in excess of three years, and In the event of a conflict between the terms of a collective bargaining agreement and any rule or regulation made pursuant to this paragraph, the terms of the collective bargaining agreement shall prevail.

Before making any such rule or amendment thereto, and before making any determination of the hours of work of any class under authority of section thirty A of chapter one hundred and forty-nine, the personnel administrator shall, not later than thirty days before the date on which the proposed rule, amendment or determination is to become effective, cause a notice thereof to be posted in a conspicuous place in the office of each appointing authority of the commonwealth, and shall, not later than fifteen days before the said date, hold a public hearing thereon. Such notice shall set forth the proposed rule, amendment or determination, and shall specify the hour, day and place of the said public hearing. Any such officer or employee desiring to testify at the said hearing shall, with the prior consent of his appointing authority, be allowed to attend the same without loss of pay.

The personnel administrator may, with approval of the commissioner of administration and the governor, make rules for the prevention of accidents and industrial or occupational diseases in any employment or place of employment maintained by the commonwealth. The said administrator shall investigate any written complaint filed with him by any officer or employee of the commonwealth, describing in detail and with supporting evidence, any allegedly unsafe or insanitary condition relating to the work of such officer or employee; and the said administrator shall in writing report his findings and recommendations thereon to the commissioner of administration and the governor, to the officer or employee who shall have filed such complaint,

60 and to the appointing authority concerned. The commissioner of labor and industries and the
61 commissioner of public health shall furnish the said administrator with such advice and
62 assistance as he may request for the purpose of administering the provisions of this paragraph.

63 Subject to the approval of the commissioner of administration and the governor, the said
64 administrator, in making or amending the rules and regulations provided by this section may
65 make reasonable differences between the rules and regulations applicable to employees and the
66 rules and regulations applicable to managers.

67 All rules, amendments thereto, and determinations made in accordance with this section
68 shall be open to public inspection in the files of the department, and copies thereof shall be
69 available to officers and employees of the commonwealth upon request. Such rules and
70 amendments thereto shall comply with filing provisions of section five of chapter thirty A and
71 such regulations shall not take effect until so filed.

72 Said administrator may enter into agreements with the federal government and other
73 public agencies, departments, boards, commissions, divisions, bureaus, authorities or other
74 instrumentalities of the commonwealth for the conduct of training for state managerial personnel.