

SENATE No. 1145

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act Expanding Benefits Available to Municipalities with Membership in the Group Insurance Commission..

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 2 of Chapter 32A of the General Laws, as amended by Section 16
2 of Chapter 130 of the acts of 2008, is hereby amended by striking out subsection (b) and
3 inserting in place thereof the following paragraph:

4 (b) "Employee", any person in the service of the commonwealth, which shall include a
5 person employed by the National Guard as a technician, and who is not at the same time an
6 employee of the United States, and a person who is an employee of a mosquito control project,
7 the Massachusetts Parking Authority, the metropolitan area planning council, the Montachusett
8 regional planning commission, the central Massachusetts regional planning district commission,
9 the Massachusetts State College Building Authority, Massachusetts School Building Authority,
10 the commonwealth health insurance connector authority, the Massachusetts Life Sciences
11 Center, Worcester county, the county cooperative extension service of Suffolk county, a local
12 housing authority or a redevelopment authority, whether such person be employed, appointed or
13 elected by popular vote, provided the duties of such person require that his time be devoted to the

14 service of the commonwealth during the regular work week of permanent employees, except that
15 persons elected by popular vote, other than those serving as members of mosquito control
16 projects, local housing and redevelopment authorities, will be considered employees during the
17 entire term for which they are elected regardless of the hours devoted to the service of the
18 commonwealth. By way of illustration but not limitation, a person appointed or elected by
19 popular vote shall include employees of the general court, state officials, constitutional officers
20 and members of the general court, but shall in no event be construed to include members of the
21 judiciary paid in whole or in part from other than state funds, seasonal employees or emergency
22 employees. A determination by the commission that a person is eligible for participation in the
23 plan of insurance shall be final and shall be binding on all parties. A person serving on a
24 temporary or provisional basis in a position which is subject to the provisions of chapter thirty-
25 one, notwithstanding the provisions of said chapter, and only for purposes of continuation of
26 insurance coverages granted herein, may be granted a leave of absence by the appointing
27 authority for reasons of illness of such person provided that the person agrees in writing to return
28 to an active working status at the conclusion of such leave of absence in the same or similar
29 position. Any such illness shall be evidenced by a certificate as prescribed by the commission of
30 a registered physician approved by the commission. The appointing authority may extend such
31 leave of absence from month to month subject to concurrence by the commission as to the
32 continuation of the person's insurance coverages. Such a leave of absence in the case of
33 employment subject to said chapter thirty-one shall not be deemed to confer on the person any
34 civil service rights which the person did not hold when said leave of absence was granted; and no
35 person whose name is on an eligible civil service list for said position shall lose any rights to
36 appointment to said position. A person employed by a regional council of government

37 established pursuant to section 20 of chapter 34B or a regional planning district or commission
38 established pursuant to chapter 40B, a non-unionized education collaborative as defined by
39 section 4E of chapter 40 or a commonwealth charter school as defined by section 89 of chapter
40 71 shall be an employee under chapter 32A and subject to the terms and conditions of said
41 chapter 32A including, but not limited to, premium contribution ratios, in the event that the
42 governing body of the regional council of government or the regional planning district or
43 commission votes to accept that status and notifies the commission of the vote. All subscribers
44 of any governmental unit transferred to the commission pursuant to subsection (e) of Section 19
45 of chapter 32B shall be an employee under chapter 32A and subject to the terms and conditions
46 of said chapter 32A, including, but not limited to, amounts of insurance and benefits under
47 Section 6 of chapter 32A.