

HOUSE No. 3621

The Commonwealth of Massachusetts

PRESENTED BY:

John C. Velis and Michael F. Rush

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 protecting veterans' preference in hiring practices.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>John C. Velis</i>	<i>4th Hampden</i>
<i>Michael F. Rush</i>	<i>Norfolk and Suffolk</i>
<i>David F. DeCoste</i>	<i>5th Plymouth</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Aaron Vega</i>	<i>5th Hampden</i>
<i>Michael J. Finn</i>	<i>6th Hampden</i>
<i>Jeffrey N. Roy</i>	<i>10th Norfolk</i>
<i>Marc T. Lombardo</i>	<i>22nd Middlesex</i>
<i>Timothy R. Whelan</i>	<i>1st Barnstable</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>
<i>Donald R. Berthiaume, Jr.</i>	<i>5th Worcester</i>
<i>David T. Vieira</i>	<i>3rd Barnstable</i>
<i>William L. Crocker, Jr.</i>	<i>2nd Barnstable</i>
<i>Kate D. Campanale</i>	<i>17th Worcester</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>
<i>Eric P. Lesser</i>	<i>First Hampden and Hampshire</i>

<i>Paul R. Heroux</i>	<i>2nd Bristol</i>
<i>Shawn Dooley</i>	<i>9th Norfolk</i>
<i>James J. Dwyer</i>	<i>30th Middlesex</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>
<i>RoseLee Vincent</i>	<i>16th Suffolk</i>
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>
<i>Sheila C. Harrington</i>	<i>1st Middlesex</i>
<i>Steven S. Howitt</i>	<i>4th Bristol</i>
<i>Brian Murray</i>	<i>10th Worcester</i>
<i>Alan Silvia</i>	<i>7th Bristol</i>
<i>Tackey Chan</i>	<i>2nd Norfolk</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>
<i>Peter V. Kocot</i>	<i>1st Hampshire</i>
<i>Donald F. Humason, Jr.</i>	<i>Second Hampden and Hampshire</i>
<i>Paul Tucker</i>	<i>7th Essex</i>
<i>John J. Lawn, Jr.</i>	<i>10th Middlesex</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>
<i>Harold P. Naughton, Jr.</i>	<i>12th Worcester</i>
<i>Robert M. Koczera</i>	<i>11th Bristol</i>
<i>Angelo L. D'Emilia</i>	<i>8th Plymouth</i>
<i>Stephan Hay</i>	<i>3rd Worcester</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>
<i>Gerard Cassidy</i>	<i>9th Plymouth</i>
<i>Walter F. Timilty</i>	<i>Norfolk, Bristol and Plymouth</i>
<i>Richard J. Ross</i>	<i>Norfolk, Bristol and Middlesex</i>
<i>Theodore C. Speliotis</i>	<i>13th Essex</i>
<i>Brendan P. Crighton</i>	<i>Third Essex</i>
<i>Michael S. Day</i>	<i>31st Middlesex</i>
<i>Daniel Cahill</i>	<i>10th Essex</i>
<i>Barbara A. L'Italien</i>	<i>Second Essex and Middlesex</i>
<i>Claire D. Cronin</i>	<i>11th Plymouth</i>
<i>Daniel J. Hunt</i>	<i>13th Suffolk</i>
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>
<i>Susannah M. Whipps</i>	<i>2nd Franklin</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>
<i>Linda Dean Campbell</i>	<i>15th Essex</i>
<i>Peter J. Durant</i>	<i>6th Worcester</i>

<i>Jennifer L. Flanagan</i>	<i>Worcester and Middlesex</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>
<i>Rady Mom</i>	<i>18th Middlesex</i>
<i>Elizabeth A. Poirier</i>	<i>14th Bristol</i>

HOUSE No. 3621

By Representative Velis of Westfield and Senator Rush, a joint petition (accompanied by bill, House, No. 3621) of John C. Velis, Michael F. Rush and others relative to veterans’ preference hiring practices. Public Service.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act protecting veterans’ preference in hiring practices.

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 31 of the General Laws, as appearing in the 2014
2 Official Edition, is hereby amended by inserting after subsection (f) the following subsection:-

3 (f¹/₂) To hear and decide appeals alleging that a city or town has not provided a veterans’
4 preference, as required by chapter 96B¹/₂ of chapter 41, to an applicant for original appointment
5 to the position of police officer or firefighter in any city or town exempt from this chapter.

6 SECTION 2. Section 3 of said chapter 31, as so appearing, is hereby amended by
7 inserting after the word “appointments”, in lines 27 and 28, the following words:- ; including, in
8 consultation with the commission prior to promulgating such rules, rules that include the right of
9 an applicant for original appointment to the position of police officer or firefighter in any city or
10 town to appeal to the commission that a city or town has not provided a veterans’ preference, as
11 required by chapter 96B¹/₂ of chapter 41, to such applicant.

12 SECTION 3. Section 1 of chapter 31A of the General Laws, as so appearing, is hereby
13 amended by inserting after the word “hereinafter”, in line 6, the following words:- ; provided,
14 however, that notwithstanding this chapter or any other general or special law, rule, regulation or
15 by-law to the contrary, a city or town shall, for original appointment of any firefighter or police
16 officer, place on eligible lists in the following order the names of the following persons who pass
17 examinations: (1) disabled veterans, in the order of their respective standings; (2) veterans, in the
18 order of their respective standings; (3) widows or widowed mothers of veterans who were killed
19 in action or died from a service connected disability incurred in wartime service, in the order of
20 their respective standings; (4) a son or daughter of a fire fighter or police officer as set forth in
21 paragraphs 7 and 8 of section 26 of chapter 31, in the order of their respective standings; and (5)
22 all others, in the order of their respective standings.

23 SECTION 4. Section 3 of said chapter 31A, as so appearing, is hereby amended by
24 inserting after the word “preference”, in lines 23 and 24, the following words:- ; provided,
25 however, that any applicant for original appointment to the position of police officer or
26 firefighter in any city or town exempt from the application of said chapter 31 who alleges that a
27 city or town has not provided the preference as required by this exception and section 96B½ of
28 chapter 41 shall be entitled to a hearing before the civil service commission.

29 SECTION 5. Chapter 41 of the General Laws is hereby amended by inserting after
30 section 96B the following section:-

31 Section 96B½. (a) Notwithstanding section 3 of chapter 31A or any special law, a
32 disabled veteran, a veteran, a widow or a widowed mother of a veteran killed in action or died
33 from a service connected disability incurred in wartime service or a son or daughter of a fire

34 fighter or police officer as set forth in paragraphs 7 and 8 of section 26 of chapter 31 applying for
35 original appointment to the position of police officer or firefighter in any city or town exempt
36 from said chapter 31, shall have a hiring preference over any other applicant for such position.
37 Such person shall be deemed qualified for the position if he or she applies for, takes and passes
38 the examination for original appointment of such position as provided in chapter 31.

39 (b) Any person set forth in subsection (a) who alleges that a city or town has not provided
40 the preference as required by this section, or has not complied with any other provision of this
41 section may request a hearing before the civil service commission as provided for in section 3 of
42 chapter 31A.

43 (c) Any city or town that violates this section shall be subject to a civil penalty not to
44 exceed \$5,000 for each such violation. Each day each such violation occurs or continues shall be
45 deemed a separate offense. This penalty shall be in addition to any other penalties that may be
46 prescribed by law or damages allowed by law.

47 SECTION 6. A city or town exempt from chapter 31 of the General Laws, shall, within
48 30 days of the passage of this act, post a notice on its municipal website home page that any
49 position for full-time police officer or firefighter position is subject to the hiring preference set
50 forth in this act.