

HOUSE No. 3786

The Commonwealth of Massachusetts

PRESENTED BY:

Daniel Cahill

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 amending the act establishing a Department of Inspectional Services in the city of Lynn.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Daniel Cahill</i>	<i>10th Essex</i>	<i>6/21/2017</i>
<i>Thomas M. McGee</i>	<i>Third Essex</i>	<i>6/21/2017</i>
<i>Brendan P. Crighton</i>	<i>Third Essex</i>	<i>6/22/2017</i>
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>	<i>6/21/2017</i>
<i>Donald H. Wong</i>	<i>9th Essex</i>	

HOUSE No. 3786

By Mr. Cahill of Lynn, a petition (accompanied by bill, House, No. 3786) of Daniel Cahill and others (with the approval of the mayor and city council) relative to the Department of Inspectional Services in the city of Lynn. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

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

An Act amending the act establishing a Department of Inspectional Services in the city of Lynn.

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. Paragraph (2) of subsection (d) of section 5 of chapter 378 of the acts of
2 2014 is hereby amended by striking out the fourth sentence.

3 SECTION 2. Paragraph (3) of said subsection (d) of said section 5 of said chapter 378 is
4 hereby amended by inserting after the word “facilities”, in line 2, the following words :- , except
5 school buildings,

6 SECTION 3. Said paragraph (3) of subsection (d) of said section 5 of said chapter 378 is
7 hereby further amended by adding the following sentence:-

8 :- The facility division shall be responsible for extraordinary maintenance and capital
9 repairs for school buildings.

10 SECTION 4. Said subsection (d) of said section 5 of said chapter 378 is hereby further
11 amended by inserting after paragraph (3) the following paragraph:-

12 (3¼) The school department in the city of Lynn shall be responsible for the custodial,
13 ordinary maintenance and ground services for the school buildings in the city. There shall be a
14 supervisor of school custodial, maintenance and ground services in the school department who
15 shall oversee the custodians and maintenance personnel assigned to public school buildings. The
16 supervisor shall be appointed by the superintendent of schools and may be removed for cause;
17 provided, however, that the supervisor shall be provided written notice of the intent to remove,
18 including a statement of the reason for the removal, and the supervisor may contest such removal
19 at a public hearing. The supervisor shall be a public employee under chapter 150E of the General
20 Laws.

21 The supervisor of school custodial, maintenance and ground services may be an existing
22 employee of the city of Lynn; provided, that the employee may hold the position of supervisor of
23 school custodial, maintenance and ground services and another municipal position
24 simultaneously. If the superintendent appoints an existing employee of the city as supervisor of
25 school custodial, maintenance and ground services, the school committee shall establish
26 additional compensation for the employee; provided, however, that the compensation shall not
27 be less than an amount equal to \$15,000 more than the base wage of the employee. In
28 establishing the additional compensation, the school department shall consider the employee's
29 additional duties related to reporting to the school department.

30 The supervisor of school custodial, maintenance and ground services shall be preferred to
31 have as minimum qualifications a bachelor of science degree in facility management,
32 architecture or engineering or 5 years of similar experience in municipal facility management.

33 There shall be 2 assistant supervisors of school custodial, maintenance and ground
34 services in the school department who shall report to the supervisor of school custodial,
35 maintenance and ground services and shall assist the supervisor in overseeing the custodians and
36 maintenance personnel assigned to public school buildings. The 2 assistant supervisors of
37 custodians and maintenance employed by the Inspectional Services Department on the effective
38 date of this act shall be transferred to the school department as an assistant supervisor of school
39 custodial, maintenance and ground services at their existing compensation, with no loss of pay or
40 benefits during their tenure. An assistant supervisor of school custodial, maintenance and ground
41 services hired after the effective date of this act shall be appointed by the superintendent of
42 schools, and may be removed for cause; provided, however, that the assistant supervisor shall be
43 provided written notice of the intent to remove, including a statement of the reason for the
44 removal, and the assistant supervisor may contest such removal at a public hearing. The assistant
45 supervisor shall be a public employee under chapter 150E of the General Laws.

46 A hiring committee shall be responsible for the hiring of custodians and maintenance
47 personnel assigned to public school buildings by a majority approval. The hiring committee shall
48 be composed of the superintendent of schools, the mayor of the city of Lynn or a designee, a
49 member of the school committee who is elected by the school committee, the chief of the
50 department of inspectional services and the director of building and grounds. The hiring
51 committee shall give preference in hiring to a current or former employee of the city of Lynn
52 over a person who is not a current or former employee of the city.

53 SECTION 5. Nothing in this act shall affect an existing collective bargaining agreement
54 or the civil service status or seniority rights of an employee of the department of inspectional
55 services.