

**SENATE . . . . . No.**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Paul W. Mark*

*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 classification of special municipal employees.

PETITION OF:

NAME:

*Paul W. Mark*

DISTRICT/ADDRESS:

*Berkshire, Hampden, Franklin and  
Hampshire*

**SENATE . . . . . No.**

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By Mr. Mark, a petition (accompanied by bill) (subject to Joint Rule 12) of Paul W. Mark for legislation relate to the classification of special municipal employees. Public Service.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-Fourth General Court  
(2025-2026)**  
\_\_\_\_\_

An Act relative to the classification of special municipal 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           SECTION 1. Section 1 of Chapter 268A of the Massachusetts General Laws is hereby  
2 amended by striking out subsection (n) and replacing it with the following thereof:

3           (n) "Special municipal employee", a municipal employee who is not a mayor, a member  
4 of the board of aldermen, a member of the city council, or a selectman in a town with a  
5 population in excess of ten thousand persons and whose position has not been expressly  
6 classified by the city council, or board of aldermen if there is no city council, or board of  
7 selectmen, as any category other than special employee under the terms and provisions of this  
8 chapter; provided, however, that a selectman in a town with a population of ten thousand or  
9 fewer persons shall be a special municipal employee without being expressly so classified. All  
10 employees who hold equivalent offices, positions, employment or membership in the same  
11 municipal agency shall have the same classification; provided, however, no municipal employee  
12 shall be classified as a "special municipal employee" unless he occupies a position for which no  
13 compensation is provided or which, by its classification in the municipal agency involved or by

14 the terms of the contract or conditions of employment, permits personal or private employment  
15 during normal working hours, or unless he in fact does not earn compensation as a municipal  
16 employee for an aggregate of more than eight hundred hours during the preceding three hundred  
17 and sixty-five days. For this purpose compensation by the day shall be considered as equivalent  
18 to compensation for seven hours per day. A special municipal employee shall be in such status  
19 on days for which he is not compensated as well as on days on which he earns compensation. All  
20 employees of any city or town wherein no such classification has been made shall be deemed to  
21 be "municipal employees" and shall be subject to all the provisions of this chapter with respect  
22 thereto without exception.

23 SECTION 2. Section 11 of Chapter 268A of the Massachusetts General Laws is hereby  
24 amended by adding after subsection (c), the following subsection:

25 (d) Classification of Special Municipal Employee: For the purposes of this chapter, a  
26 special municipal employee shall be automatically designated to individuals who meet the  
27 qualifications outlined in (n). The classification of special municipal employee shall be  
28 automatically conferred upon qualifying individuals upon the fulfillment of the requirements  
29 outlined in (n)

30 SECTION 3. Effective Date: This bill shall take effect on January 1st of the year  
31 following its passage.