

**SENATE . . . . . No. 1100**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Thomas P. Kennedy**

*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 passage of the accompanying bill:

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

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Thomas P. Kennedy	Second Plymouth and Bristol
Allen J. McCarthy	7th Plymouth
Michael Brady	9th Plymouth

# The Commonwealth of Massachusetts

In the Year Two Thousand and 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 advisors;

5 rules and regulations

6 Section 28. The personnel administrator may carry on departmental research, tending to greater

7 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

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

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

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

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

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

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