

SENATE No. 1389

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 adoption of the accompanying bill:

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

PETITION OF:

NAME:

Thomas P. Kennedy

DISTRICT/ADDRESS:

Second Plymouth and Bristol

SENATE No. 1389

By Mr. Kennedy, a petition (accompanied by bill, Senate, No. 1389) of Thomas P. Kennedy for legislation relative to accrued sick time of certain state employees. Public Service.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1242 OF 2013-2014.]

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

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 SECTION 1. Chapter 7 of the General Laws, is hereby amended by striking out in its
2 entirety Section 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
5 advisors; rules and regulations

6 Section 28. The personnel administrator may carry on departmental research, tending to
7 greater 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
43 determination of the hours of work of any class under authority of section thirty A of chapter one
44 hundred and forty-nine, the personnel administrator shall, not later than thirty days before the
45 date on which the proposed rule, amendment or determination is to become effective, cause a
46 notice thereof to be posted in a conspicuous place in the office of each appointing authority of
47 the commonwealth, and shall, not later than fifteen days before the said date, hold a public
48 hearing thereon. Such notice shall set forth the proposed rule, amendment or determination, and
49 shall specify the hour, day and place of the said public hearing. Any such officer or employee
50 desiring to testify at the said hearing shall, with the prior consent of his appointing authority, be
51 allowed to attend the same without loss of pay.

52 The personnel administrator may, with approval of the commissioner of administration
53 and the governor, make rules for the prevention of accidents and industrial or occupational
54 diseases in 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
68 shall be open to public inspection in the files of the department, and copies thereof shall be
69 available to officers and employees of the commonwealth upon request. Such rules and
70 amendments thereto shall comply with filing provisions of section five of chapter thirty A and
71 such regulations shall not take effect until so filed.

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