

HOUSE No. 4520

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, April 8, 2024.

The committee on Public Service, to whom was referred the joint petition (accompanied by bill, House, No. 4436) of Kenneth I. Gordon and Michael D. Brady for legislation to modernize civil service laws to assist in the recruiting and hiring of municipal public safety employees, reports recommending that the accompanying bill (House, No. 4520) ought to pass [Senator Collins dissents].

For the committee,

KENNETH I. GORDON.

HOUSE No. 4520

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act to modernize civil service laws.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to modernize civil service laws, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety.

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 31 as it appears in the 2020 Official Edition of the
2 General Laws is hereby amended by striking in line 4 the words “personnel administrator” and
3 substituting therefor the words “agency head or chief human resources officer”; and in line 6
4 inserting before the final period the phrase “, or their delegated agent”. Section 1 is further
5 amended in line 44 by striking the words “ ‘Department’ or” and capitalizing the word
6 “ ‘division””.

7 SECTION 2. Section 1 of chapter 31 as it appears in the 2020 Official Edition of the
8 General Laws is hereby amended in line 70 by inserting after the phrase “in addition to” the
9 further phrase “, where required by the rules of the administrator,”; Section 1 is further amended
10 in line 94 to insert after the phrase “section six” the further phrase “, six D,”.

11 SECTION 3. Section 1 of chapter 31 is hereby amended by inserting at the beginning of
12 subsection (e) of the third paragraph, in the definition of “basic merit principles”, the phrase
13 “notwithstanding potential remedies provided by any other laws that prohibit discrimination in
14 employment,”; and in said subsection striking the word “handicap” and inserting in place thereof
15 the following:- “military status, disability, sexual orientation, gender identity” before the words
16 “or religion”.

17 SECTION 4. Section 1 of chapter 31 is hereby amended by striking out the word
18 “handicap” as it appears in the fourth and twenty-second paragraphs and inserting in place
19 thereof the following:- disability

20 SECTION 5. Section 2 of chapter 31 as it appears in the 2020 Official Edition of the
21 General Laws is hereby amended by striking the text of subsection (d) in lines 61 to 63 and
22 inserting after (d) in line 61 the following:- To hear and decide appeals concerning performance
23 evaluations, or performance audits conducted by the administrator, as provided by this chapter or
24 chapter thirty-one A.

25 SECTION 6. Section 2 of chapter 31 is hereby further amended by inserting, after
26 subsection (d), the following subsection:-

27 (e) To award reasonable attorneys’ fees and costs to an appellant who prevails in an
28 appeal brought under this chapter, upon an express finding of either bad faith on the part
29 of the
30 appointing authority or an egregious or willfully repeated violation of this chapter, unless
31 special

32 circumstances would render such an award in full unjust;

33 SECTION 7. Section 2 of chapter 31 is hereby amended by inserting, after subsection

34 (e), the following:-

35 (f) To take such action and enter such orders as in the considered judgment of the

36 commission will effectuate the purposes of this chapter, including, but not limited to,

37 orders to

38 vacate appointments, or to appoint, reinstate, or promote appellants, with or without

39 retroactive

40 compensation;

41 SECTION 8. Section 2 of chapter 31 as it appears in the 2020 Official Edition of the

42 General Laws is hereby amended by relabeling subsection (f) in lines 66 to 68 as a new

43 subsection (i) with the identical text as in lines 66 to 68.

44 SECTION 9. Section 2 of chapter 31 is hereby amended by inserting, after subsection (g),

45 the following:-

46 (h) To close all or a portion of a hearing or proceeding conducted by the commission

47 pursuant to this chapter, and to make such orders deemed necessary to protect the privacy of a

48 person's health or other acutely sensitive or confidential information.

49 SECTION 10. Section 2 of chapter 31 as it appears in the 2020 Official Edition of the

50 General Laws is hereby amended in line 36 by striking out the word "chairman" and inserting in

51 place thereof the word "chair".

52 SECTION 11. Section 2(b) of chapter 31 is hereby amended by striking out the third
53 paragraph and inserting in place thereof the following paragraph:-

54 The appeal shall be accompanied by such form as the commission may prescribe
55 containing a statement of the allegations which form the basis of the aggrieved person's appeal
56 with specific reference to the provisions of this chapter or the rules of the administrator or basic
57 merit principles which have been violated, together with an explanation of how the person has
58 been harmed.

59 SECTION 12. Section 2(b) of chapter 31 is hereby amended by striking the fourth
60 paragraph and inserting in place thereof the following paragraph:-

61 Hearings on any appeal pending before the commission may be held before any member
62 thereof, who shall report his or her findings of fact and recommendations to the commission for
63 its action. Alternatively, the chair of the commission may appoint as hearing officer any other
64 disinterested person who is experienced in adjudication or well-versed in the provisions of this
65 chapter; provided that, upon the conclusion of any such hearing, and consistent with the
66 provisions governing tentative decisions set forth in the Standard Adjudicatory Rules of Practice
67 and Procedure, the assigned hearing officer shall report his or her findings of fact and
68 recommendations to the commission for its action.

69 SECTION 13. Section 2(c) of chapter 31 as it appears in the 2020 Official Edition of the
70 General Laws is hereby amended by inserting after the words "section 8 of chapter 31A" in line
71 55 the following:- or in accordance with the provisions of this chapter.

72 SECTION 14. Section 4 of chapter 31 as it appears in the 2020 Official Edition of the
73 General Laws is hereby amended by striking in lines 12-13, and 27, the phrase "in one or more

74 newspapers” and substituting therefor in both places the phrase “on the websites of the
75 administrator and the commission”. Section 4 shall further be amended by inserting,
76 immediately after the phrase “send a copy” in line 23, the following:- “, or alternatively transmit
77 the entire revised set of rules via electronic media,”.

78 SECTION 15. Section 5 of chapter 31 as it appears in the 2020 Official Edition of the
79 General Laws is hereby amended by striking the first appearance of the word “and” in line 57
80 and substituting therefor the word “of”. Section 5 of chapter 31 is hereby further amended by
81 striking out the word “handicapped” as it appears in the seventh and eighth paragraphs and
82 inserting in place thereof the following:- persons with disabilities

83 SECTION 16. Section 6 of chapter 31 as it appears in the 2020 Official Edition of the
84 General Laws is hereby amended by inserting in line 10 the phrase “six D,” between the words
85 “sections” and “twenty-six”.

86 SECTION 17. Section 6A of chapter 31 as it appears in the 2020 Official Edition of the
87 General Laws is hereby amended by striking in line 15 the word “department” and substituting
88 the word “division”.

89 SECTION 18. Chapter 31 of the General Laws is further amended by inserting, after
90 section 6C, a new section 6D, as follows:- Notwithstanding the provisions of any general or
91 special law to the contrary, the administrator may approve the original appointments of a
92 municipal appointing authority sanctioned by sections fifty-nine A, fifty-nine B, or fifty-nine C;
93 provided that the administrator’s role in facilitating such alternative original appointments shall
94 not serve as the predicate for any claim asserted against the administrator under chapter one-
95 hundred-fifty-one B of the General Laws.

96 SECTION 19. Section 20 of chapter 31 as it appears in the 2020 Official Edition of the
97 General Laws is hereby amended by striking all text after the first paragraph and further striking
98 the phrase “not exceeding ten dollars,” in lines 5 and 6.

99 SECTION 20. Section 21 of chapter 31 as it appears in the 2020 Official Edition of the
100 General Laws is hereby amended by striking the last sentence (lines 35 to 38) and substituting
101 therefor the following:- “The administrator shall notify the Massachusetts commission against
102 discrimination when it issues a certification with this limitation.” Section 21 is further amended
103 by inserting the following final paragraph:- “The administrator may limit eligibility to appear on
104 a certification for an original appointment to persons who are fluent in a specified foreign
105 language commonly spoken among the constituency to be served if the appointing authority
106 requests such limitation in its requisition. For public safety departments that have entered into an
107 agreement with the administrator to facilitate alternative pathway appointments under section
108 fifty-nine A of this chapter, at the end of the hiring cycle defined by such agreement, any
109 appointment to a municipal public safety position that resulted in the non-selection of another
110 candidate entitled to a preference under section twenty-six of this chapter, provided that such
111 other candidate would have been appointed but for the limitation of the special certification
112 requiring foreign language fluency, shall be deemed by the local appointing authority to be an
113 appointment pursuant to sections fifty-nine A and fifty-nine D of this chapter if said restriction
114 on the basis of foreign language fluency yielded an appointment of a candidate not entitled to
115 any statutory preference.”

116 SECTION 21. Section 24 of chapter 31 as it appears in the 2020 Official Edition of the
117 General Laws is hereby amended by inserting in line 4 after the word “questions” the phrase “or

118 training and experience sheet” and striking the phrase “, within thirty days,” in line 14 and
119 substituting therefor the phrase “shall forthwith”.

120 SECTION 22. Section 25 of chapter 31 as it appears in the 2020 Official Edition of the
121 General Laws is hereby amended by striking the word “shall” in line 51 and substituting therefor
122 the phrase “may, in the administrator’s discretion,”; and inserting before the final period in line
123 51 the following proviso:- “; provided, however, that the name of a person whose name has been
124 certified to an appointing authority for an entry-level position and is under consideration for
125 appointment shall remain in effect until the hiring process is completed by the appointing
126 authority and any notice of appointment submitted to the administrator.”

127 SECTION 23. Section 25 of chapter 31 is hereby amended by striking the words “last
128 examination taken” in the second paragraph and inserting in place thereof the following:- highest
129 examination score achieved.

130 SECTION 24. Section 27 of chapter 31 is hereby amended by inserting a new first
131 sentence in the first paragraph:-

132 “If the administrator or an appointing authority delegated by the administrator, applying
133 the formula for original appointments set out in the rules of the administrator, certifies
134 from an eligible list the names of persons who are qualified, and willing to accept, an original
135 appointment, the appointing authority, pursuant to the civil service law and rules, may appoint
136 only from among such persons; provided, however, for each such person, if any, who is
137 bypassed, rejected as not being in compliance with applicable entrance requirements, or
138 withdraws from the application process, the appointing authority may appoint from among a
139 group that includes the next highest-ranked person on the certification; and provided further, that

140 the administrator or an appointing authority delegated by the administrator, shall not include the
141 name of any person who has been so bypassed or rejected on any future certification from the
142 same original appointment eligible list unless directed to do so by the commission.”

143 SECTION 25. Section 27 of chapter 31 is hereby amended by striking out the second
144 paragraph and inserting in place thereof the following:-

145 If an appointing authority makes an original or promotional appointment from a
146 certification of any qualified person other than the qualified person whose name appears highest,
147 and the person whose name ranks highest on the certification is willing to accept such
148 appointment, the appointing authority shall immediately provide to the person who ranked
149 highest a written statement of the reasons for appointing the person whose name was not highest
150 and such appointment shall be effective only when such statement of reasons has been provided.
151 This written statement shall notify the bypassed individual of his or her right to appeal to the
152 Commission, should the reasons proffered not be deemed by the individual sound and sufficient,
153 within sixty (60) days of issuance of the statement of reasons. In response to a public records
154 request, the appointing authority shall make a copy of such statement available for inspection.

155 SECTION 26. Section 27 of chapter 31 as it appears in the 2020 Official Edition of the
156 General Laws is hereby amended by inserting in line 3 the words “a promotional” between the
157 words “accept” and “appointment”. Section 27 is further amended in line 5 by striking the word
158 “If” and substituting: “In the case of either an original or promotional vacancy, if” as the initial
159 phrase in the second sentence of that first paragraph.

160 SECTION 27. Section 33 of chapter 31 as it appears in the 2020 Official Edition of the
161 General Laws is hereby amended by striking the word “department” in lines 5-6 and substituting
162 therefor the word “departmental”.

163 SECTION 28. Section 41A of chapter 31 is hereby amended by striking out the word
164 “chairman” in the first sentence and inserting in place thereof the word “chair.”

165 SECTION 29. Section 42 of chapter 31 is hereby amended by striking out the
166 penultimate sentence of the first paragraph and inserting in place thereof the following:-

167 If the commission finds that the appointing authority has failed to follow said
168 requirements and that the rights of said person have been prejudiced thereby, the commission
169 may order the appointing authority to restore said person to his employment immediately with or
170 without loss of compensation or other rights and may issue such other orders as the commission
171 may deem appropriate to restore and protect the rights provided to such person under this
172 chapter.

173 SECTION 30. Section 43 of chapter 31 is hereby amended by striking out the first two
174 sentences in the first paragraph and inserting in place thereof the following:-

175 If a person aggrieved by a decision of an appointing authority made pursuant to section
176 forty-one shall, within ten days after receiving written notice of such decision, appeal in writing
177 to the commission, he shall be given a preliminary hearing before a member of the commission
178 or some other disinterested person designated by the chair of the commission. Said preliminary
179 hearing shall occur within sixty (60) days after docketing the appeal and, if required, a full
180 evidentiary hearing shall commence within one hundred eighty (180 days) after docketing the

181 appeal, unless the parties otherwise agree or unless a commission member determines, as a
182 matter of discretion, that a continuance is necessary.

183 SECTION 31. Section 43 of chapter 31 is hereby amended by striking out the first
184 sentence of the second paragraph and inserting in place thereof the following:-

185 If the commission by a preponderance of the evidence determines that there was just
186 cause for an action taken against such person it shall affirm the action of the appointing authority
187 and deny the appeal; otherwise, it shall reverse said action and allow the appeal, in whole or in
188 part, and the person concerned may be returned to his position with or without loss of
189 compensation or other benefits and subject to such other orders as the commission may deem
190 appropriate to restore and protect the rights provided to such person under this chapter; provided,
191 further, if the preponderance of the evidence establishes that said action was based upon harmful
192 error in the application of the appointing authority's procedure, an error of law, or upon any
193 factor or conduct on the part of the employee not reasonably related to the fitness of the
194 employee to perform in his position, the commission shall allow the appeal, in whole or in part,
195 and the person concerned may be returned to his position with or without loss of compensation
196 or other benefits and subject to such other orders as the commission may deem appropriate to
197 restore and protect the rights provided to such person under this chapter.

198 SECTION 32. Section 45 of chapter 31 is hereby amended by striking the first paragraph
199 and inserting in place thereof the following:-

200 Each aggrieved individual who has prevailed in any appeal brought under this chapter
201 shall be reimbursed by the local appointing authority or, if aggrieved by action or inaction of a
202 state official, by the comptroller of the Commonwealth, the following expenditures: (1) the

203 filing fee paid to the Commission; (2) an amount not to exceed \$1,500 for attorney’s fees
204 actually incurred in conjunction with each of the following: (a) an appointing authority hearing;
205 (b) a hearing before the Commission; and (c) an action for judicial review pursuant to section 44;
206 and (3) an amount not to exceed \$500 for summons to witnesses and any other expenses actually
207 incurred in such successful appeal.

208 In addition to the amounts stated above, the Commission may award such additional
209 reasonable attorneys’ fees and costs to an appellant who prevails in an appeal brought under this
210 chapter, upon an express finding of either bad faith on the part of the appointing authority or an
211 egregious or willfully repeated violation of this chapter, unless special circumstances would
212 render such additional award unjust.

213 SECTION 33. Section 47A of chapter 31 is hereby amended by striking out the word
214 “handicapped” in the fourth paragraph and inserting in place thereof the following:- disabled

215 SECTION 34. Section 48 of chapter 31 is hereby amended by striking out the word
216 “selectmen” in the fifth paragraph and inserting in place thereof the following:- select boards;
217 and in said section by striking out the word “men” in the twentieth paragraph and inserting in
218 place thereof the following:- persons

219 SECTION 35. Section 53 of chapter 31 is hereby amended by striking out the phrase
220 “board of selectmen” in the second sentence of subsection (b) and inserting in place thereof the
221 following:- select board

222 SECTION 36. Section 58 of chapter 31 as it appears in the 2020 Official Edition of the
223 General Laws is hereby, but with an effective date one year after enactment, amended by striking
224 the third paragraph of this section and substituting therefor the following four new paragraphs:-

225 No applicant for examination for original appointment to the police force or fire force of
226 a city or town shall be required by rule or otherwise to be a resident of such city or town at the
227 time of filing application for such examination.

228 If any person who has resided in a city or town for one year immediately prior to the date
229 of examination for original appointment to the police force or fire force of said city or town has
230 the same standing on the eligible list established as the result of such examination as another
231 person who has not so resided in said city or town, the administrator, when certifying names to
232 the appointing authority for the police force or the fire force of said city or town, shall place the
233 name of the person who has so resided ahead of the name of the person who has not so resided;
234 provided, that upon written request of the appointing authority to the administrator, the
235 administrator shall, when certifying names from said eligible list for original appointment to the
236 police force or fire force of a city or town, place the names of all persons who have resided in
237 said city or town for one year immediately prior to the date of examination ahead of the name of
238 any person who has not so resided; provided further that, any applicant who earned a high school
239 diploma from a public school located within the geographical confines of said city or town or so
240 resided in said city or town when they received their public high school diploma shall have the
241 same claim to preferential placement on the certification as those persons who have resided in
242 said city or town for one year immediately prior to the date of examination.

243 In the case of a municipality with a population of less than seventy-five thousand
244 inhabitants seeking to draw from a regional pool of candidates, the administrator may, upon
245 written request of the hiring authority, when certifying names from said eligible list for original
246 appointment, place the names of all persons who have resided in another municipality within ten
247 miles of the perimeter of the requisitioning municipality ahead of the name of any person who

248 has not so resided in or adjacent to the requisitioning municipality. In the case of a municipality
249 with a population of greater than seventy-five thousand inhabitants, a public safety department
250 appointing authority from that city and its counterpart from any other municipality may jointly
251 petition the administrator to include on the portion of the eligible list of individuals seeking
252 original appointment that are preferred on the basis of residency the names of candidates residing
253 in those specifically-identified municipalities if the city appointing authority is so authorized to
254 petition for expansion of the residency preference by a vote of the legislative body of the hiring
255 municipality. Whenever the residency preference to be applied to eligible lists extends beyond
256 the perimeter of the requisitioning municipality, the administrator shall specify the contours of
257 the preference-eligible geographical zone on the administrator's website. Thereafter, upon
258 written request of the appointing authority to the administrator, the administrator shall, when
259 certifying names from an eligible list for original appointment to the police or fire force of said
260 municipality, place the names of all persons who satisfy the published criteria for residency
261 preference ahead of the name of any person who does not satisfy said criteria.

262 Notwithstanding the provisions of any general or special law to the contrary, any person
263 who receives an appointment to the police force or fire force of a city or town shall within nine
264 months after his appointment establish his residence within such city or town or at any other
265 place in the commonwealth that is within ten miles of the perimeter of such city or town;
266 provided, however, that a city or town may increase the ten-mile residency limit under a
267 collective bargaining agreement negotiated under chapter one hundred fifty E.

268 SECTION 37. Section 59 of chapter 31 as it appears in the 2020 Official Edition of the
269 General Laws is hereby amended by inserting in line 6 the phrase "fifty-nine A or" before the
270 word "sixty". Section 59 of chapter 31 is further amended by replacing the word "four" in lines

271 12 and 14 with the word “two” and by striking the word “certification” in line 18 and inserting
272 the phrase “appointment and performed the job duties”.

273 SECTION 38. Chapter 31 of the General Laws is further amended by inserting, after
274 section fifty-nine, a new section 59A, as follows:-

275 (a) Notwithstanding the provisions of any general or special law to the contrary, the
276 administrator may authorize an appointing authority to create its own registers of entry-level
277 municipal police and firefighter candidates after the appointing authority has entered into a
278 written agreement with the administrator to adhere in the hiring process to basic merit principles,
279 as defined in section one of this chapter; to commit to recruiting and considering candidates of
280 diverse backgrounds; and upon submission of an anti-nepotism, anti-patronage, and anti-
281 favoritism policy acceptable to the administrator.

282 (b) An appointing authority that has entered into a written agreement with the
283 administrator referenced in Section fifty-nine A (a) may designate candidates to appear on a local
284 public safety register from which candidates may be considered for original appointment to
285 permanent police officer or firefighter. None of the provisions of sections twenty-six or twenty-
286 seven of this chapter shall apply to those candidates designated by the appointing authority to be
287 considered from the local public safety register.

288 (c) A candidate may be appointed as a permanent police officer from a local public safety
289 register without having first passed the entry examination required by section six if they meet the
290 minimum educational attainment and age requirements for appointment set forth in the second
291 paragraph of section fifty-eight and the health and physical fitness standards set forth in section
292 sixty-one A of this chapter, and also satisfy one of the following conditions:

293 (1) future successful completion of a prescribed course of study at a police academy
294 approved by the municipal police training committee pursuant to section ninety-six B of chapter
295 forty-one; or

296 (2) receipt of a passing mark, within the past five years, on: (i) a civil service examination
297 for police officer administered by the administrator; or (ii) a qualifying examination administered
298 by the appointing authority that has been validated by a test-development expert and that tests
299 the knowledge, skills, and abilities to perform the primary or dominant duties of the position; or
300 (iii) any other examination approved by the administrator in consultation with individuals
301 deemed to be subject matter experts in the policing profession; or

302 (3) current service in Massachusetts as a salaried police officer certified by the peace
303 officer standards and training commission; or

304 (4) graduation within the past five years from a police academy approved by the
305 Massachusetts police training committee; or

306 (5) receipt of a waiver from the Massachusetts police training committee excusing the
307 named candidate from further academy training.

308 (d) No individual appointed as a police officer may perform the duties of a sworn police
309 officer prior to completion of the prescribed course of study approved by the Massachusetts
310 police training committee pursuant to section ninety-six B of chapter forty-one or receipt of a
311 waiver of such training requirement from said committee.

312 (e) A candidate may be appointed from a local public safety register as a permanent
313 firefighter without having first passed the entry examination required by section six if they meet

314 the minimum educational attainment and age requirements for appointment set forth in the
315 second paragraph of section fifty-eight and the health and physical fitness standards set forth in
316 section sixty-one A of this chapter, and also satisfy one of the following conditions:

317 (1) prior or proximately anticipated graduation from a fire academy, or anticipated
318 completion within the next twelve months of another prescribed course of study culminating in
319 certification, approved by the Massachusetts fire training council pursuant to section one
320 hundred sixty-five of chapter six.

321 (2) receipt of a passing mark, within the past five years, on: (i) a civil service examination
322 for firefighter administered by the administrator; or (ii) a qualifying examination administered by
323 the appointing authority that has been validated by a test-development expert and that tests the
324 knowledge, skills, and abilities to perform the primary or dominant duties of the position; or (iii)
325 any other examination approved by the administrator in consultation with individuals deemed to
326 be subject matter experts in the firefighting profession; or

327 (3) current service, for a minimum of six months, in Massachusetts as a salaried
328 firefighter; or

329 (4) past service as a salaried firefighter in another jurisdiction together with certification
330 acceptable to the Massachusetts fire training council.

331 (f) In each and every case, whether involving either police or fire position candidacies
332 under this section, no appointment shall be deemed effectual for civil service purposes until
333 notification of same to the administrator in a manner prescribed by the administrator. Nothing in
334 this section regarding the appointment of candidates from a local public safety register shall be

335 construed to apply to any municipal public safety personnel ranked above the entry-level
336 position of police officer or firefighter.

337 (g) Upon investigation and substantiation by the commission of allegations that an
338 appointing authority has violated material terms of the written agreement entered into with the
339 administrator, the commission, in consultation with the administrator, may order modifications,
340 suspension, or termination of the agreement.

341 SECTION 39. Chapter 31 of the General Laws is further amended by inserting, after
342 section fifty-nine, a new section 59B, as follows:-

343 Notwithstanding the provisions of any general or special law to the contrary, the
344 administrator may authorize an appointing authority to establish an entry-level police cadet
345 program leading to civil service tenure. The cadet program shall be established by the appointing
346 authority, consonant with basic merit principles and the provisions of section twenty-one-A of
347 chapter one hundred forty-seven, except that a person appointed as a police cadet need not reside
348 in the municipality making the appointment and may be of any age once the person's eighteenth
349 birthday has transpired. Cadet program requirements shall be approved by both the administrator
350 and an authorized designee of the municipal police training committee established by section
351 one-hundred-sixteen of chapter six of the General Laws.

352 A cadet shall not be subject to or entitled to the benefits of any retirement or pension law
353 nor shall any deduction be made from his compensation for the purpose thereof; but a cadet who
354 satisfies all prerequisites for appointment to the police force of such city or town, and is
355 appointed a permanent full-time police officer, shall have his police cadet service considered as
356 "creditable service" for purposes of retirement, provided he pays into the annuity savings fund of

357 the retirement system such amount as the retirement board determines equal to that which he
358 would have paid had he been a member of said retirement system during the period of his
359 training as a police cadet.

360 A cadet may be appointed to fill a vacancy in a position in the lowest grade of a
361 municipal police force through a cadet appointment without certification from an eligible list. In
362 order to maintain cadet-appointment status, the cadet must pass a qualifying exam and be a
363 member in good standing in the appointing authority-sponsored cadet program for a time period
364 specified by the administrator but not less than twelve months. Upon successful completion of
365 the cadet program and contingent upon graduation from a police academy approved by the
366 municipal police training committee, the appointing authority may effectuate a civil service
367 appointment of said cadet to the permanent police force via notification to the administrator.
368 Such appointee shall then serve the probationary period specified in section sixty-one of this
369 chapter before gaining tenure status. The appointing authority shall report in writing to the
370 administrator any such permanent original appointment.

371 SECTION 40. Chapter 31 of the General Laws is further amended by inserting, after
372 section fifty-nine, a new section 59C, as follows:

373 Notwithstanding the provisions of any general or special law to the contrary, any person
374 who has completed not less than twelve months of service as a fire cadet may, subject to a
375 program established by the head of the fire department, as defined in section one of chapter one
376 hundred forty-eight, on behalf of a municipality accepting of the provisions of this chapter,
377 which program has been approved by both the administrator and the Massachusetts fire training
378 council, be appointed to fill a vacancy in a position in the lowest grade in the civil service fire

379 force of said city or town without certification from an eligible list prepared under this chapter;
380 provided, however, that such person is either on a fire entrance eligible list prepared under this
381 chapter or passes another qualifying examination approved by the administrator. Any change in
382 working conditions for incumbent firefighters directly precipitated by the employment of fire
383 cadets shall trigger the bargaining obligations set forth in section six of chapter one-hundred-
384 fifty-E of the General Laws. A cadet shall not be subject to or entitled to the benefits of any
385 retirement or pension law nor shall any deduction be made from his compensation for the
386 purpose thereof; but a cadet who satisfies all prerequisites for appointment to the firefighting
387 force of such city or town, and is appointed a permanent full-time firefighter, shall have his fire
388 cadet service considered as "creditable service" for purposes of retirement, provided he pays into
389 the annuity savings fund of the retirement system such amount as the retirement board
390 determines equal to that which he would have paid had he been a member of said retirement
391 system during the period of his training as a fire cadet.

392 SECTION 41. Chapter 31 of the General Laws is further amended by inserting, after
393 section 59, a new section 59D, as follows:- "The percentage of candidates appointed to a
394 permanent position from a local public safety service register or a cadet program, pursuant to
395 sections fifty-nine A through fifty-nine C of this chapter, inclusive, shall not exceed, in the
396 aggregate, more than fifty percent of the appointing authority's overall appointments to the
397 entry-level police and firefighter ranks during the time period established by the written
398 agreement consummated between the administrator and the appointing authority that authorizes
399 the alternative appointment methodologies permitted by this chapter."

400 SECTION 42. Chapter 31 of the General Laws is further amended by inserting, after
401 section 59, a new section 59E, as follows:- "Sections six D, fifty-nine A, fifty-nine C, and fifty-

402 nine D of chapter thirty-one of the General Laws shall be in effect until January 1, 2035, and
403 shall expire on that date.”

404 SECTION 43. Section 60A of chapter 31 is hereby amended by striking out the word
405 “selectmen” in subsection (a) and inserting in place thereof the following:- select board

406 SECTION 44. Section 61 of chapter 31 as it appears in the 2020 Official Edition of the
407 General Laws is hereby amended by inserting a new final sentence stating:-

408 “Unless otherwise provided by civil service rule, and with appropriate adjustments to the
409 timing of performance evaluations called for therein, the second paragraph of section thirty-four
410 of this chapter shall apply to persons covered by this section.”

411 SECTION 45. Section 63 of chapter 31 is hereby amended by striking out the word
412 “handicapping” in the final paragraph and in place thereof the following:- disabling

413 SECTION 46. Section 65 of chapter 31 as it appears in the 2020 Official Edition of the
414 General Laws is hereby amended by replacing the word “four” in lines 8 and 10 with the word
415 “two”. Section 65 is further amended by inserting a new seventh and final paragraph stating:-

416 “Unless otherwise provided by civil service rule, and with appropriate adjustments to the
417 timing of performance evaluations called for therein, the second paragraph of section thirty-four
418 of this chapter shall apply to persons covered by this section.”

419 SECTION 47. Section 67 of chapter 31 as it appears in the 2020 Official Edition of the
420 General Laws is hereby amended by striking the word “and” between the word “employee” and
421 the phrase “the seniority” in line 6 and substituting a comma therefor; then inserting at the end of
422 that sentence the phrase “and available demographic data, in aggregate form, regarding the

423 complement of civil service employees in each department.” Section 67 is further amended by
424 inserting the phrase “commission or” before the phrase “attorney general” in line 21. Section 67
425 is further amended by striking the word “one” in line 23 and substituting therefor the word
426 “five”.

427 SECTION 48. Section 72 of chapter 31 is hereby amended by inserting, in the third
428 sentence of the second paragraph, after the words “recommend to”, the following words “or
429 order”, and is hereby further amended by inserting the words “or orders” at the end of said
430 sentence.

431 SECTION 49. Section 72 of chapter 31 is hereby amended by inserting in the first
432 sentence of the third paragraph, after the words “summon witnesses,” the words “demand to
433 inspect documents,” before the phrase “administer oaths”.

434 SECTION 50. Section 73 of chapter 31 is hereby amended by inserting in the first
435 sentence of the first paragraph, the words “the commission or” before the word “administrator”
436 where it first appears.

437 SECTION 51. Section 74 of chapter 31 is hereby amended by striking out the word
438 “alderman” in the third paragraph and inserting the phrase “board of alders”; and in said section
439 by striking out the word “councilman” in the second paragraph and inserting the phrase “city
440 council”; and in said section by striking out the word “aldermen” in the fourth paragraph and
441 inserting the phrase “board of alders”; and further by striking out the word “selectmen” in the
442 fourth paragraph and inserting the phrase “select board.”

443 SECTION 52. Section 75 of chapter 31 as it appears in the 2020 Official Edition of the
444 General Laws is hereby amended by inserting at the end of the first sentence, in line 10, the

445 phrase “, or to furnish information to, or cooperate with, law enforcement authorities.” Section
446 75 of chapter 31 is additionally amended by striking out the word “aldermen” and inserting the
447 word “alders”; and further by striking out the word “selectmen” and inserting the words “select
448 board.”

449 SECTION 53. Section 77 of chapter 31 is hereby amended by inserting the words
450 “commission or” before the word “administrator”.

451 SECTION 54. Chapter 3 as it appears in the 2020 Official Edition of the General Laws is
452 hereby amended by inserting the following new section after Section 77:-

453 “Section 78. Commission on Recruitment, Hiring and Retention of Municipal Police
454 Officers and Firefighters in Massachusetts.

455 (a) There shall be a permanent commission on recruitment, hiring and retention of
456 municipal police officers and firefighters in Massachusetts to be chaired by one designee
457 appointed by the Speaker of the house, one designee appointed by the President of the senate,
458 and one designee appointed by the Governor, and consisting of the following members or their
459 designees: the house and senate chairs of the joint committee on public service and the house and
460 senate chairs of the joint committee on public safety and homeland security, who may also serve,
461 if not as chairs, then as vice chairs of, the commission; the Secretary of Administration and
462 Finance; the Chief Human Resources Officer for the Commonwealth of Massachusetts; the Chair
463 of the Civil Service Commission; the Attorney General; the Secretary of Public Safety and
464 Security; the Chair of the Massachusetts Peace Officer Standards and Training Commission; the
465 Executive Director of the Municipal Police Training Committee; the President of the
466 Massachusetts Chiefs of Police Association; the President of the Massachusetts Major City

467 Chiefs of Police; the Chair of the Massachusetts Law Enforcement Policy Group; a
468 representative of police officers selected by the Co-Chairs from candidates recommended from a
469 major federation of police officer unions in Massachusetts; a member of a correctional officers'
470 union; the President of the Massachusetts Association of Minority Law Enforcement Officers;
471 the President of the Massachusetts Association of Women in Law Enforcement; the Chair of the
472 Massachusetts Fire Training Council; the State Fire Marshal; the President of the Fire Chiefs
473 Association of Massachusetts; the President of the Professional Firefighters Association of
474 Massachusetts; the Secretary of Veterans Affairs; the President of the Massachusetts Veteran
475 Service Agents; the Commander of the Disabled Veterans of Massachusetts; the Executive
476 Director of the Massachusetts Municipal Association; the President of the Massachusetts
477 Mayors' Association; the Chair of the Massachusetts Municipal Human Resources Association;
478 the Executive Director of the Massachusetts Chapter of the ACLU; the President of the Boston
479 Chapter of the NAACP's New England Conference; and the Chair of the Massachusetts
480 Commission Against Discrimination.

481 (b) The co-chairs may appoint a steering committee and subcommittees to carry out the
482 mandate of the commission. Members of the commission shall be subject to the provisions of
483 chapter two hundred sixty-eight A as they apply to special state employees and shall receive no
484 compensation for their services.

485 (c) The commission shall be a resource to the Commonwealth and municipalities on
486 issues related to the recruitment, hiring and retention of highly qualified candidates of diverse
487 backgrounds for municipal police officer and firefighter positions across Massachusetts. In
488 support of this objective, the Commission may: (1) obtain, interpret, and apply current research
489 and evaluation data, including information reported pursuant to section sixty-seven of chapter

490 thirty-one of the General Laws, to program initiatives and policy development and identify and
491 advocate for solutions to address gaps in strategies for employment of highly qualified and
492 diverse municipal public safety personnel; and (2) recommend measures to increase, where
493 appropriate, representation within municipal public safety departments of historically under-
494 represented populations, including females and persons of color, and monitor the compliance by
495 municipal public safety departments with any commitments they may have entered into to
496 diversify their workforces.

497 (d) The commission shall be empowered to examine and evaluate the implementation of
498 all reforms related to the recruitment, hiring and retention of municipal police officers and
499 firefighters in Massachusetts made by the Special Legislative Commission to Study and Examine
500 the Civil Service Law, Personnel Administration Rules, Hiring Procedures and By-Laws for
501 Municipalities not Subject to the Civil Service Law and State Police Hiring Practices by: (1)
502 studying, reviewing and reporting on: (i) the hiring outcomes of any civil service appointments
503 facilitated by sections fifty-nine A through fifty-nine C of chapter thirty-one; (ii) the hiring
504 outcomes of reforms made to civil service residency preference provisions of section fifty-eight
505 of chapter thirty-one; (iii) the hiring outcomes of any other civil service reforms implemented
506 including, but not limited to, the increased frequency of civil service examinations and the
507 lowering of examination fees; and (2) making recommendations: (i) to ensure that adopted
508 reforms are being implemented consistent with the intent of the Special Legislative Commission;
509 and (ii) for further legislation in furtherance of the commission's mandate.

510 (e) The commission shall also be empowered to examine and evaluate all aspects of the
511 recruitment, hiring and retention of municipal police officers and firefighters in all municipalities
512 in Massachusetts and make pertinent recommendations to agencies and officers of the

513 commonwealth and local subdivisions of government not governed by chapter thirty-one that
514 advance basic merit principles in the recruitment, hiring and retention of highly qualified police
515 officers and firefighters of diverse backgrounds across Massachusetts.

516 (f) The commission may obtain from all state agencies and municipalities such
517 information and assistance as the commission may require.

518 (g) The commission shall submit a report on its activities and findings, including any
519 recommendations, to the governor, the clerks of the house of representatives and the senate, and
520 the house and senate chairs of the joint committee on public service and joint committee on
521 public safety and homeland security, and shall file at least one report annually.”

522 SECTION 55. Section 4I of chapter 7 is hereby amended by striking out the word
523 “chairman” as it appears and inserting the word “chair”; and in said section by striking out the
524 word “selectman” and inserting the word “selectperson”; and further by replacing the words
525 “his” and “him” with the phrases “his or her” and “him or her,” respectively.

526 SECTION 56. Chapter 7 as it appears in the 2020 Official Edition of the General Laws is
527 hereby amended by inserting the following new section 4T after section 4S:- “A position will be
528 established at the Manager level under the supervision of the Director of Diversity and Equal
529 Opportunity with the responsibility to promote diversity and equal opportunity in civil service
530 employment throughout the Commonwealth. The Manager of Civil Service Diversity, Equity
531 and Inclusion will be responsible for: (i) overseeing initiatives and addressing issues involving
532 Diversity, Equity and Inclusion in public safety employment, with a particular focus on civil
533 service municipalities and municipalities that have left the civil service system; and (ii)

- 534 providing support to the Commission on Recruitment, Hiring and Retention of Municipal Police
- 535 Officers and Firefighters in Massachusetts established by section seventy-eight of this chapter.”