



City of Cambridge

52.

IN CITY COUNCIL

January 27, 1997

COUNCILLOR GALLUCCIO
VICE MAYOR BORN
MAYOR RUSSELL
COUNCILLOR SULLIVAN
COUNCILLOR TOOMEY
COUNCILLOR TRIANTAFILLOU

ORDERED: That the City Council go on record accepting the provisions of Chapter 32B Section 9I of the Massachusetts General Laws relative to employees on military leave of absence for active service; payment of premiums and the acceptance of the section.

In City Council January 27, 1997

Adopted by a yea and nay vote:-

Yeas 8; Nays 0; Absent 1.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

D. Margaret Drury

ATTEST:-

D. Margaret Drury
City Clerk

City of Cambridge

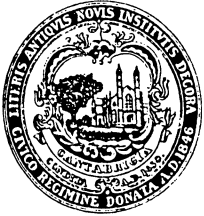
MASSACHUSETTS

In City Council 1/27, 1997

Order No. 52

YEA	NAY	ABSENT	PRESENT	
✓				V.M. Kathleen L. Born
✓				Ms. Henrietta Davis
✓				Mr. Francis H. Duehay
✓				Mr. Anthony Galluccio
		✓		Mr. Kenneth E. Reeves
✓				Mr. Michael A. Sullivan
✓				Mr. Timothy J. Toomey, Jr.
✓				Ms. Katherine Triantafillou
✓				Mayor Sheila T. Russell

8 0 1 0



CITY OF CAMBRIDGE
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PERSONNEL DEPARTMENT
MICHAEL P. GARDNER
Director

January 15, 1997

To: Robert W. Healy
City Manager

From: Michael P. Gardner
Personnel Director

Re: Response to Council Order Number 64, dated January 6, 1997, RE: City
Policy on Employees Called to Active Military Duty

Permanent employees called to active military duty are assured a right to return to their prior position after being released from military service provided they report back within statutorily specified time limits after ending active duty. Upon return, they receive the salary for the position they would have received had they not left. All civil service and seniority rights are maintained, including original seniority date. Health insurance coverage can continue at 100% employee pay (as if the employee were on personal leave of absence) or coverage can be reinstated upon return. There is a provision in state law to allow an employee on such military leave to continue to pay the regular active employee share (in our case 10%) while on leave, however this provision has never been locally accepted here. (Copy of G.L. c. 32B s. 9I, attached.)

CIVIL SERVICE

health insurance coverage by the employee may be recovered by the employee if the employee is a participant in a collective bargaining agreement and the employee's contribution to the plan is so governed, or as otherwise provided by the conditions of employment are otherwise provided. The employee's payroll deductions of the employee's contribution to the plan are from the receipt of the employee's contribution to the plan. In the event an employee is not a participant in a collective bargaining agreement for a calendar month but may be covered by group insurance provided by the appropriate public authority giving of timely notice to the employee of the employee's contribution.

eligible for health insurance coverage by withdrawal notice, as otherwise provided herein, and in the event of accidental death and dismemberment of the employee.

of employees who immediately are covered by group insurance without interruption of coverage without interruption of coverage.

group health insurance plan pursuant to the provisions of this chapter.

of St.1992, c. 133, in the first paragraph, fifth sentence, inserted "who were employed on July first, nineteen hundred and one under the employer's group or non-group health insurance plan."

5 of St.1992, c. 133, in the first paragraph, eighth sentence, deleted "he has been insured," following "Once", substituted "may elect", and inserted "up"; and the ninth and tenth sentences.

plans; subsidiary or additional acceptance of section

governmental unit
reference to "governmental unit," in this section permits municipalities to contribute more of their employees' group insurance premium to the plan. It should be construed to refer to town as well as specifically to town meeting; town meeting was the only branch of town government empowered to vote to accept statute and to determine contribution percentage, but selection of participation percentage involved chief executive officer of town, as contribution percentage to be on behalf of unionized employees had to be separately bargained by employer under state law. *Anderson v. Board of Selectmen of Wrentham*, 390 Mass. 548 N.E.2d 1230, 406 Mass. 508.

CONTRIBUTORY INSURANCE

32B § 10A

§ 9. Policy provisions

Notes of Decisions

Reinstatement 1

1. Reinstatement

Statute governing group health insurance for municipal employees did not preclude retired fire-

fighter's reinstatement in town's group health insurance plan on ground that retiree had not been a plan participant at time of his retirement; statute does not require participation by employee at time of retirement to obtain coverage thereafter. *McDonald v. Town Manager of Southbridge* (1995) 657 N.E.2d 1285, 39 Mass.App.Ct. 479.

§ 9I. Employees on military leave of absence for active service; payment of premiums; acceptance of section

A governmental unit which has accepted the provisions of section ten and which accepts the provisions of this section as hereinafter provided, shall consider an employee on a military leave of absence because said employee is a member of the army national guard or air national guard or a reservist in the armed forces of the United States called to active service in the armed forces of the United States, for the purposes of this chapter, to be deemed to have been granted leave without pay, and subject to the rules and regulations of the appropriate public authority, said employee shall make payment of the portion of the total monthly premium or rate that would have otherwise been deducted from his salary, wages or other compensation.

For purposes of this section, the term "active service" shall not include active duty for training in the army national guard or air national guard or as a reservist in the armed forces of the United States.

This section shall take effect in a county, except Worcester county, city, town or district upon its acceptance in the following manner:— in a county by vote of the county commissioners; in a city having a Plan D or Plan E charter by majority vote of its city council; in any other city by vote of its city council, approved by the mayor; in a district, except as hereinafter provided, by vote of the registered voters of the district at a district meeting; in a regional school district by vote of the regional district school committee; in a veterans' services district by vote of the district board; in a health district established under section twenty-seven A of chapter one hundred and eleven by vote of the joint committee; and in a town by vote of the town meeting or town council.

Added by St.1991, c. 110, § 3.

Historical and Statutory Notes

1991 Legislation

St.1991, c. 110, § 3, an emergency act, was approved July 7, 1991.

Section 6 of St.1991, c. 110, provides:

"Nothing contained in this act shall be deemed to affect or impair any other rights which a person eligible under this act may have pursuant to any other general or special law or any federal law."

§ 10. Acceptance of chapter by county, city, town, municipality or district

Notes of Decisions

Plan 2

2. Plan

Phrase "a plan" in c. 32B, §§ 1 and 10 providing for group insurance for public employees did not

prohibit town from offering or contributing to more than one indemnity-type group health policy for its employees. *Teamsters, Chauffeurs, Warehousemen & Helpers Union, Local No. 59 v. Town of Chatham* (1989) 535 N.E.2d 597, 404 Mass. 365.

§ 10A. Purchase of insurance by public authority following acceptance of chapter

The appropriate public authority shall provide for the purchase of insurance, or include the cost thereof, for dental expenses under those sections of this chapter which provide for the



CITY OF CAMBRIDGE
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EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

January 2, 1997

To the Honorable, the City Council:

In response to Awaiting Report Item No. 17, regarding benefits for City employees who are called to military duty, please find attached a report submitted by Michael Gardner, Director of Personnel.

Very truly yours,

Robert W Healy
City Manager

RWH/dls
attachment

Consent Agenda #9

S-33

Relative to Awaiting Report Item No.
Seventeen, regarding benefits for City
employees who are called to military
duty.

In City Council January 27, 1997

PLACED ON FILE