



CITY OF CAMBRIDGE

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LAW DEPARTMENT

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JOHN A. SERINO
LEGISLATIVE AGENT

June 24, 1969

Mr. Paul E. Healy
Temporary City Clerk
Cambridge, Massachusetts

Dear Sir:

In your letter of June 12, 1969 you ask whether an employee of the fire department while attending a convention under the provisions of section 21C of Chapter 40 of the Massachusetts General Laws as adopted by the City Council on May 5, 1969 is entitled to additional vacation time in the event that his attendance at the convention coincides with his designated vacation period.

The authority to fix the hours, days and weeks of work and vacation of municipal employees is vested in the City Council by virtue of Chapter 40 section 21A. It is clear that a municipal board or officer may by its own rules and regulations carry out this legislative function at the sufferance of the City Council. (Quinlan v. City of Cambridge 320 Mass. 124).

In the subject case the City Council could conceivably provide that vacation periods of fire department personnel fall at some time other than during a fire-fighters' convention. The only restriction upon the City Council in this regard is that its ordinance not be "repugnant to the charter" of the City of Cambridge.

However, the adoption of section 21C of Chapter 40 does not in my opinion evince an intent by or amount to legislation by the City Council to provide changes in assigned vacation periods of convention delegates.

Mr. Paul E. Healy

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June 24, 1969

Accordingly the vacation schedules already designated by Chief Cremins are not required by force of law or ordinance to be so changed or amended.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Philip M. Cronin".

Philip M. Cronin

PMC:pb

Communication from Philip M. Cronin, City Solicitor, transmitting an opinion relative to vacation periods for employees of the Fire Department if attending a convention under the provisions of Section 21C of Chapter 40 of the General Laws.

July 28, 1969