



CITY OF CAMBRIDGE
INTEROFFICE CORRESPONDENCE
RECEIVED BY
OFFICE OF CITY CLERK
JAN 17 3 58 PM '78
CAMBRIDGE, MASS.

To All Department Heads

Date January 17, 1978

From Donald P. Hawkes, *DP Hawkes*
Director, Budget-Personnel

Reference

Subject CIVIL SERVICE MEMORANDUM #78-1

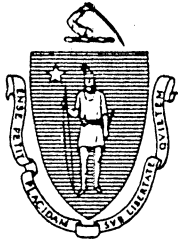
Attached is a memorandum from Wallace Kountze, Personnel Administrator, which outlines certain procedural changes for termination of provisional Civil Service employees. This was enacted by Chapter 624 of the Acts of 1977.,

In the event of any proposed involuntary termination please contact this office and the Law Department for advice on procedures to be followed.

Please note that the new law specifies a minimum of nine months' service to be eligible for a hearing. However, all employees of Local 195 have union protection after their probationary period of six months. For purposes of the contract, "probationary period" means the first six months of regular employment regardless of Civil Service status (i.e., temporary, provisional or permanent). Therefore, a Union provisional employee involuntarily terminated after at least six months' service may "appeal" his/her dismissal through the grievance process even though he/she is not eligible for the new Chapter 31, S. 43 (a) hearing until the completion of nine months of service.

This underscores the importance of thoroughly evaluating new employees during the initial six months of service.

cc: James Cassidy, Pres., Local 195,
I.P.E.A.



The Commonwealth of Massachusetts

Division of Personnel Administration

One Ashburton Place, Boston, MA 02108

January 5, 1978

TO: Municipal Appointing Authorities

FROM: ^{CHH}Wallace H. Kountze, Personnel Administrator

SUBJECT: Chapter 624 of the Acts of 1977 - An Act Granting Certain Provisional Employees a Right to an Informal Hearing Upon Termination if the Reason for Such Termination is to Become Part of Their Permanent Record

Personnel Memorandum No. 78-1

On October 11, 1977, Governor Dukakis signed into law a bill that gives certain provisional employees a right to a hearing upon termination of employment.

In order for a provisional employee to be entitled to a hearing upon termination, he must have been so employed for not less than nine months, request a hearing, in writing, before the appointing authority or his designee, and then only if the reason or reasons for the discharge are to become part of his permanent records and such termination arises from allegations relative to employees personal character or work performance, and not a result of failure to meet certain minimum work skills or specifications, or as the result of the establishment of a Civil Service eligible list.

The decision of the appointing authority shall be final and binding and notification of their decision shall be made, in writing, and sent to all parties concerned within ten (10) days of the informal hearing. The appointing authority can affirm the action of the employee's supervisor or department head and direct the reasons for such termination become part of the employee's permanent records, otherwise, it shall be reversed and the allegations of said employee's conduct shall be stricken from their employment record.

This hearing is intended to ensure that unsubstantiated allegations of misconduct or poor work performance do not become part of an individual's permanent record, thus preventing the person from securing future employment.

A copy of Chapter 624 is attached to this memorandum for your convenience.

THE COMMONWEALTH OF MASSACHUSETTS

Advance Copy

1977

Acts and Resolves

PAUL GUZZI, Secretary of the Commonwealth

Chap. 624. AN ACT GRANTING CERTAIN PROVISIONAL EMPLOYEES A RIGHT TO AN INFORMAL HEARING UPON TERMINATION IF THE REASON FOR SUCH TERMINATION IS TO BECOME PART OF THEIR PERMANENT RECORD.

Be it enacted, etc., as follows:

Paragraph (a) of section 43 of chapter 31 of the General Laws, as most recently amended by chapter 446 of the acts of 1976, is hereby further amended by adding the following paragraph:-

Every person holding office or employment under the provisional appointment in the official or labor service of the commonwealth or subdivisions thereof, who has been employed in such office or position for not less than nine months, shall be entitled, at their request in writing, to an informal hearing before the appropriate appointing authority or his designee within ten days of the discharge or removal of such provisional employee, if the reason for such discharge or removal is to become part of his or her permanent record and such termination arises from allegations relative to such employee's personal character or work performance, and not a specific result of failure to meet certain minimum work skills or specifications, or as the result of the establishment of an eligible list. The decision of the appointing authority shall be final and binding, and notification of the decision of the appointing authority shall be made in writing and sent to all parties concerned within ten days of such informal hearing. If the appointing authority

finds that the action of such employee's supervisor or department head, as the case may be, was justified, such action shall be affirmed, and the appointing authority may direct the reasons for such termination to become part of said employee's permanent record, otherwise it shall be reversed and such allegations of said employee's conduct shall be stricken from their employment record.

Approved October 11, 1977

JAN 17 9 27 AM '78
CITY OF CAMBRIDGE
BUDGET PERSONNEL
DEPARTMENT

S-21

—

—)