



City of Cambridge

Calendar Item # 2
~~Agenda Item No. 1~~

IN CITY COUNCIL
~~February 13, 1995~~
February 27, 1995

ORDERED: That the City Council goes on record excepting the provision of General Laws Chapter 31, Section 57, Paragraph 1, which provides that: "EVERY YEAR-ROUND TEMPORARY POSITION IN THE LABOR SERVICE OF A CITY WHERE SUCH SERVICE IS SUBJECT TO THE CIVIL SERVICE LAW AND RULES SHALL BE DEEMED TO BE A PERMANENT POSITION IF COMPENSATION FOR SERVICE IN SUCH TEMPORARY POSITION HAS BEEN PAID FOR A CONTINUOUS PERIOD OF TWO YEARS. CERTIFICATION TO FILL SUCH A POSITION SHALL BE FIRST MADE OF PERSONS WITH EXPERIENCE IN SUCH POSITION IN THE DEPARTMENTAL UNIT. A PERSON EMPLOYED AS A TEMPORARY EMPLOYEE IN A LABOR SERVICE POSITION FOR A PERIOD OF AT LEAST TWO YEARS WHO RECEIVES AN APPOINTMENT AS A PERMANENT EMPLOYEE TO SUCH POSITION IN THE SAME DEPARTMENTAL UNIT SHALL BE DEEMED TO BE A TENURED EMPLOYEE WITHIN THE MEANING OF SECTION THIRTY-FOUR WITHOUT SERVING A PROBATIONARY PERIOD. THIS PARAGRAPH SHALL TAKE EFFECT UPON ITS ACCEPTANCE BY VOTE OF THE CITY COUNCIL."

In City Council February 27, 1995.
Adopted by a yeas and nays vote:-
Yeas 8; Nays 1; Absent 0.
Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

D. Margaret Drury

D. Margaret Drury
City Clerk

City of Cambridge

MASSACHUSETTS

In City Council

2-27

1995

Charter Right #2

YEA	NAY	ABSENT	PRESENT	
✓				Ms. Kathleen L. Born
✓				Mr. Francis H. Duehay
✓				Mr. Anthony Galluccio
✓				Mr. Jonathan S. Myers
✓				Mrs. Sheila T. Russell
✓				Mr. Michael A. Sullivan
✓				Mr. Timothy J. Toomey, Jr.
✗	✓			Ms. Katherine Triantafillou
✓	✗			Mayor Kenneth E. Reeves
8	1	0	0	

City of Cambridge

MASSACHUSETTS

CONSENT AGENDA ITEMS

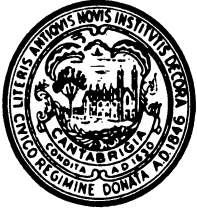
In City Council

February 13

1995

#1 Acceptance of G. L. ch 31 sec 57 paragraph 1

YEA	NAY	ABSENT	PRESENT	
				Ms. Kathleen L. Born
				Mr. Francis H. Duehay
				Mr. Anthony Galluccio
				Mr. Jonathan S. Myers
				Mrs. Sheila T. Russell
				Mr. Michael A. Sullivan
				Mr. Timothy J. Toomey, Jr.
				Ms. Katherine Triantafillou
				Mayor Kenneth E. Reeves



CITY OF CAMBRIDGE

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TEL. 349-4300

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EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

February 2, 1995

To The Honorable, The City Council:

I am recommending that the City Council accept the provisions of G.L. c. 31, sec. 57, paragraph 1, which provides that "Every year-round temporary position in the labor service of a city where such service is subject to the civil service law and rules shall be deemed to be a permanent position if compensation for service in such temporary position has been paid for a continuous period of two years. Certification to fill such a position shall be first made of persons with experience in such position in the departmental unit. A person employed as a temporary employee in a labor service position for a period of at least two years who receives an appointment as a permanent employee to such position in the same departmental unit shall be deemed to be a tenured employee within the meaning of section thirty-four without serving a probationary period. This paragraph shall take effect upon its acceptance by vote of the city council".

Acceptance of this statute would correct an inequity which has existed in the Public Works Department for several years. In 1989, the City appointed several persons as "temporary laborers" from a civil service eligible list. The positions were temporary because they were permanently occupied by persons who were absent from work due to extended Worker's Compensation injuries. As temporary employees these laborers were unable to enjoy the full benefits of employment with the City. Although the City worked out with Local 195 that the employees would receive all the union benefits available to permanent workers, we could do nothing under civil service law to give them protection from layoff before persons with less seniority, or to allow them to participate in bidding for permanent promotional positions. Their continued status as temporary workers has been a source of friction and discontent for them and in City relations with Local 195.

The persons who were holding the permanent positions have all subsequently retired. Thus there is no rationale for continuing to regard these employees as temporary. However, because of the particular way in which civil service eligible lists operate, they can not now be made "permanent" via certification from a list. Too many persons have subsequently applied for the permanent positions to allow us to "reach" these candidates on the existing list.

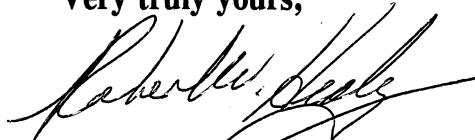
The appropriate vehicle to grant them permanent status is G.L. c. 31, sec. 57 paragraph 1. That provision, which is subject to local acceptance, enables temporary workers who have proven themselves through continuous service, to be appointed to permanent status.

Only two workers will be affected by acceptance of this statute. Edward Corey and Hector Jaiman have both worked for the City as temporary workers in the Public Works Department since 1989. (Corey's status as a temporary worker after certification was finally clarified by special home rule legislation enacted in the Legislature and signed by the Governor late in last year's legislative session.) Mr. Corey and Mr. Jaiman are the only two workers of the original group who were hired to continue as temporary employees. The rest have either left City service, or in one case, the individual was high enough on the permanent list to be appointed in that manner. There are no other persons employed in this category in the City at the present time. Should any be appointed in the future (not likely, given the civil service and union complications of such status), they would be eligible for permanent status after two years continuous service.

Acceptance of this statute will not harm the employment chances of any other individuals, as we do not intend to replace Mr. Corey or Mr. Jaiman with anyone else. Acceptance of the statute will enable them to enjoy all the civil service rights that their long continuous service with the City should provide to them as a matter of equity. Local 195, IPEA, the union which represents these employees and other laborers at Public Works, is in support of this legislation, as is the department head.

I recommend your acceptance of G.L. c. 31, sec. 57, paragraph 1.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Robert W. Healy", with a stylized flourish at the end.

Robert W. Healy
City Manager

Acceptance of Chapter 31, Section 57, Paragraph 1 of the General Laws which provides that every year-round temporary position in the labor service of a city where such service is subject to the civil service law and rules shall be deemed to be a permanent position if compensation for service in such temporary position has been paid for a continuous period of two years.

In City Council,

February 13, 1995

*Charter Right
exercised by Councilor
Triantafellow*

*2/27/95- Order adopted
8-1-0.*

*Copy sent to Mike Hodner,
Personnel Director 3/1/95
(de)*