



The Commonwealth of Massachusetts
Civil Service Commission
One Ashburton Place, Boston, MA 02108

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Room 413
(617) 727-2292

January 23, 1978

NOTICE OF CHANGES IN CERTAIN CIVIL SERVICE RULES

TO: MEMBERS OF THE GENERAL COURT
MAYORS OF EACH CITY IN THE COMMONWEALTH
BOARD OF SELECTMEN OF EACH TOWN IN THE COMMONWEALTH
CITY CLERKS
TOWN CLERKS
STATE AND LOCAL APPOINTING AUTHORITIES

After public hearings on January 13, 1977 and March 3, 1977, the Massachusetts Civil Service Commission recommended the following Civil Service Rule Changes to Governor Michael S. Dukakis. The new Rule 14, popularly referred to as "3 + 3", and the amendment to Rule 15 were approved by him on January 9, 1978 and will become effective on March 1, 1978. The Civil Service Rules are hereby amended by:

1. Striking out Rule 14 in its entirety and inserting in place thereof the following new Rule 14.

CERTIFICATION OF OTHER ELIGIBLES

- 14.1 Whenever (1) an appointing authority shall make requisition to fill one or more positions included in said appointing authority's affirmative action plan on file with the Personnel Administrator,

(Over)

January 23, 1978

and

(2) the Personnel Administrator has made a written determination substantiating that previous practices of the Division and/or of said appointing authority with respect to the filling of such position or positions have discriminated against members of a group, hereinafter referred to as a protected group, on the basis of race, color, sex, or national origin in contravention of any provision of the Constitution of the United States or the Constitution of the Commonwealth, Title VII of the federal Civil Rights Act of 1964 (P.L. 88-352), or any other federal or state statute,

the Administrator may then certify, in addition to names certified in accordance with Rule 11, the names of a like number of individuals who are members of the protected group and are on an eligible list for such position, in order of their standing.

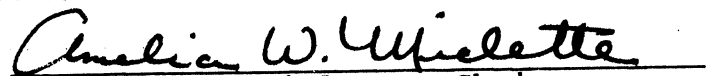
14.2 At least ten days prior to certifying names under the provisions of section one, the Personnel Administrator shall post a notice of his intention to do so in the offices of the Division of Personnel Administration and shall mail a copy of such notice to the appointing authority, with instructions to post copies of such notice at all locations where persons whose names may be certified under the provisions of section one may, if employed, be assigned.

14.3 This rule shall expire two years from the date on which it becomes effective.

2. Amending Rule 15 by adding Section 15.3 This is a recodification change made necessary by the new Rule 14.)

15.3 If additional names are certified to an appointing authority under the provisions of Rule 14, said appointing authority may appoint by selecting from among the number of persons specified in section one of this rule and from among a like number of persons whose names have been certified under the provisions of said Rule 14. This section shall expire two years from the date on which it becomes effective.

I, Amelia Walsh Miclette, Chairman of the Massachusetts Civil Service Commission, do hereby certify that the above is a true and complete copy of approved changes in Civil Service Rules 14 and 15.3.


Amelia Walsh Miclette, Chairman
Civil Service Commission

January 23, 1978

This new Rule is being published in response to (1) an increasing number of civil actions against the Civil Service Commission and the Division of Personnel Administration on the grounds of discriminatory employment practices and (2) the request by Appointing Authorities that they be given the means of meeting their affirmative action goals by making names of women and minorities available to them for appointment to Civil Service positions.

The Commission calls your attention to three important facts:

.... the certification of additional names will not be made automatically for all positions but will only be made by the Personnel Administrator when there is evidence of past discrimination in a particular job title.

.... the rule will not, in and of itself, guarantee the employment of a single member of any protected group, but will only provide the opportunity for members of a protected group to be considered for employment;

.... the rule will operate only as an interim remedy, for a period of two years, pending the implementation of improved recruitment and test validation practices.

MASSACHUSETTS CIVIL SERVICE COMMISSION

Amelia Walsh Miclette, Chairman
John F. Donegan
Richard H. Linden
Wayne A. Budd
Mary M. Sullivan

ATTENTION: Appointing Authorities

In accordance with Chapter 31, Section 3, copies of this notice are being sent to each member of the General Court, to the Mayor of each city and the Selectmen of each town to which such rule or change relates, and to the city and town clerks. It will also be advertised in at least one newspaper. However, in order to assure the widest distribution, we are also sending it to you with a request for your cooperation in posting the notice and distributing copies of it to union representatives in your bargaining units.

Comm. from Amelia Walsh Miclette, Chairman,
Civil Service Commission, re: changes in
certain civil service rules.

In City Council,
Jan. 30, 1978

2/13/78
Placed on File.