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SECTION 51

GENERAL LAWS

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Section 51: Personnel board; powers and duties; discharge of employees, etc.

Section 51. The board shall (a) pass upon and finally adopt and put into effect, with such modifications, changes and additions as it shall deem proper, the classification and compensation plans and rules for their administration proposed by the director of accounts under section fifty; (b) pass upon, finally adopt and put into effect, with such modifications as it may deem proper, amendments to the classification and compensation plans and the rules for their administration as may be proposed from time to time under the provisions of section fifty or fifty-three; provided, that no such amendment not proposed by the director of accounts under section fifty shall be adopted except after a report which shall be made by said director within thirty days after submission to him; and provided, further, that an amendment proposed under section fifty-three and adopted by the board shall be effective only in the county whose county commissioners have proposed the amendment unless the county commissioners of four or more counties have joined in the proposal in which case it shall be effective in all counties, other than Suffolk and such other counties, if any, as shall under section fifty-six have ceased to be represented in the board; (c) pass upon and finally determine appeals relative to classification, as provided in section fifty-two; and (d) perform such other functions and duties as may be imposed upon it by sections forty-eight to fifty-five, inclusive.

The board is hereby authorized and directed to establish and administer uniform rules and regulations governing leaves of absence, shift differentials and overtime for officers and employees subject to section forty-eight to fifty-six, inclusive.

Any employee subject to sections forty-eight to fifty-six, inclusive, except superintendent and assistant superintendent of hospital, the chief of medical staff and the administrator at the Barnstable county hospital, superintendent and assistant superintendent of training school, superintendent and assistant superintendent of buildings, superintendent of industrial farm, superintendent of state reservation, director of agricultural school, director of extension service, master and keeper and assistant master and keeper of jail and house of correction, assistant registers of deeds, county health officer, county engineer and county dog officer, who has completed at least five years of service may not be discharged from such employment except for just cause and for reasons specifically given him in writing by the appointing authority. Before any such discharge is effected, the employee shall be given a full hearing before the appointing authority, of which hearing he shall have at least three days' written notice, exclusive of Sundays and holidays, from the appointing authority. Within two days, exclusive of Sundays and holidays, after completion of said hearing, the appointing authority shall give the employee affected a written notice of his decision, stating fully and specifically the reasons therefor.

If within five days after receiving written notice of the decision of the appointing authority, the person so discharged shall so request in writing, he shall be given a hearing before the board. Said hearing shall be commenced in not less than three nor more than ten days, and shall be completed within thirty days after the filing of such request. The decision of the board shall be in writing and notice thereof shall be sent to all parties concerned within ten days after completion of the hearing.

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If the board finds that the action of the appointing authority was justified, such action shall be affirmed; otherwise, it shall be reversed and the person concerned shall be returned to his office or position without loss of compensation.

Within thirty days after action by the board on such a hearing, the person who was discharged may, if said action was affirmed by the board, bring a petition in the district court within the judicial district of which such person resides, addressed to the justice of the court, praying that the action of the appointing authority and of the board in discharging him may be reviewed by the court, and, after such notice to the appointing authority and the board as the court deems necessary, it shall hear witnesses, review such action, and determine whether or not upon all the evidence such action was justified. If the court finds that such action was justified the action of the appointing authority and of the board shall be affirmed; otherwise they shall be reversed and the petitioner shall be reinstated in his office or position without loss of compensation. The decision of the court shall be final and conclusive upon the parties.

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