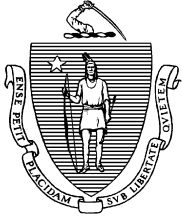


# SENATE, NO. 2545

[SIMILAR MATTER FILED DURING PAST SESSION  
SEE NO. OF ]



## The Commonwealth of Massachusetts

IN THE YEAR OF TWO THOUSAND AND EIGHT

### **AN ACT** RELATIVE TO THE REMOVAL OF CERTAIN POSITIONS FROM CIVIL SERVICE

*Be it enacted by the Senate and House of Representatives in General Court assembled,  
And by the authority of the same, as follows:*

- 1 SECTION 1. Section 1: Definitions (City):
- 2 A. Appointing Authority. The Director of Human Resources of the City of
- 3 Northampton shall be the Appointing Authority for all City clerical positions included within
- 4 the AFSCME bargaining unit. The Mayor of the City of Northampton shall be the Appointing
- 5 Authority for all professional and department head positions contained within the
- 6 administrative bargaining unit represented by the Northampton Administrators and
- 7 Professional Employees= Association (NAPEA).

8 B. Clerical City Positions (AFSCME):

9 (1) Pursuant to the provisions of the appended Memoranda of  
10 Understanding between the City of Northampton and the American Federation of State, County  
11 and Municipal Employees (AAFSCME@), the following employees shall be covered by this  
12 legislation and the Code of Ordinances of the City of Northampton as the same may apply:

13 (a) all employees certified as part of the AFSCME bargaining unit in  
14 accordance with the election conducted by the State Labor Relations  
15 Commission, MCR-887 and MCR-2341 and as further amended by mutual  
16 contractual agreement.

17 C. Administrator and Professional Positions (NAPEA):

18 (1) Pursuant to the provisions of the appended Memorandum of Understanding  
19 between the City of Northampton and the Northampton Administrators and Professional  
20 Employees= Association (ANAPEA@) the following employees shall be covered by this  
21 Legislation and the Code of Ordinances of the City of Northampton as the same may apply:

22 (a) all employees comprising the administrative and professional employee  
23 class, exclusive of all elected officials. [Appendix A to the collective bargaining  
24 agreement lists all positions by title and department covered by the NAPEA  
25 agreement.]

26 Section 2: Definitions (School District)

27 A. Appointing Authority. The Director of Human Resources of the City of  
28 Northampton shall be the Appointing Authority for all non-professional School District positions  
29 removed from Civil Service. The Superintendent of the Northampton Public School District shall be  
30 the appointing authority for all professional positions removed from Civil Service.

31 Section 3: The provisions of any general laws of the Commonwealth, the provisions of  
32 Chapter 250 of the 1883 Acts and Resolves of Massachusetts, and the provisions of any other special  
33 laws of the Commonwealth or of any ordinances of the City of Northampton to the contrary  
34 notwithstanding, appointments, promotions, disciplinary actions and terminations of all employees  
35 contained in the AFSCME bargaining unit in the City of Northampton shall be conducted in  
36 conformity with such requirements as may be set forth in:

- 37 a) a collective bargaining agreement; and
- 38 b) the Personnel Policies of the City of Northampton.

39 Section 4: The provisions of any general laws of the Commonwealth, the provisions of  
40 Chapter 250 of the 1883 Acts and Resolves of Massachusetts, and the provisions of any other special  
41 laws of the Commonwealth or of any ordinances of the City of Northampton to the contrary  
42 notwithstanding, appointments, promotions, disciplinary actions and terminations of all employees  
43 contained in the NAPEA bargaining unit in the City of Northampton shall be conducted in conformity  
44 with such requirements as may be set forth in:

- 45 a) a collective bargaining agreement; and
- 46 b) the Personnel Policies of the City of Northampton.

47 Section 5: The provisions of any general laws of the Commonwealth, the provisions of  
48 Chapter 250 of the 1883 Acts and Resolves of Massachusetts, and the provisions of any other special  
49 laws of the Commonwealth or of any ordinances of the City of Northampton to the contrary  
50 notwithstanding, appointments, promotions, disciplinary actions and terminations of all School District  
51 employees either a) contained in the following bargaining units: Teachers (Unit A) bargaining unit,  
52 Educational Support Paraprofessionals bargaining unit, School District=s Clerical Unit and the School

53 District=s Custodian=s bargaining unit; or b) nonrepresented, non professional School District  
54 employees shall be conducted in conformity with such requirements as may be set forth in:

55 a) a collective bargaining agreement; and

56 b) the Personnel Policies of the City of Northampton.

57 Section 6: Each incumbent employee covered by this Petition who has the present status of  
58 permanent civil service employee in his/her present position shall retain his/her civil service status  
59 until such time as he/she no longer serves in that position.

60 Section 7: The City further stipulates that the Legislature may reasonably vary the form and  
61 substance of this requested Legislation within the scope of the general public objectives of this  
62 petition.