ATTACHMENT E

July 16, 2021

To the Honorable Senate and House of Representatives:

Pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution of the Commonwealth of Massachusetts, I am returning to you for amendment Section 8 of House Bill No. 4002, “An Act Making Appropriations for the Fiscal Year 2022 for the Maintenance of the Departments, Boards, Commissions, Institutions and Certain Activities of the Commonwealth, for Interest, Sinking Fund and Serial Bond Requirements and for Certain Permanent Improvements.”

Section 8 attempts to establish a requirement for an annual staffing plan at the Division of Water Supply Protection within the Department of Conservation and Recreation (DCR) that would not be subject to limitations or restrictions on hiring, promotion, or staffing levels from any executive office or department. As drafted, the annual staffing plan conflicts with the current statutory requirement that the DCR and the Massachusetts Water Resources Authority jointly prepare an annual work plan, which must include staffing levels. Additionally, the proposed section affects employment conditions that are typically governed by collective bargaining agreements negotiated between the Commonwealth as the employer and the proper bargaining units. It would set a concerning precedent if statutory changes effectively usurp the critical collective bargaining process. Additionally, the proposed changes would have the effect of undermining the Commonwealth’s Office of Diversity and Equal Opportunity’s ability to enforce diversity goals by imposing a hiring freeze on agencies that fail to comply with affirmative action plan submission requirements. I cannot approve statutory changes that would eliminate this critical tool for a specific agency, department, or division of the Commonwealth.

However, it may be helpful to require that the Division’s annual work plan contain a specific plan for expenditures that are related to staffing. Therefore, I am proposing alternative language that specifies how an annual staffing plan must fit into the existing annual work plan.

For these reasons, I recommend that Section 8 be amended by striking out the section and inserting in place thereof the following section:-

SECTION 8. Section 75 of said chapter 10, as appearing in the 2018 Official Edition, is hereby amended by inserting after the word “(c)”, in line 95, the following words:- ; provided, however, that said salaries, staffing levels and other employee expenses so set forth shall be included in an annual staffing plan.

Respectfully submitted,

Charles D. Baker

Governor