

Decision mailed: 12/31/10
Civil Service Commission 03

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

CIVIL SERVICE COMMISSION

One Ashburton Place: Room 503
Boston, MA 02108

KIM ST. IVES &
JOANNE MELLO,
Appellants

v.

I-09-370 (St. Ives)
I-09-371 (Mello)

LYNN SCHOOL DEPARTMENT,
Respondent

Appellants' Attorney:

Karen Clemens, Esq.
AFSCME Council 93
8 Beacon Street
Boston, MA 02108

Respondent's Representative:

Kevin J. McHugh
School Business Administrator
Lynn Public Schools
90 Commercial Street
Lynn, MA 01905

Commissioner:

Christopher C. Bowman

ORDER

On September 18, 2009, Kim St. Ives and Joanne Mello (hereinafter "Appellants") filed an appeal with the Civil Service Commission (hereinafter "Commission") seeking an investigation, pursuant to G.L. c. 31, § 2(a), to determine if the Lynn Public Schools (hereinafter "Appointing Authority" or "School Department") was "following the established labor list" in regard to certain cafeteria worker positions.

On October 22, 2009, a pre-hearing conference was held. Over the next several months, I encouraged the Appellants to file a More Definite Statement providing more specificity regarding what civil service rule or law was allegedly violated, how the Appellants were aggrieved and, if so, what relief was being sought. I granted multiple extension requests to allow the parties the opportunity to exchange relevant information and potentially reach agreement on what issues were in dispute. On November 16, 2010, a re-scheduled status conference was held.

Based on the statements of the parties and a review of the sparse documentation provided, I find the following:

1. The School Department employs permanent full-time cafeteria workers, a civil service position that falls under the “labor service” provisions of the civil service law.
2. The State’s Human Resources Division (HRD) has delegated the responsibility for administering the law relative to labor service appointments to the City of Lynn.
3. Appointing Authorities, when filling labor service positions, must comply with HRD’s Administrative Manual regarding the Delegation of Municipal Labor Service.
4. For many years, the School Department has utilized what it refers to as a “substitute list” of cafeteria workers that is used whenever the need arises (i.e. – a permanent full-time cafeteria worker is out sick for the day).
5. The Appellants’ names (and those of many others) have been on this substitute list for many years. Until the filing of these appeals, it appears that nobody has ever challenged whether this substitute list is permitted under the civil service law or rules.

6. At some point prior to the filing of these appeals, the Appellants' contend that they were being "skipped over" by other individuals on the substitute list, who were apparently listed below them.
7. The School Department has never considered the Appellants or any of the other individuals on the substitute list to be civil service employees.
8. As referenced above, it appears that the Appellants and other individuals on the list have performed the duties of a cafeteria worker on a less than full-time basis as needed for many years.
9. There is nothing in the civil service law or rules that recognizes or references "substitute" employees, lists, etc.
10. Although there is no position in the "Muni Class Manual" (which is maintained by HRD and contains a list of all labor service titles) for "permanent intermittent cafeteria worker" (or helper), the term "permanent intermittent employee" appears in the Administrative Manual Delegation of Labor Service referenced in Finding 3. The term "permanent intermittent employee" is also referenced in prior Commission decisions. (See Durkan v. Boston School Department, 19 MCSR 381 (2006), Rosborough v. Plymouth Police Department, 7 MCSR 148 (1994); Murzin v. City of Westfield, 20 MCSR 305 (2007)).
11. Further, the third paragraph of G.L. c. 31, § 34, regarding probationary periods, also references intermittent employees stating, "Following his original appointment as a permanent employee to a less than full-time civil position, including a reserve, intermittent, call, recurrent or part-time position, a person shall serve a probationary period ... before he shall be considered a less than full-time tenured employee ..."

12. Based on the limited information available to the Commission at this time, it appears that the School Department has been employing individuals outside of the civil service law and rules and designating them as “substitute” employees for many years.
13. Also based on the limited information available to the Commission at this time, it appears that the positions occupied by the Appellants should have been filled by permanent intermittent employees who should have been appointed through the process outlined in the Administrative Manual (i.e. – creation of a roster, etc.)

ORDER

Based on the above findings, the Commission, pursuant to Chapter 310 of the Acts of 1993, hereby orders the following:

1. Prior to the start of the 2011 – 2012 academic year, but no later than September 1, 2011, the Lynn School Department shall stop using “substitute” cafeteria workers.
2. In its place, the School Department shall fill these positions through a process that is consistent with civil service law and rules, the Administrative Manual regarding the Delegation of Municipal Labor Service and this decision.
3. The Commission anticipates that the new hiring process created by the Lynn School Department will utilize the use of permanent intermittent employees.
4. The Commission urges the School Department to work with representatives of AFSCME Local 93 when carrying out these orders.
5. If the new hiring process referenced above requires the creation of a “roster”, the Commission would consider a joint request from the parties to establish the initial roster in a manner that recognizes the placement that the Appellants and others had on the former “substitute list”. Such request, if appropriate, may also include a request

to grant the Appellants and other individuals on this former substitute list, a retroactive civil service seniority date.

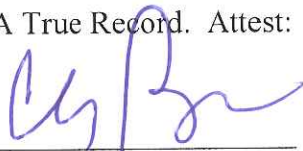
Civil Service Commission



Christopher C. Bowman
Chairman

By vote of the Civil Service Commission (Bowman, Chairman; Henderson, Marquis, McDowell & Stein, Commissioners) on December 30, 2010.

A True Record. Attest:



Commissioner

Either party may file a motion for reconsideration within ten days of the receipt of the Commission order or decision. Under the pertinent provisions of the Code of Mass. Regulations, 801 CMR 1.01(7)(I), the motion must identify a clerical or mechanical error in the decision or a significant factor the Agency or the Presiding Officer may have overlooked in deciding the case. A motion for reconsideration shall be deemed a motion for rehearing in accordance with G.L. c. 30A, § 14(1) for the purpose of tolling the time for appeal.

Under the provisions of G.L. c. 31, § 44, any party aggrieved by a final decision or order of the Commission may initiate proceedings for judicial review under G.L. c. 30A, § 14 in the superior court within thirty (30) days after receipt of such order or decision. Commencement of such proceeding shall not, unless specifically ordered by the court, operate as a stay of the Commission's order or decision.

Notice to:

Karen Clemens, Esq. (for Appellants)
Kevin McHugh (for Appointing Authority)
John Marra, Esq. (HRD)

20-0-K-D-WH-COM-R-ZMCI

ADMINISTRATIVE MANUAL

DELEGATION OF MUNICIPAL LABOR SERVICE

THE COMMONWEALTH OF MASSACHUSETTS
HUMAN RESOURCES DIVISION
ONE ASHBURTON PLACE
BOSTON, MA 02108

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I. APPLICATION PROCESSING

Prior to the effective date of the implementation of the provisions of Personnel Administration Rule 20 for delegation of Labor Service, a renewal of registration was completed by the Department of Personnel Administration for each municipality. This action renewed the registrations of applicants on the existing eligible lists (with the exception of Section 47A, formerly Chapter 778, applicants who are not required to renew) in compliance with Chapter 31, Section 28, which restricts the eligibility of applicants on the Labor Service lists to a period of five years from the date of registration, with a provision for a renewal of registration for an additional five years.

A standard Renewal of Registration Letter with a common date of issuance was mailed to each applicant on the Labor Service Register for your municipality who registered on or before January 3, 1976. The eligibility records of those applicants who responded within the thirty-day requested response period were all renewed for a period of five years from the common date of issuance of the renewal letter, and appropriate update changes as indicated in the responses were also processed to the individual eligibility records.

The eligibility records of each applicant renewed as well as the eligibility records of those applicants who registered on or after January 4, 1976, and all Section 47A applicants were turned over to the local Labor Service Director by the Department of Personnel Administration on the effective date of delegation for your municipality.

The local Labor Service Director in a municipality with a manual system then developed an Alphabetical Index File by preparing an index card for each Eligible List Card received, alphabetized by the last name of the applicant and containing the following data:

1. Full name (including suffix "Jr." or "Sr." if specified by applicant)
2. Domicile address
3. Mailing address
4. Registration Number
5. Social Security Number
6. Date of birth

Other information relative to position titles, conditions of employment, veteran's status, etc. is manually posted to the Eligible List Card (Form 327).

If a municipality has computer capability, a coding structure can be developed to utilize the alphabetical index as a complete master file printout of eligibility records on a weekly or other basis to be determined by the local Labor Service Director. The computer input data should be set up to include additional data such as position titles, veteran preference, veteran-related preference or non-veteran status, (whichever is applicable), and the conditions of employment which the applicant will accept, such as permanent and/or temporary work on a full-time, part-time or intermittent basis.

The Alphabetical Index File must be maintained and kept updated on a consistent basis as it will be the primary source of research in determining the appropriate action to be taken when processing newly received applications as outlined in the following pages. It is a retrieval name file of basic identifying data for each Labor Service applicant registered for your municipality.

STEP 1 - Check for Prior Registration

When a new application is received, the local Labor Service Director's first action should be to check to determine if a previous application has been filed by that person. Taking the time to cross-check newly received applications with the index will eliminate duplications in registration, and will help to insure that each applicant has only one Labor Registration Number on the regular list.

If an applicant is found to have a prior registration number which is still active and valid, the information on the new application received should be checked against the existing eligibility record. If the application reflects a change in address, a request to add other position titles, change in conditions of employment he/she will accept (such as temporary or permanent work), the fact that he/she is now a veteran, (DD214 must be attached), or any other pertinent change, the existing eligibility record must be updated accordingly via an update Form 92 Change Action Form or coded change sheet. If the position title requested requires experience, an Experience Certificate (Form 114) must be processed for positions in Class II or Class III in Step 10.

If no change in the eligibility record is indicated, the application is returned to the applicant with an explanation that he/she is already on the eligible list under the previous registration number for the position titles and conditions of employment requested, and that it is therefore not necessary to file a new application.

If no previous registration number is found, the application should be treated as a new one and processed as outlined in Step 2.

When a Section 47A application is received from an applicant who is determined to be a disadvantaged person under the provisions of Chapter 31, Section 47A, the application will be marked "Section 47A" and treated as a new application as outlined in Step 2 even though the applicant may already have a Labor Registration Number for the regular list. This is the only instance in which an applicant may have two registration numbers for the same municipality inasmuch as the Section 47A applicant must file separate applications if he/she wishes to be registered on both the Section 47A list and the regular list.

STEP 2 - Review application for completeness

Once the Alphabetical Index File has been researched and it is verified that no earlier application is on file for the regular list or that the application is for the Section 47A list, the local Labor Service Director reviews the application to determine that all questions have been answered and that the applicant has signed the application. If the application is incomplete in any respect, it should be returned to the applicant with an explanation of the reasons (See Appendix). A Section 47A application must be accompanied by a Certificate of Eligibility issued by the local JPTA office (See Appendix).

STEP 3 - Review of Eligibility

The local Labor Service Director next reviews the application to determine the position title(s) for which the applicant wishes to register. Rule 19 states that the Labor Service shall be divided into three classes as follows:

Class I Laborers - This is interpreted to include all entry-level position titles requiring no experience which are included in the Classification Plan for your municipality.

Class II Skilled Laborers - This is interpreted to include all position titles generally requiring one year's experience, practical tests, or licenses by statute which are included in the Classification Plan for your municipality.

Class III Mechanics and Craftsmen - This is interpreted to include all position titles generally requiring two years' experience, practical tests or licenses by statute which are included in the Classification Plan for your municipality.

The position title or titles for which the applicant is applying should be coordinated exactly with the terminology of the municlass position titles included in Class I, Class II and Class III in the Classification Plan for your municipality. Section 47A applications are to be accepted and registered for position titles included in Class I only in a Municipal Classification Plan.

STEP 4 - Experience Requirements

No experience requirements exist for position titles included in Class I. Applicants who have submitted a properly completed Form 1B (Labor Service Application Form) for Class I position(s) must be registered.

When an applicant wishes to be registered for any position title other than in Class I, he/she must meet the minimum experience requirements established by the Personnel Administrator for the particular position title in Class II and/or Class III, pass a practical test if required, or exhibit a current license if required by statute.

The minimum experience requirements, administration of a practical test, or possession of a current license required by statute for position titles in Class II and Class III have been indicated in the Municipal Classification Plan at delegation. As additional municlass titles are added to the Classification Plan, the local Labor Service Director will be informed of the appropriate class and the experience or other requirements, if any, established for that position. Education or training cannot be substituted for the experience requirements unless specifically designated by the Personnel Administrator.

If an applicant is found to be unqualified for the position title for which he/she applies, the name of the applicant shall not be placed on the eligible list. If an applicant applies only for a position title in Class II or Class III, which requires a minimum of experience, and the applicant's answers to the Employment History question on the application do not indicate that he/she has been employed in a related occupation for the required time, the application should be returned with a letter informing the applicant that it does not appear that he/she has the necessary experience to qualify for the position (See Appendix).

STEP 5 - Veterans' Preference

Chapter 31, Section 28, provides for absolute preference of veterans over all other applicants on Labor Service eligible lists. An applicant who states that he/she has served in the armed forces of the United States must submit a copy of the FORM DD214 (Verification of Discharge from Military Service). The local Labor Service Director will then determine if the applicant is entitled to veterans' preference, as defined in MGL Chapter 31, Section I.

This Section defines "Wartime Service," the periods of active service required and the fact that the discharge must have been honorable or issued "under honorable conditions." There is no provision in the law for special disabled veterans preference in the Labor Service over and above that preference provided for all veterans. A more explicit summary of wartime service and the periods of actual service required as well as an explanation of certain conditions under which a person would not be entitled to veterans' preference is included in the Appendix.

Chapter 31, Section 28, also states that: "The names of surviving spouses or surviving parents of veterans who were killed in action or died from service-connected disability, incurred in wartime service who present proof from official sources of such facts, satisfactory to the Administrator, and who have not remarried, shall be placed on the registers for the titles in the Labor Service for which they apply and qualify above the names of all other applicants but below the names of veterans." If an applicant claims this preference, a form letter must be mailed to the applicant requesting the information necessary to determine whether or not the applicant is entitled to such preference.

STEP 6 - Registering and Numbering Application

After the application has been reviewed and determined acceptable, it must be numbered, in order of date and time of its receipt, in accordance with the individual sequential numbering system established for each municipality. Beginning on the effective date of delegation, numbers were issued by the local Labor Service Director beginning with the next sequential number to be assigned in the established series. The local Labor Service Director must establish and maintain a registration log which records the Labor Service registration numbers issued each day. This will insure identification of the last number issued, to avoid disruption of the sequential numbering system.

Immediately upon assignment of a registration number to an application, a registration card must be prepared and handed or mailed directly to the applicant.

STEP 7 - Add Name to Alphabetical Index File

The applicant's name and all necessary identifying data should be added to the Alphabetical Index File through a typed index card if the operation is manual or by a coded New Master Record Form if computerized. (See Page 1)

STEP 8 - Weekly Record of Registration

It is recommended that weekly record of applicants registered be kept on the Weekly Report Sheet (Form 90). This is extremely helpful in locating and reconstructing an eligibility record in terms of position titles and conditions of employment in the event of the restoration of an applicant to the eligible list.

STEP 9 - Constructing an Eligible List Card or New Master Record

If the operation is manual, an Eligible List Card (Form 327) must be prepared, containing the name and address, registration date, position titles, and conditions of employment which the applicant will accept such as permanent and temporary work on a full-time, part-time or intermittent basis, racial/ethnic code, and date on which the applicant's five-year period of eligibility will expire (for purposes of issuance of Renewal of Registration letters to individual applicants as their periods of eligibility are about to expire). If the applicant is determined eligible to be registered as a veteran, the word "veteran" should be stamped or written in the veteran area on the card.

If the applicant is entitled to preference as surviving spouse or single parent, etc., this information should also be included in the record. If the Labor Service process is computerized, all necessary information must be coded on a new Master Record Form for computer input.

STEP 10 - Verification of Experience

The name of an applicant may be placed on the eligible list (1) immediately for any position titles in Class I and (2) upon presentation of the appropriate license, or certificate, for any position titles in Class II or Class III which require only such license or certificate. The applicant's qualifications for any Class II or Class III title which has minimum experience requirements must be verified before the title can be added to the applicant's eligibility record.

This is accomplished by sending a Form 114 "Experience Certificate" (See Appendix) to the employers by whom the applicant states he/she has been employed in related work. At the same time, a Form 112 Training and Experience Record (See Appendix) with the applicant's name, registration number, a list of the municlass titles for which he/she has applied, and a list of the companies/individuals to which the Experience Certificates were mailed are prepared and retained. The form is calendared for three weeks. If a reply is received verifying the applicant's qualifications, the position is added to the applicant's eligibility record via Form 92 Change Action (See Appendix) for a manual operation, or via a code sheet for computer input. If no reply is received, or the information received is insufficient to make a determination of the qualifications, the applicant is notified that the particular position title cannot be added to the eligibility record.

In accordance with Chapter 31, Section 14, no recommendation of an applicant for a Civil Service position given by any member of the General Court, alderman or councilman, except as to the character or residence of the applicant shall be received or considered.

a. Self Employment

An applicant who claims he/she meets the experience requirements of a position title in Class II and/or Class III by virtue of the fact that he/she was self-employed, may be credited with such experience, provided that he/she submits proof of self-employment through submission of a notarized affidavit which sets forth the duties performed, the length of such employment and any further substantiating evidence such as billheads, letterheads, etc.

b. CETA Employment

An applicant who has been employed in a CETA Program in a Class II and/or Class III position in your municipality or another municipality in the CETA Consortium, may be credited for such employment in meeting the experience requirements of a position, provided that such employment is verified in writing by the Appointing Authority in the employing municipality.

c. Educational Substitutions

An applicant who claims he/she meets the experience requirements for a position title in Class II or Class III for which the Personnel Administrator has determined that the successful completion of a course in a building, mechanical, maintenance or repair trade in a recognized Trade, Vocational or Technical School may be substituted in whole or in part for the required experience, must present proof of his/her successful completion of the applicable course from the recognized school. See Appendix for a listing of position titles for which such substitution is allowable.

d. License or Certificate

An applicant who claims he/she possesses the license or certificate required in the Municlass job description or other statute must display such license at time of interview.

STEP 11 - Sex and Racial/Ethnic Code Indicator

For purposes of certification in instances where the use of Rule 10 has been approved, it is necessary to indicate on all master Eligible List Cards (Form 327) or in the computer program, the following official codes indicating the sex and racial/ethnic origin of the applicant: -

Sex: 1. Male 2. Female

Racial/Ethnic Origin: 2. White 3. Black 4. Hispanic 5. Asian
6. American Indian or Alaskan Native
7. Cape Verdean

II. ESTABLISHMENT OF ELIGIBLE LISTS

It will be the responsibility of the local Labor Service Director to ensure establishment and maintenance of Labor Service eligible (registration) lists in compliance with Civil Service law and rule. Appropriate procedures for establishment of each type of list are detailed below.

PART A - ORDER OF PLACEMENT ON REGULAR ELIGIBLE LISTS

Section 28 of Chapter 31 provides that persons who apply for Labor Service employment shall be registered and placed on the eligible lists for positions in the classes for which they apply and qualify for a period of not more than five years from their individual dates of registration in the following order:

Step 1 - Applicants who are determined to be veterans are placed in a group ahead of all other applicants on the respective eligible lists for positions for which they are registered and qualified. The placement of each veteran's name will be determined within this group by the date of each individual's registration and registration number.

Step 2 - Section 28 of Chapter 31 provides that the names of surviving spouses or surviving parents of veterans who were killed in action or died from service-connected disability incurred in wartime service and who have not remarried shall be placed on the eligible lists for positions for which they are registered and qualified above the names of all other applicants but below the names of veteran applicants. The order of placement within this group is determined by the date of individual registration and registration number. Satisfactory proof must be presented from official sources of such facts.

Step 3 - All other applicants shall be placed on the lists for positions for which they are registered and qualified below the names of veterans and surviving veteran's spouse or parent. Order of placement within this group will be determined by the date and number of individual registration.

Step 4 - The names of Section 47A applicants shall be placed on the special list of Section 47A applicants for the Class I positions for which they register in the same order as described for the regular list in Steps 1, 2 and 3 above.

PART B - REMOVAL FROM THE REGULAR ELIGIBLE LIST

Under certain circumstances, the local Labor Service Director may remove an applicant's name from the Labor Service lists or from certification consideration for Labor Service employment within the municipality. These actions must be accompanied by proper file documentation of the reasons for removal. It is the local Labor Service Director's responsibility to ensure the accuracy and retention of all such supporting documentation, and all such actions must also be entered on the applicant's Eligible List Record Card (Form 327).

Acceptable reasons for such removal are as follows:

1. If an applicant is found to be unfit or in any way unqualified to perform the duties of the position which he/she seeks, his/her name will be removed from the eligible list and the reasons entered on his/her eligibility record in accordance with PAR. 19.3. This is also applicable to an applicant on the special list of Section 47A applicants.

2. If a certified applicant fails to respond, or declines the employment offered three times without satisfactory written reasons provided, or fails to report for work after signifying a willingness to accept, his/her name will be removed from the eligible list unless a satisfactory explanation is given in accordance with PAR. 19.3. It is important that removal for any of these reasons be enforced uniformly by the local Labor Service Director. This is also applicable to an applicant on the special list of Section 47A applicants.

3. The name of an applicant appointed to a permanent full-time position after certification from an eligible list must be removed from the eligible list for all position titles for which he/she has applied, in accordance with the provisions of PAR. 19.3.

4. The name of an applicant who fails to renew his/her registration within the six-month period immediately following the expiration date of his/her period of eligibility shall be removed from the register. Such applicants must file new applications and be treated as new applicants.

5. Removal of an applicant from a municipality's eligible list may also be effected by the Personnel Administrator, Department of Personnel Administration. PAR. 3 provides that the Personnel Administrator may cancel an application, suspend the same pending investigation, refuse to certify an otherwise eligible candidate, remove his/her name from any eligible list, or declare his/her appointment invalid upon proof of any of the following conditions after a hearing held by the Personnel Administrator. All such actions must also be entered into the applicant's Eligible List Card (Form 327). (Form 327).

(a) Dismissal of the applicant from public service, or his/her resignation pending charges, if the event occurred within the preceding five years and there is no convincing evidence of rehabilitation.

(b) Evidence of conduct within five years showing lack of the essential qualifications under this rule without convincing evidence of rehabilitation.

(c) The knowingly making of a material false statement by any person in his/her application or practical test and any connivance by him/her at any material false statement made in accompanying certificates, or the commission of or attempt to commit any fraud against Civil Service law or rule, of any complicity by or benefit to him/her in any such fraud before, during or after application.

(d) Whenever an appointing authority finds that an applicant fails to meet entrance requirements and that finding has been sustained by the Personnel Administrator's review.

(e) Whenever the Personnel Administrator determines, from the application or from any investigation made by the administrator, and whether before or after acceptance of the application or after appointment, that the applicant is not qualified.

Should the local Labor Service Director have reason and evidence to believe that any of the above circumstances prevail relative to an applicant for the Labor Service in his/her municipality, a request for action, together with copies of all supporting documentation should be forwarded to the Personnel Administrator through the Bureau of Local Government Services, Department of Personnel Administration.

The names of applicants removed from the eligible list as outlined in items (a) through (e) above may only be restored to the eligible list as a result of a favorable decision by the Personnel Administrator or the Civil Service Commission, whichever is applicable, rendered as a result of hearing or investigation relative to the reasons for removal from the eligible list. Local Labor Service Directors will be informed in writing of such restorations.

PART C - RESTORATION TO THE REGULAR ELIGIBLE LIST

The local Labor Service Director may, at his/her own discretion, restore to the appropriate eligible list any applicant whose name was removed for reasons #2 cited above, provided that:

1. A written request for such restoration is received from the applicant within six months from the date of removal, and

2. The written request contains compelling reason for reversal of the original decision to remove the applicant's name, i.e., statement of valid reason for failure to respond or for a declination, etc.

PART D - REEMPLOYMENT LISTS (M.G.L. CHAPTER 31, SECTION 40)

Although the reemployment list is not involved in the acceptance of the application process, it is an integral part of the certification process. As such, it is covered in greater detail in that portion of the manual dealing with certification and appointment. Generally, however, the local Labor Service Director should be aware that:

Section 40 provides that whenever a person is separated from a permanent position in the Official or Labor Service due to lack of work or lack of money or for abolition of position, his/her name shall be placed on the reemployment list.

Step 1 - In accordance with the applicability of the reemployment policy for Labor Service outlined in Personnel Memorandum 76-25 of August 31, 1976 (See Appendix), the name of such a person shall be placed on the reemployment list for the same position title which he/she held, for appropriate or similar titles in the same class as that from which separation was made, and for appropriate position titles in a lower class or classes, in order to provide broader opportunities for reemployment. The name of a person separated from a permanent position in the Official Service who once held a permanent position in the Labor Service may, upon his written request, be placed on the Reemployment List for Labor Service for appropriate positions in the same class from which he/she was separated or in a lower class.

Step 2 - Whether the municipal operation is manual or computerized, an Eligible List Card (Form 327) must be prepared for all individuals separated from work for the reasons outlined above. The record card must contain all necessary identification data, including name, address, date of birth, social security number and position titles. Notation should be made on the eligible card that the applicant has been placed on the reemployment list for a period of not more than two years from the date of separation from the permanent position.

Step 3 - Order of placement on the reemployment lists for any position titles is determined by individual dates of seniority. Because more than one person may be involved in lay-off situations, it is essential that the seniority date of each affected former employee be entered in the eligibility record.

Step 4 - The reemployment Eligible List Cards must be arranged in order of the date of seniority and physically placed in a manual eligible list file with an indicator that they are to be certified ahead of applicants on the regular eligible list.

Step 5 - The name of any person placed on the reemployment list shall remain thereon until he/she is appointed to a permanent position after certification from such list or until the expiration of two years from the date of separation from his/her permanent position. Upon such appointment or expiration of the two years the individual's name should be removed from the reemployment list by the local Labor Service Director. If the individual is reinstated to a permanent position before being certified from the reemployment list or prior to the expiration of his two-year period of eligibility, his name may be removed from the reemployment list and the notation to that effect made on the Eligible List Record Card (Form 327).

III. APPOINTMENTS NOT MADE FROM REGISTRATION LIST

The local Labor Service Director assumes responsibility for ensuring that all appointments to the Classified Labor Service within his/her municipality are made in accordance with Civil Service Law.

The great majority of Labor Service appointments will be made from an established eligible list, whether regular, Section 47A or PAR. 10. In certain specific instances, however, appointments may be made from sources other than the eligible lists. These instances are outlined below.

PART A - PROVISIONAL APPOINTMENTS

M.G.L. Chapter 31, Sections 6, 12 and 13 and PAR. 19.4 provide that an Appointing Authority may make a provisional appointment to an entry level position (Class I) when no list is in existence for the title, or to a position in Class II or Class III, provided that a promotional bulletin is first posted in accordance with Section 29 of Chapter 31 by the Appointing Authority and the Appointing Authority certifies that as a result of the posting no permanent employee in the Department is qualified and willing to accept the position. Applicants appointed provisionally must meet the minimum entrance/experience requirements established for the position to which appointment is made. The local Labor Service Director must, in accordance with the provisions of Section 26 of Chapter 31, ensure that whenever a person other than a veteran is appointed provisionally, the Appointing Authority includes a statement to the effect that he/she is unable to obtain the services of a veteran for the provisional appointment in the form referred to "Attachment A" on which provisional appointments are processed. (See Appendix) The completed form, with the signatures of the Appointing Authority and the local Labor Service Director must be attached to the requisition and retained in the correspondence file. All provisional appointments should be entered against the requisition number in the Correspondence Log.

A Provisional Record Card (Form 110) (See Appendix) must also be prepared. Provisional Record Cards should be filed alphabetically by last name in a separate section for each Department or Division within the municipality. This will ensure easy identification when an appropriate list is established and certification made. If the provisional appointee is not then high enough on the eligible list to be included in certification, his/her services must be terminated when a selection for appointment is made from the certification by the Appointing Authority.

Whenever a permanent vacancy cannot be filled due to lack of an eligible list or of qualified candidates for promotion, or whenever a municlass title is subsequently added to a class in a Municipal Classification Plan, it is the responsibility of the local Labor Service Director under PAR. 20.2 to advertise the vacancy and position requirements in a general circulation newspaper within the municipality. The advertisement should clearly explain the required application/registration procedures.

The local Labor Service Director should ensure that the provisional appointee files an application for registration for the position to which he/she has been provisionally appointed and certify the applicant's name for appointment from the eligible list.

PART B - APPOINTMENT OF A MENTALLY RETARDED PERSON

Under the provisions of Section 47 of Chapter 31, whenever an Appointing Authority submits a requisition to fill a temporary position in the Labor Service and he/she attaches a request that approval be given for the employment of a mentally retarded person in the position, the Administrator may, notwithstanding the provisions of Chapter 31 or any other law, approve the request provided that the Appointing Authority certifies that in his/her opinion the duties of the position may be performed by a mentally retarded person.

In order to make such an appointment, the local Labor Service Director should obtain a copy of the requisition with the name of the mentally retarded person and a certificate from the Massachusetts Rehabilitation Commission stating that the person is mentally retarded.

The following documentation must also be forwarded:

1. A statement by the Appointing Authority as to the specific position title, class and duties to be assigned to the mentally retarded person who is to be employed and the title of the person who is to be his/her immediate supervisor.
2. A statement by the Appointing Authority that prior to employing the mentally retarded person he/she has obtained a certificate from the Massachusetts Rehabilitation Commission indicating that the retarded person (a) can satisfactorily perform the duties of the position (b) is qualified to do the work without hazard to himself/herself or to others and (c) is socially competent to maintain himself/herself in a work environment.
3. A commitment by the Appointing Authority that he/she will fully utilize the services of the Massachusetts Rehabilitation Commission for assistance as the employee's immediate supervisor in the training and supervision of the employee and for post-placement counseling to the employee.
4. A statement that the Appointing Authority will not terminate a mentally retarded person's employment without prior notification to the Massachusetts Rehabilitation Commission.

When it has been determined that all requirements have been complied with, an Authorization of Employment Form 14, on which the Appointing Authority reports the appointment, should then be prepared and processed in the usual manner. An employee history record card must be prepared and the requisition and approval of appointment calendared for three years from the effective date of appointment.

At the expiration of the three-year period, the position shall be deemed to be a permanent one. The Appointing Authority will be notified to submit a new requisition for a permanent position and a Form 14 will be prepared and approved on that basis. It will not be necessary for the Appointing Authority to submit another written agreement. These materials on file with the original temporary requisition will be transferred to the permanent requisition.

The permanent appointment of the mentally retarded person should be entered in the Correspondence Log Book against the permanent requisition.

The permanent appointment under Section 47, Chapter 31 should be entered on the employee's history card and the name of the person should be added to the roster of the department for the particular position in the appropriate class.

PART C - APPOINTMENT OF AN INDIVIDUAL HOLDING THE MEDAL OF HONOR OR
DISTINGUISHED SERVICE CROSS

A person who has received a Congressional Medal of Honor as provided in Section 26, Chapter 31 may apply to the Personnel Administrator for an appointment to the Classified Civil Service without examination or registration. In making application, he/she shall state on oath the information generally required on an application such as name, address, date of birth, social security number, copy of DD214 from military service and position title. Age, loss of limb or other disability which does not in fact incapacitate shall not disqualify the person for appointment or employment under this section. The Appointing Authority may requisition for the names of any such veterans and appoint or employ any of them.

A person who has received a Distinguished Service Cross or Navy Cross may, upon recommendation of the Personnel Administrator and with the approval of the Civil Service Commission, make application and be appointed under the same conditions as are provided in the case of a person who has received a Medal of Honor.

Letters requesting appointment of such persons should be submitted, together with their applications, to the Personnel Administrator through the Bureau of Local Government Services, at the Department of Personnel Administration, for decision and direction.

PART D - SEASONAL POSITIONS EXEMPTED

Chapter 31, Section 48 and PAR. 2 provide that a "seasonal position" requiring the services of an incumbent, on either a full-time or less than full-time basis, beginning no earlier than May first and ending no later than September thirtieth in any calendar year, or beginning no later than November 1 and ending no later than April 1 in any 12-month period, shall be exempted from the Civil Service Law.

All other seasonal positions are subject to the provisions of the Civil Service Law and Rules.

IV. REQUISITION, CERTIFICATION AND APPOINTMENT PROCEDURES

PART A - SUMMARY OF REQUISITION PROCESSING PROCEDURES

When a vacancy occurs in a Labor Service position, the Appointing Authority must submit a Municipal Civil Service Requisition (Form 13) to the local Labor Service Director. The local Labor Service Director must time and date stamp all requisitions when received. It is essential that the local Labor Service Director review the requisition to ensure that all information is accurate and complete and that the requisition is properly signed by the legal Appointing Authority. Requisitions which are incomplete or are not signed should be returned to the Appointing Authority for correction. The local Labor Service Director should verify the following information on the requisition:

STEP 1 - Name of Department

Check to ensure that the department specified on the requisition is exactly the same as that listed on the departmental roster sheet. If the name of the department does not agree with the roster sheet, inquiry must be made to the Appointing Authority and/or City or Town Manager regarding a possible change in name or organization which occurred as a result of an ordinance or by-law. If this has occurred, proper documentation must be submitted. If separate divisions are specified by ordinance or by-law, the division in which the vacancies exist must be specified.

STEP 2 - Proper Job Title

The local Labor Service Director should verify that the position title is a municlass title included in the Classification Plan for that municipality.

If the title is one which is in the Municlass Manual but not presently in the municipality's Classification Plan, the Appointing Authority must submit a Position Description (Form 30) with the requisition. The local Labor Service Director should then forward copies of the Requisition and Form 30 to the Bureau of Local Government Services of the Department of Personnel Administration. The Municipality's Classification Plan will then be updated to include the title in the appropriate class.

If the title is neither in the Plan, nor in the Municlass Manual, copies of the Requisition and Form 30 should be forwarded to the Bureau of Local Government Services, Department of Personnel Administration for review of the feasibility of adding the title to the Manual.

If the position is to be filled through the promotional process (as indicated by the Appointing Authority on the reverse side of the Requisition Form, under "Labor Service"), all present titles which the proposed promotee will retain should be identified and included in the position title.

Step 3 - Salary Rate

If the Appointing Authority indicates his/her intention to fill the position through certification from the eligible list, the minimum applicable salary rate should be stated on the requisition.

However, if the Appointing Authority indicates that the position will be filled through the promotional process, the salary rate specified should be the actual rate that will be paid to the employee on the effective date of his promotion.

If the job vacancy to be filled has several titles and the appointee or promotee is to be paid a differential in salary when employed in each category of work, the Requisition should so state.

STEP 4 - Type of Employment

The local Labor Service Director will then check to ensure that the requisition is complete and accurate as to the type of employment, i.e., permanent, temporary, full-time, part-time or intermittent. If the hours of employment are unusual, such as split shifts, night work, etc., this should be stated in detail.

When the Appointing Authority submits a temporary requisition and the vacancy is newly created, a statement in detail must also be included to explain why the position is temporary. The date employment is to end should be stated on the requisition, and a calendar card prepared.

STEP 5 - Previous Incumbent

(a) If the vacancy is indicated as permanent caused by the death, resignation or retirement of a previous incumbent, the information must be verified through review of the employee history record of the previous incumbent. In no case may a vacancy be filled on a permanent basis if the previous incumbent has not permanently vacated his/her position.

(b) If a temporary position vacancy occurs due to the illness, leave of absence or provisional promotion, etc., of a permanent incumbent, the pertinent information regarding the previous incumbent must be verified through review of his/her Employee Record Card. Action taken must be coordinated with any outstanding requisitions involving the permanent incumbent.

STEP 6 - Duties of Position

A brief statement of duties should be included and reviewed to verify that the position title selected by the Appointing Authority conforms to the duties and general definition set forth in the Municlass Manual.

STEP 7 - Qualifications Required

(a) - If an Appointing Authority requests a certification under PAR 19.2 of persons having experience in the Department, that request should be noted on the requisition. Appointment preference will be given to persons who have served at least one year after certification in a temporary capacity in the same department and the same position title for which the vacancy exists, provided such persons have not been discharged for cause or have not resigned with charges pending. In the case of persons appointed temporarily after certification on an intermittent or part-time basis, the Appointing Authority is required to submit proof to the local Labor Service Director that such persons have accrued periods of employment on a part-time or intermittent basis equivalent to one year of full-time employment. If the position is in Class II

or Class III, the Appointing Authority must signify on the reverse side of the requisition that he/she has been unable to fill the position through the promotional posting procedure as provided in Section 29 of Chapter 31 and PAR. 19.5.

(b) If a practical test is required for the position, the Appointing Authority should so note on the requisition. The local Personnel Administrator, Labor Service Director, should forward a copy of the requisition to the Bureau of Local Government Services for review.

(c) If an Appointing Authority requests Bilingual Selective Certification under PAR. 8.3, that request must be specified under "qualifications required." A request for Bilingual Selective Certification (Form 53A) must be completed by the Appointing Authority and filed with the requisition. A copy of the requisition and completed form will be forwarded to the Bureau of Local Government Services for appropriate action.

STEP 8 - Sex Preference

Check to determine whether a particular sex has been identified by the Appointing Authority as required under Section 21 of Chapter 31 to perform the specific duties of the position. If a particular sex is designated, a Request for Selective Certification Questionnaire must be completed by the Appointing Authority and filed with the requisition for processing. Copies of the requisition, the Selective Certification Questionnaire and any related correspondence should be forwarded by the local Labor Service Director to the Bureau of Local Government Services, Department of Personnel Administration, for review and appropriate action. No action should be taken on the requisition until a decision is rendered by the Department and forwarded to the local Labor Service Director.

STEP 9 - Licenses Required by Law

If a license is required by statute to perform the duties of a particular position, the Appointing Authority must specify the type and class of license required. This information is particularly important when acting on requisitions for the three grades of Motor Equipment Operators.

STEP 10 - For Labor Service Positions - Heavy Work Required

It is important that the Appointing Authority specify whether heavy work is involved in the performance of the duties of any position, particularly that of Laborer, so that certified applicants will be informed of this requirement when notified to appear for interview. It is the local Labor Service Director's responsibility to insure that the Notice to Appear for Interview contains this information.

STEP 11 - Promotion

a. Requisitions received for Labor Service position titles in Class II and/or Class III must first be filled by the promotional procedures provided in Section 29 of Chapter 31 and PAR. 19.5 for Classified Labor Service. The Appointing Authority must state:

- (1) The dates the promotional bulletin was posted for that position;
- (2) The locations of the posting and
- (3) The name and present title of the employee proposed for promotion

or

b. If this information has not been provided, or the information is incomplete, the Appointing Authority must be informed that no action can be taken on this requisition until the local Labor Service Director receives written verification of the Appointing Authority's compliance with the provisions of Section 29.

c. If the required promotional bulletin has been posted and as a result of the posting no employees in the same or a lower class are qualified and willing to accept the position, the local Labor Service Director may certify from the eligible list established for the particular position.

STEP 12 - Remarks

This section is used when an Appointing Authority requests the use of PAR. 10. The protected group for which the certification is requested must be specified as either minorities or females, and an approved affirmative action plan must be on file at the Massachusetts Commission Against Discrimination. A copy of the requisition must be forwarded to the Bureau of State Services, Department of Personnel Administration, together with the following information:

- a. A written request for certification to be made under PAR. 10.
- b. The current Affirmative Action Profile (EEO4 summary) of the municipality, including the total number of employees with permanent Civil Service status within the municipal workforce, but not including provisional employees.
- c. Unofficial eligible list and protected group list for the desired position title.

This section is also used by an Appointing Authority to indicate any present titles held by an employee which are to be discontinued upon his/her promotion.

STEP 13 - Signature of Appointing Authority

a. Verify that the requisition has been signed by the Appointing Authority authorized by law to make appointments.

b. If the interviewer designated is not the Appointing Authority, insure that the title and specific location of the interviewer must be given.

PART B - PROCESSING THE REQUISITION

If there are unfilled requisitions on file in the Department of Personnel Administration at the time of implementation of PAR. 20 in a municipality, these requisitions and all other pending documentation and/or correspondence will be turned over to the local Labor Service Director, who assumes responsibility for their appropriate review and processing.

Beginning with these requisitions which will already have a requisition number assigned by the Department of Personnel Administration at the time they were received in the Department and continuing with requisitions received by the local Labor Service Director after the effective date of implementation, the local Labor Service Director must complete the following steps to ensure complete processing of all materials.

STEP 1 - Requisition Number

A seven-digit control number preceded by the initial(s) of the city or town and the letter "L" to indicate Labor Service followed by the last two digits of the year and a four-digit sequential number will be assigned to each requisition. Record the number assigned to the requisition on the top center of the requisition and also on the left-hand of form for easy location reference in files. If PAR. 10 certification is requested, this notation "PAR. 10" should also be noted at the top of the requisition. The number assigned to a requisition must appear on all subsequent certifications, appointment forms and all other correspondence pertaining to the requisition.

STEP 2 - Correspondence Log Book

The requisition content will be logged in accordance with the format of the Correspondence Log (Form #49) as follows, which provides a tracking system and record of all Labor Service actions processed.

<u>First Column:</u>	The requisition number assigned by local Labor Service Director.
<u>Second Column:</u>	The date of the requisition given by Appointing Authority on requisition.
<u>Third Column:</u>	The department and division of the department, if applicable, in which the vacancy exists.
<u>Fourth Column:</u>	The number of vacancies.
<u>Fifth Column:</u>	Under "Kind of Work": First Line - Position Title Second Line - Type of vacancy i.e., permanent, temporary, full-time, part-time or intermittent Third Line - Salary rate to be paid
<u>Sixth Column:</u>	Under "Action Taken": -If an Attachment A Notification of a Provisional Appointment made by the Appointing Authority is submitted with the requisition, the information contained therein, i.e., name of provisional appointment and the effective date of employment, should be entered in ink in this column.

Note in pencil, for purposes of ready response to inquiries made prior to taking formal action consistent with the provisions of the Civil Service Law and Rules and established policy, any actions proposed by the Appointing Authority such as a request for the use of PAR. 10, a certification for experience in the department under PAR. 19.2, the name of a proposed promotee, or a practical test requested.

STEP 3 - Roster Verification

All employees in approved Labor Service positions under Civil Service are listed on departmental rosters, which should be used as a reference to ensure that a requested vacancy is valid under Civil Service Law. It is important that the roster sheets turned over to the local Labor Service Director be kept current.

a. Previous Incumbent. Check all positions not newly created for the following information:

- (1) Verify via the Employee Record Card that the previous incumbent of the position has terminated.
- (2) Proper type of employment: If the previous incumbent was permanent, the requisition should be submitted for a permanent vacancy. If the previous incumbent has temporarily vacated his/her permanent position due to leave of absence, illness or provisional promotion to a higher level position, the requisition should be on a temporary basis and the duration of the vacancy so noted.
- (3) If a conflict of information exists, resolution or clarification of the existing problem should be obtained from the Appointing Authority. In no case should a vacancy be recognized as a permanent one if the previous incumbent has not permanently vacated his/her position.

b. Status or Position Check. A check must be made to determine if any person in the same job title and department or division of a department has lay-off, abolition of position, or permanent intermittent or permanent part-time status in that order.

- (1) If there are any employees with a lay-off or abolition of position status in the same position title, under Section 39 of Chapter 31, they are entitled to primary consideration for either permanent or temporary positions. The department should be informed of the reinstatement rights of those individuals. Such persons must be reinstated before any new appointment is made, through either the certification or the promotion process. The Appointing Authority should submit a formal request for reinstatement in quadruplicate on Form 10.

- (2) If there are no employees with lay-off or abolition of position status, employees with permanent intermittent or permanent part-time status holding the same position title are then considered for full-time employment in either a permanent or temporary full-time vacancy as outlined in PAR. 8.6. If there are such employees, their names must be certified, in order of their dates of seniority, before any other names can be certified from the eligible list, or any request for promotions processed. If several employees have the same seniority date, their names must be certified within their common seniority date in order of their standing on the eligible list from which they were appointed to the intermittent or part-time position. No certification may be made from an eligible list unless all permanent intermittent or permanent part-time employees in the same position title in the same department have been certified and either failed to respond for the interview, declined the full-time position, or have been appointed.

A list of such employees should be prepared manually and attached to the requisition preparatory to typing the certification for submission to the Appointing Authority and typing the interview notices to be mailed to the employees.

STEP 4 - Provisional Appointment

Check to ensure that the Attachment A, Provisional Appointment Form (See Appendix) if attached to the requisition is completely filled out to satisfy veteran selection and records processing requirements, and that the Form is signed by the legal Appointing Authority. Check to ensure that a current Form 30 (Position Description Form) has been submitted with the requisition and that the position title and date of requisition are specified on the Attachment A.

Check also to ensure the Provisional Appointment Form or letter from the Appointing Authority coincides with "Type of Employment" on the requisition:

- a. If a permanent requisition is submitted with a provisional appointment, it must be indicated directly on the Provisional Appointment Form internally by the local Labor Service Director that the appointment is "effective P.E.E.L." (pending the establishment of an eligible list) if no list is in existence or pending certification if a list exists and a Provisional Card, Form 110, (See Appendix) should be prepared and filed.

- b. If a temporary requisition is submitted with a provisional appointment, the approval must be noted internally on the form by the local Labor Service Director as "provisional" only for the period specified as the duration of the vacancy pending establishment of an eligible list or pending certification from an existing list and a Provisional Card (Form 110) should be prepared and filed.

c. Municipal Appointing Authorities must notify the local Labor Service Director of a provisional appointment using the Attachment A Notification of Provisional Appointment Form, unless a locally developed substitute has been approved by the Department of Personnel Administration. Municipal Appointing Authorities should no longer receive notifications to terminate or to extend a provisional appointment, until such time as an eligible list is generated for the title and a certification is to be used. However, it will be the responsibility of the local Labor Service Director to ensure termination of all provisionals when an appropriate eligible list is established and a certification processed.

d. The local Labor Service Director will check the alphabetical index to determine if the provisional appointee is on the eligible list, and if not registered, shall request the individual to register immediately.

e. If no eligible list exists, the requisition should be placed in the local Labor Service Director's active file to await the establishment of an eligible list of applicants as a result of subsequent registration. When an eligible list for that title is established within the municipality, a certification of names should be prepared and the procedures outlined in (f) below relative to provisional appointees should be followed.

f. When an eligible list is already in existence or after a new list has been established, the local Labor Service Director removes related correspondence from the active file to process the certification:

- (1) Remove provisional cards from the file and gather all requisitions and correspondence for provisionals currently employed in the same title as that for which the list has been established. Assemble and review all correspondence.
- (2) All provisional appointees not high enough on the eligible list to be included in the certification or those provisional appointees who are included in the certification but are not among those highest on the certification willing to accept as provided in the ratio of selection for the number of vacancies under Rule 15, must be terminated when selections for appointment are made by the Appointing Authority.

After the materials have been reviewed and evaluated, the local Labor Service Director should initiate the certification of names from the eligible list.

PART C - PREPARATION OF CERTIFICATION: GENERAL INFORMATION (PAR. 8)

STEP 1 - Certification and Report Form 16

This is the standard form used to prepare eligible certifications to Appointing Authorities. It may be either typed manually or generated from a computer printout for the various types of certifications which are described in the following pages.

The applicable designation "*" for veteran, or "****" for surviving spouse or single parent, etc., must be indicated after the registration number. These designations are also printed on the reverse side of the form.

The designation "#" certified subject to passing physical examination and explanation thereof on the reverse side of the form is no longer applicable for Labor Service in view of Personnel Memorandum 80-2 dated July 1, 1980 issued by the Department of Personnel Administration (See Appendix). If a medical examination is required for local purposes by a municipality, this information should be included in the Form 16 and in the Interview Notices (Form 17) sent to applicants.

The columns headed "Eligibility Expires" and "Per Cent" are not applicable to Labor Service certifications.

The column headed "Application Number" is crossed out and "Date of Seniority" is substituted when permanent intermittent and/or permanent part-time employees are certified for a full-time vacancy or when names are certified from a re-employment list, because the order of certification of eligibles is an individual's date of seniority rather than the registration number.

The following should be included in the appropriate areas at the top of the first page of the Certification and Report Form 16:

- a. Position title and municlass code
- b. Number of vacancies, conditions of employment, and salary to be paid
- c. Date certification is actually mailed
- d. Page: If the certification consists of more than one page, it is important to number all pages
- e. Requisition number assigned to the requisition
- f. Legal Appointing Authority who will receive the original and a copy. The interviewer, if different from the Appointing Authority, will also receive a copy.
- g. Location: Name of Department, including Division of the Department, if applicable
- h. Date and Time eligibles have been notified to appear for interview. This area should also state if certification is from the roster of permanent intermittent and/or permanent part-time employees, a certification from the re-employment list, etc.
- i. If a current valid license is required by statute, the certification and interview notices should state such; i.e., "applicants must exhibit a current valid Class 2 Massachusetts Motor Vehicle Operator's license".
- j. Physical examination requirement, if any

k. Attachments to the Certification and Report Form:

- 1) Certification and Report Supplement, Form 16 Part II or if applicable - Form 16 Part II for PAR. 10
- 2) Authorization of Employment Form (Form 14) on which the Appointing Authority will report appointments. The applicable information on the upper portion of the Form 14 above "NOTIFICATION OF EMPLOYMENT UNDER THE ABOVE AUTHORIZATION" should be completed and signed by the local Labor Service Director.

STEP 2 - Recording of Certification

When the process is completed, a copy of the certification should be attached to the requisition, retained in the local Labor Service Director's office and calendared for six weeks pending receipt of the report from the Appointing Authority. The date of certification and number of names certified should be recorded against the requisition number in the Correspondence Control Log.

STEP 3 - Interview Notice (Form 17)

An interview notice Form 17 (See Appendix) must be addressed and mailed to each eligible person listed on the certification to the Appointing Authority. In a manual operation, the 8½ x 11 printed form is used, and the information relative to that vacancy is first typed in the appropriate areas on the form using a stencil to make a sufficient number of copies. It is necessary to type only the name, address, and registration number or date of seniority, if applicable, for each involved applicant. In a computerized operation, a program must be developed to generate a completed addressed card (Form 17) directly from the computer.

The Interview Notice must contain all of the information listed below:

- a. Requisition Number
- b. Date form was issued
- c. Position title of vacancy to be filled
- d. Conditions of employment (permanent or temporary on a full-time, part-time, part-time or intermittent basis) and any other pertinent information such as split shifts or unusual hours of employment, heavy work, etc.
- e. Salary to be paid including any salary differentials
- f. Type of license required by statute, if any. If a current license is required by statute, the certification and interview notices should state such; i.e., "applicants must exhibit a current valid Class 2 Massachusetts Motor Vehicle Operator's License"
- g. Date, time and place of interview and name of interviewer
- h. Registration number of applicant followed by the appropriate indicator of any veteran preference or date of seniority when applicable
- i. Date of birth of applicant
- j. If the municipality requires a physical examination, this should also be indicated on the Form 17

STEP 4 - Return of Certification By Appointing Authority (PAR. 9)

Within six weeks from the date of any certification, the Appointing Authority in accordance with PAR. 9 must return a signed copy of the Certification and Report Form (Form 16) to the local Labor Service Director's office indicating in the columns provided beside each name whether the applicant failed to respond, declined appointment, was willing to accept or was selected for appointment, or any other report relative to the applicant. In "Other Report", if the Appointing Authority concludes as provided in PAR. 9.2 that the appointment of a person whose name has been certified would be detrimental to the public interest, the Appointing Authority may submit to the local Labor Service Director a written statement giving in detail the specific reasons substantiating such a conclusion. The local Labor Service Director will refer all such statements and related materials to the Bureau of Local Government Services of the Department of Personnel Administration for appropriate action relative to removal of the applicant from eligible list or not again certifying the applicant's name to the Appointing Authority.

The Appointing Authority must at the same time return the Certification and Report Supplement Form (Form 16 Part II) or if applicable, PAR. 10, Form 16 Part II on which must be entered the name of all applicants on the Certification (Form 16) who have signed indicating that they are willing to accept appointment, regardless of the Appointing Authority's intention to appoint or not to appoint them. The names of the applicants must be listed on the supplement in the same order in which they appear on the certification.

STEP 5 - Extension of Certification

If the Appointing Authority is unable to complete the Report on the Certification within six weeks from its date, a written request may be submitted to the local Labor Service Director for extension of the time limit, specifying the reasons for the request. An extension may be granted if the eligible list has not changed to the extent that the certification would be affected. Otherwise a new certification may be processed.

If no report is received on the certification from the Appointing Authority within the six-week period, and no extension has been requested, the local Labor Service Director forwards to the Appointing Authority a form letter requesting that the local Labor Service Director be informed what action has or has not been taken. This is calendared for three weeks for follow-up. If no reply is received at the expiration of this period, the Appointing Authority must be notified in writing that the requisition has been cancelled and the services of any provisional appointees employed in the vacancies must be terminated within (give a specific period). Copies of a letter terminating provisional appointments must be sent to the local Auditor and Treasurer.

STEP 6 - Certification With Less Than Three Applicants Willing to Accept (Section 27)

Chapter 31, Section 27, states that whenever a certification of names of persons eligible for appointment or promotion is made by the local Labor Service Director, and the eligible list contains the names of three persons willing to accept, selection and appointment shall be made by the Appointing Authority from the eligible list in accordance with the law and rules. The Appointing Authority may make a selection and appointment from a certification of less than three at his own discretion.

If the Appointing Authority does not make an appointment from a certification of less than three names, he shall notify the local Labor Service Director that it is his intention to leave the position unfilled until such time as an eligible list of at least three persons willing to accept is established, or, if the Appointing Authority wishes to fill the position by a person whose name does not appear on said eligible list, the Appointing Authority shall certify to the Labor Service Director that each person on the list who reported for an employment interview as directed by the Labor Service Director was interviewed and considered for the position. In such case, the Appointing Authority shall state sound and sufficient reasons, satisfactory to the local Labor Service Director why the certification of less than three names was not adequate to make a proper selection. No provisional appointment shall be approved or continued following a certification by the local Labor Service Director if the list contains the names of three persons eligible and "willing to accept".

PART D: CERTIFICATION OF PERMANENT INTERMITTENT AND PERMANENT PART-TIME EMPLOYEES TO BE SUBMITTED FOR FULL-TIME POSITIONS (PAR. 8.6)

STEP 1 - Before action is taken on a requisition for full-time employment, the roster must be checked to determine if there are any permanent intermittent or permanent part-time employees in the same position title and the same department or division of a department where the vacancies exist. If there are any such employees, their names must be certified in order of their respective dates of seniority beginning with the earliest date, before any names can be certified from the eligible list or any request for promotions processed. If several employees have the same seniority date, their names must be certified within their common seniority date in order of their standing on the eligible list from which they were appointed to the intermittent or part-time position.

STEP 2 - The current addresses of these employees should be obtained from the Appointing Authority and included in the roster information for purposes of certification and interview notification. The Appointing Authority should be notified that it will be his/her responsibility to notify the local Labor Service Director of any subsequent changes in the addresses of the employees so that information can be kept updated and accurate.

STEP 3 - A list of those employees should be prepared manually and attached to the requisition preparatory to typing the certification and typing the interview notices to be mailed to the employees.

STEP 4 - The certification information including the date of certification, the number of names certified and the type of certification submitted, for example, "certified from roster of permanent part-time or permanent intermittent employees, PAR. 8.6 should be noted against the applicable requisition number in the Correspondence Control Log.

STEP 5 - The report on the certification must be submitted by the Appointing Authority within six weeks from its date as specified in PAR. 8 and the ratio of selection for appointments must be exercised as provided in PAR. 9.

STEP 6 - No certification may be made from an eligible list unless all permanent intermittent or permanent part-time employees in the same position title in the same department have been certified and failed to respond for interview, declined the full-time position, or were selected for appointment.

PART E - CERTIFICATION FROM RE-EMPLOYMENT LIST.

STEP 1 - When a requisition is received from an Appointing Authority to fill a vacancy, on either a temporary or permanent basis, in an entry-level Class I position title or in a Class II and/or Class III title, the Appointing Authority must certify that he/she has been unable to fill the position through the promotion process as in Chapter 31, Section 29, and PAR. 19.5. The names of persons appearing on the re-employment list for that title shall be certified before any names are certified from the regular list.

STEP 2 - The names certified from a re-employment list shall be listed manually in order of their dates of seniority, in the positions from which they were separated, beginning with the earliest such date. This list should be attached to the requisition preparatory to typing the certification of names and typing the interview notices to the persons certified.

STEP 3 - The information on the certification must include the date of the certification, the number of names certified and the type of certification submitted; for example, "certified from Re-employment List."

STEP 4 - A report on the certification must be made by the Appointing Authority within six weeks from its date, and the ratio of selection for appointment as provided in PAR. 9 must be exercised and reviewed.

PART F - CERTIFICATION OF PERSONS WITH EXPERIENCE IN THE DEPARTMENT (PAR 19.2)

The Local Labor Service Director must ensure that all information has been submitted by the Appointing Authority to process a certification under these rules. In order to prepare a certification of persons experienced in the department, it will be necessary to:

STEP 1 - Visually screen the reverse side of the Eligible List Cards (Form 327) of applicants on the eligible list for that particular title and department to determine those having accrued the equivalent of one year of full-time employment. All temporary appointments and extensions of temporary appointments approved on a full-time, intermittent or part-time basis, as a result of certification from the eligible list, are posted on the reverse of each card. Starting with the veteran applicants, the local Labor Service Director will prepare a list of those applicants who appear to be eligible for certification. It will be necessary to verify the periods these applicants were actually employed with their employee history record cards. Many temporary appointees resign or are terminated for other reasons before completing the authorized periods of their employment, and therefore may not have gained the twelve months of full-time employment necessary for certification under this rule.

If there is an insufficient number of veterans who have accrued the necessary experience, the same screening procedure should be followed with: first, the eligibility records of surviving spouses or single parents who received preference under Chapter 815, Acts of 1978, and lastly, with the eligibility records of non-veteran applicants.

STEP 2 - The names of applicants who have been employed on an intermittent or part-time basis who appear to be eligible must be submitted in letter form to the Appointing Authority requesting that he inform the Director of the actual time they were employed, to determine whether or not they have accrued sufficient periods of employment on an intermittent or part-time basis equivalent to one year of full-time employment. The twelve months of full-time employment necessary to meet the provisions of the rule may have been accrued by the applicant over a period of years.

STEP 3 - After employee records have been verified regarding full-time employment, and the necessary information has been received from the Appointing Authority relative to intermittent and part-time employment, a certification of names of applicants having the necessary twelve months of full-time employment will be prepared manually.

The names of applicants will appear in order of their standing on the eligible list reflected by their registration number, with the names of experienced veterans (indicated by "*" after the registration number) appearing first, followed by the names of those experienced applicants given preference as a surviving spouse or single parent, etc., under Chapter 815, Acts of 1978, (indicated by "***" after the registration number), and lastly, experienced non-veterans.

STEP 4 - Report must be made on the certification by the Appointing Authority within six weeks from its date. If an extension of time is requested by the Appointing Authority, the local Labor Service Director may extend the time limit in accordance with the provisions of PAR. 8.2.

STEP 5 - The certification information including the date of certification, the number of names certified and the type of certification submitted, for example, "experienced in the department under the provisions of PAR. 19.2", should be entered against the applicable requisition number in the appropriate column in the Correspondence Control Log.

STEP 6 - If accepted by vote of the City Council or legal administrative body, pursuant to Chapter 31, Section 57, year-round temporary positions in the classified Labor Service for which compensation has been paid for a continuous period of two years shall be deemed to be a permanent position. Certification to fill such positions shall first be made of persons with experience in the same position title and in the same department or division of a department under PAR. 19.2. The local Labor Service Director should verify whether this section is in effect in his or her municipality and process accordingly.

A person who has had temporary service after certification for at least two years and who receives a permanent appointment in the same position title and in the same department or division of a department in which he/she had such temporary employment, shall not be subject to a probationary period.

PART G - PREPARING A CERTIFICATION FROM ELIGIBLE LIST TO ENTRY-LEVEL
CLASS I POSITIONS, (PAR. 8 and 9)

STEP 1 - To fill a permanent or temporary vacancy on a full-time, intermittent or part-time basis in a Class I position included in the Classification Plan for the municipality when a roster check does not indicate any conditions which would preclude certification from the appropriate eligible list, a certification of eligibles established as a result of registration will be prepared. Both male and female eligibles will be certified unless approval for gender-based selective certification has been received from the Bureau of Local Government Services, Department of Personnel Administration.

STEP 2 - The names of applicants will appear in order of their respective standings on the eligible list for the position title, by registration number, first the names of veterans (indicated by "*" after the registration number), followed by the names of applicants given preference as a surviving spouse or single parent, etc., under the provisions of Chapter 815, of the Acts of 1977, (indicated by "***" after the registration number), and last non-veteran applicants. The number of names certified will be governed by the number of vacancies, the related ratio of selection provided in PAR. 9 and by the experience of the Appointing Authority in filling vacancies in the same position title with similar conditions of employment from previous certifications.

STEP 3 - If there is a Special List of Section 47A applicants established for the position title in addition to the regular list, the same number of names of male and female Section 47A applicants (or a lesser number if the entire list) shall also be submitted in order of their respective standings on that list, on a separate certification headed "Section 47A List" bearing the same date as the certification from the regular list. (see Step 2)

STEP 4 - If the local Labor Service operation is manual, it is strongly recommended that the certification(s) be handwritten and attached to the requisition preparatory to typing and forwarding to the Appointing Authority and typing the Interview Notices (Form 17) to the applicants.

If the Labor operation is computerized, a certification request form should be processed and a printout generated of the regular list for that title as well as the Section 47A list, if one has been established. If both lists are generated, a covering form of Instructions for Implementing Section 47A is sent by the local Labor Service Director to the Appointing Authority with the certifications explaining that the two lists are to be considered as one certification of names, and outlining the procedures for making selections for appointment as provided in PAR. 9. (See Appendix).

STEP 5 - If it is determined by local authority that a pre-employment physical examination is required and will be administered under local jurisdiction for a particular position title, the requirement should be so stated in the Certification and Report Form 16 and in the Interview Notices (Form 17) sent to the applicants certified.

STEP 6 - The certification information including the date of certification, the number of names certified from the regular list and from the Section 47A list, if two certifications were generated, should be entered against the applicable requisition number in the appropriate column in the Correspondence Control Log.

STEP 7 - A report must be made on the certification by the Appointing Authority within six weeks of its date. If the Appointing Authority is unable to make a selection for appointment within this period he or she may request an extension of time which may be granted provided that there have been no changes in the eligible list which would affect the certification.

PART H - PREPARING A CERTIFICATION FROM THE ELIGIBLE LIST FOR A CLASS II OR CLASS III POSITION, PAR. 8 AND 9

STEP 1 - If a permanent or temporary full-time Class II or Class III vacancy exists in a Municipality title included in the municipality's Classification Plan, the roster should be checked to determine if there are any permanent intermittent or permanent part-time employees in that department or division of the department whose names should first be certified for the full-time position in order of their dates of seniority.

STEP 2 - The reverse side of the Requisition (Form 16) should be reviewed to determine if a promotional bulletin was posted in accordance with Section 29, Chapter 31, and if the Appointing Authority has certified that, as a result of such posting, there is no employee in a lower grade qualified and willing to accept the position and that, therefore, a certification from an eligible list is requested.

STEP 3 - Providing there is no impediment, a certification of eligibles in order of their standing on the appropriate eligible list (as outlined in Part G: Certification to Entry-Level Class I Positions) should be prepared and attached to the Requisition, preparatory to typing and forwarding it to the Appointing Authority. The Interview Notices (Form 17) are then prepared and sent to the applicants. If a current license is required by statute, the certification and report (Form 16) submitted to the Appointing Authority and the Interview Notices (Form 17) sent to the applicants should include a statement to that effect.

STEP 4 - The certification information, including the date of certification and the number of names certified, should be entered against the applicable requisition number in the Correspondence Control Log.

STEP 5 - The report on certification must be made by the Appointing Authority within six weeks from its date. If the Appointing Authority is unable to make the selections within this period, an extension of the time may be given if there has been no change which affects the certification in the eligible list.

PART I - SELECTING FOR APPOINTMENT FROM PAR. 8 AND PAR. 9

It is important to remember that the number of vacancies determines the number of times certified and the order in which appointments must be made. The following procedures must be followed in the certification process.

When names have been certified to an Appointing Authority under PAR. 9 and the number of appointments to be made is n , the Appointing Authority may appoint only from among the first $2n + 1$ persons named in the certification willing to accept appointment, e.g.,

When the number of appointments to be made is:

the Appointing Authority may appoint only from among the first:

1	_____	3
2	_____	5
3	_____	7
4	_____	9
5	_____	11

persons named in the certification willing to accept,

In order to assist the Appointing Authority in the number of persons he may select for appointment in relation to the number of appointments to be made, a Certification and Report Supplement (Form 16 Part II) should be completed and returned with the Certification and Report (Form 16) which lists the names of eligible applicants in order of their standing.

PART J - SELECTING FOR APPOINTMENT USING SECTION 47A SPECIAL LIST

STEP 1 - Two separate certifications are prepared, one from the "regular" list and the other from the "special" (Section 47A) eligible list. As a result of the employment interviews the forms should be carefully marked to indicate those persons who are willing to accept the position(s).

STEP 2 - The Appointing Authority should then prepare the Form 16 Part II from which the final selection(s) will be made by merging the regular and Section 47A lists as follows: The first name will be the first person on the "regular" list who is willing to accept. The second name will be the first person willing to accept from the Section 47A list. The third name will be the second person on the "regular" list who is willing to accept. The fourth name will be the second person on the Section 47A list who is willing to accept. The Appointing Authority will follow this method for the entire list or until the names on either list are exhausted. If the latter results and there is no possibility of alternating names, the remaining names on either list must be also considered in accordance with the usual number of names allowed for the number of vacancies covered by the certification.

The forms supplied to make the Report on Certification (Form 14) must be completed and returned to the Labor Service Director with the Certification (Form 16) and (Form 16 II) for review and approval. Copies of all Reports on Certification involving Section 47A must be forwarded to the Department of Personnel Administration.

PART K - CERTIFICATIONS UNDER PAR. 10 FOR MINORITIES OR FEMALES

STEP 1 - After the expiration of the ten-day posting period of notice of intent to use PAR. 10, it will be necessary to prepare two certifications. One certification under PAR. 8 will contain the names of applicants in order of their standings on the eligible list established for the particular position title for which requisition was made as outlined in Part G or Part H. It is to be noted that the names of eligibles on a special list for Section 47A applicants would be certified also in the event of a vacancy in an entry level position.

STEP 2 - The second certification will contain an equal number of names of applicants who are members of the protected group (either minority or female) requested by the Appointing Authority under PAR 10 in order of their standings on the eligible list established for the particular position title. The number of names certified from each list will be governed by the number of appointments to be made. The certification of names of eligibles under PAR. 8 merged with the Section 47A eligible, if applicable, will be indicated as "Regular Group" on the Certification and Report Form (Form 16) submitted to the Appointing Authority. The certification of names of protected group or groups requested will be indicated as "PAR 10 Group" on the accompanying Certification and Report Form (Form 16) submitted to the Appointing Authority.

STEP 3 - The certifications submitted to the Appointing Authority must be accompanied by a Certification and Report Supplement entitled Form 16 Part II for PAR. 10 which states the number of names of applicants appearing highest on each certification who are willing to accept and from which the Appointing Authority must make his selections in accordance with the number of appointments to be made.

STEP 4 - The certification information including the date of certification, the number of names certified from the regular list, the Section 47A list, if applicable, and the Protected Groups, should be entered against the applicable requisition number in the Correspondence Control Log.

STEP 5 - Report on the certification must be made by the Appointing Authority to the Labor Service Director within six weeks from its date as provided in PAR. 10.

PART L - APPROVAL OF APPOINTMENTS

STEP 1 - The local Labor Service Director will review each page of the completed Certification and Report Form 16II returned by the Appointing Authority to ensure that a notation has been made opposite the name of each applicant; i.e., failed to respond, declined, willing to accept and/or selected for appointment. The reverse side of each page must be signed by the authorized Appointing Authority. If this information is incomplete or the Appointing Authority has not signed each page, the local Labor Service Director must return the forms for completion but retain a xerox copy in his/her files until the completed correspondence is received. A calendar card should be prepared allowing sufficient time for correction and forwarding.

STEP 2 - The selections for appointment must be reviewed to insure that they meet the provisions of PAR. 9 or PAR. 10.4, whichever is applicable. The listing of all applicants willing to accept, as well as those selected for appointment as provided by the Appointing Authority on the accompanying Certification and Report Supplement Form 16, must be verified against the report on the Certification and Report Form 16 Part II. If any discrepancies are found, a written explanation must be obtained from the Appointing Authority.

STEP 3 - If the number of selections for appointment exceeds the number of vacancies on the original requisition, the Appointing Authority must submit an additional requisition indicating whether the additional positions are newly created; and, if not, the cause of the vacancies. The local Labor Service Director will verify the status of any previous incumbents to determine the validity of the vacancies.

STEP 4 - If a pre-employment physical examination is required by the municipality, an Authorization of Employment Form 14 is processed for those selected for appointment who pass such examination. If no pre-employment physical is required, a Form 14 is prepared for each applicant selected for appointment and the forms are forwarded to the Labor Service Director.

STEP 5 - The local Labor Service Director reviews the Authorization of Employment Form 14 against the requisition to insure that no substantive changes have occurred. The following information on the Form 14 must be consistent with the requisition:

Title of Position
Salary
Permanent, Permanent-Intermittent, Part-time, etc.
Number of Vacancies

STEP 6 - Before approving an appointment, the local Labor Service Director must insure that Form 14 is complete in the following areas:

- *Appointee's Social Security Number
- *Appointee's Date of Birth
- *Appointee's Address
- Appointee's Signature on white copy
- Appointing Authority's Signature on all copies
- Date employment begins. Appointments from an eligible list must be effected on or after date of certification
- Appointment must take effect within thirty days of receipt of appointment
- Salary conforms to requisition. State reason if change in salary.
- Report on Form 16 and Supplement Form 16-II received completed and signed by the Appointing Authority.

The applicant information (*) must also be verified with master eligibility record to establish proper identification of the appointee. Neither the dates of birth of the eligibles certified nor their social security numbers appear on the Certification and Report Form 16. Although the date of birth of the applicant is given on the interview notice for identification purposes, a father will sometimes appear for interview when the notice was intended for the son and vice versa.

STEP 7 - Check the completed copy of the Certification and Report Supplement Form 16-II, to insure that appointments are made in proper order, that the signature agrees with the name on the certification list and that the department has checked the selected box on Form 16 and Form 16-II beside the correct name(s).

STEP 8 - Check all forms to verify that approval signatures are included wherever necessary.

- a. The Appointing Authority must sign:
 - (1) Municipal Civil Service Requisition Form 13, if required, for additional appointments
 - (2) All copies of Authorization of Employment Forms 14
 - (3) Certification and Report Form 16 reverse side (all pages)
- b. The local Labor Service Director must sign all copies of Form 14 in space marked "Personnel Administrator".
- c. The Appointee(s) must sign white copy only of the Form 14.

STEP 9 - If the appointment is in order, note approval on all copies of Form 14 with the date of approval and initial. Insure that the correct approval stamp or notation for that action is used. It is essential that the white copy of the Form 14 bears the signature of each appointee.

STEP 10 - After the Authorization of Employment Forms have been approved, the white copy should be attached to the requisition together with the Certification and Report Form 16 completed by the Appointing Authority, and all should be retained in your office file. The other copies are sent to the City Auditor, the City Treasurer, and the Appointing Authority of the department involved. The remaining copy may be forwarded to the City Manager, Mayor or other designated authority if required.

STEP 11 - The names of the appointees as well as the date of appointment and veteran status must be recorded against the applicable requisition number in the Correspondence Log Book.

Actions must be next recorded on employee record cards (new or existing) and on the Departmental Rosters.

PART M - RECORDING CHANGES TO ELIGIBLE LIST

STEP 1 - Permanent Appointment

The name of an applicant who has been appointed to a permanent position after certification from an eligible list is removed from all lists for position titles for which he/she is registered and/or qualified on his original registration number.

The appointment information is noted on the reverse side of the appointee's eligible card (Form 327) in the appropriate columns and the card placed in the inactive file in alphabetical order by name.

The name of a person appointed from a Re-employment List will be removed from the list for all position titles for which he/she was placed.

The name of an applicant appointed to a permanent full-time entry level position from a Section 47A list is removed from that list. If the applicant is also registered on the regular list, he/she is removed from that list also for all position titles for which he/she is registered and qualified.

The name of a permanent intermittent or part-time employee appointed to a permanent full-time position from a roster certification, if still on the active list under his/her original registration number, will be removed from all eligible lists for all position titles.

STEP 2 - Appointments While in Military Service

In accordance with the provisions of Chapter 708, Section 3, Acts of 1941, any person certified and appointed to a permanent position while in military service shall be permanently employed in such positions subject to serving a probationary period; provided that he/she reports in writing his/her willingness to accept the appointment to the Appointing Authority within three months after the termination of his/her military service. The Appointing Authority must then submit Reinstatement Forms to the local Labor Service Director's office and the certificate of a registered physician noting that the appointee is not incapacitated or physically disabled for performing the duties of the position must also be forwarded.

The appointment of such person must be recorded on the reverse side of the eligible record card with a notation "in military service" and his/her name should be removed from the eligible list for all other position titles for which he/she is registered and/or qualified.

The appointment must also be entered in the Correspondence Log against the requisition number with a notation "appointed while in military service."

The name of the appointee is then added to the roster for the particular position title in Class I, II or III with a notation "appointed while in military service."

STEP 3 - Military Substitute Appointment

The name of a person appointed to a military substitute position is retained on the eligible list for certification to a permanent position. In accordance with the provisions of Chapter 708, Section 2, Acts of 1941, he/she may continue to serve as a military substitute until the incumbent is reinstated or until the time within which the incumbent's rights to be reinstated has expired. If the incumbent is not reinstated within the time limitations provided, the military substitute shall continue in the position and his/her seniority rights shall date from his/her appointment as a military substitute, in which case he/she shall be considered to have been appointed on a permanent basis and his/her name will then be removed from the eligible list.

If the operation is manual, the appointment will be recorded on the reverse side of the eligible list record card and a pencilled notation relative to the appointment placed on the front of the card for easy visual screening when certifying.

STEP 4 - Temporary Appointments

The name of a person appointed to a position on a temporary basis will be retained on the eligible list for certification to a permanent position or to a temporary position in a higher class for which he/she is registered and qualified.

The appointment of such a person must be recorded on the reverse side of the Eligible List Card (Form 327) if your operation is manual and a pencilled notation placed on the front of the card, for example, "temporary laborer to 3.31.79," for purposes of visual screening when preparing subsequent temporary certifications. If the operation is computerized, a code sheet would be prepared for computer input according to the program developed for the local operation.

The appointment will also be entered in the Correspondence Log against the requisition number. A calendar card will be prepared and filed for follow-up on the expiration of employment.

In accordance with Personnel Memorandum No. 78-11 dated August 14, 1978, an Appointing Authority must provide written notice to persons appointed to temporary positions informing them the reasons why their positions are of a temporary nature. The memorandum is accompanied by a sample format of a letter prepared by the Department of Personnel Administration to be used when notifying individuals that the position to which they have been appointed is temporary (See Appendix).

STEP 5 - Revocation of an Appointment

In accordance with PAR. 8.2, the Personnel Administrator may, before or after an appointment has been made, cancel a certification, if he finds that the certification was made in error or that any person certified was placed on the eligible list through mistake or fraud; and, if a person has been appointed from such certification, the Personnel Administrator may revoke the appointment and order the person's discharge.

Problems pertinent to this provision received in the local office should be referred by the Labor Service Director to the Bureau of Local Government Services for appropriate action and direction.

STEP 6 - General Updating of Eligible Lists

In order to provide appointing authorities with viable certifications, it is important to make appropriate update changes on the eligible lists from the completed Certification and Report Forms (Form 16) returned to the local Labor Service Director.

PAR. 19.3 provides that if any person certified fails to respond for interview, declines the employment offered, or fails to report for work after signifying his/her willingness to accept, his/her name shall be removed from the eligible list. If a satisfactory explanation is given in writing by the applicant within six (6) months from the date of removal, his/her name may be restored to the eligible list. If the request is not made within six (6) months, the applicant must file a new application and be treated as a new applicant. The policies and procedures established for the implementation of this rule are dependent upon the conditions of employment for which the applicant was certified.

a. Permanent Certification

The name of a certified applicant who fails to respond to a permanent position is removed from the eligible list. A notation is entered on the eligible list record card, for example, "10.12.78 - removed from list - F to R (requisition #)." If the operation is computerized, a deletion sheet would be processed to delete the entire eligibility record card from the master tape.

The name of an applicant who declines a permanent position will be marked DNC - "Do not certify", on the eligible list if the applicant so requests in writing. Three declinations are permitted if satisfactory written reasons are provided within six months. Following three unexcused declinations, the name of the applicant is removed from the active file.

A notation is made on the eligible record card, such as "10.12.78 - DNC - declined appointment (requisition #)." If the operation is computerized, a code sheet would be processed to remove the activating indicator from the type of employment field in the applicant's master record.

b. Permanent Intermittent and Permanent Part-time Certification

If an applicant fails to respond or declines a permanent intermittent or permanent part-time position, notation will be entered on the eligible record card, such as "10.12.78 - DNC for intermittent or part-time work (whichever is applicable) and (requisition #)." If the operation is computerized, a code sheet will be processed to remove the intermittent or part-time indicator (whichever is applicable) in the type of employment field in the master record.

c. Temporary Certification

If an applicant fails to respond or declines a temporary position, notation is made on the eligible record card, such as "10.12.78 - Do not certify for temporary work (requisition #)." If the operation is computerized, a code sheet would be processed to delete the temporary indicator from the type of employment field in the master record. The applicant would, however, remain eligible for certification for a permanent position.

d. Temporary Intermittent or Part-time Certification

If an applicant fails to respond or declines temporary intermittent or part-time employment, notation will be entered on the eligible record card, for example, "10.12.78 - Do not certify for intermittent or part-time work (whichever is applicable) and (requisition #)." If the operation is computerized, a code sheet will be processed to delete temporary intermittent or part-time work, (whichever is applicable), in the type of indicator field in the master record.

The name of the applicant would, however, be certified for a permanent position on a full-time, intermittent or part-time basis as well as for a temporary full-time position.

V. PROMOTIONAL PROCEDURES FOR CLASS II AND CLASS III POSITION TITLES

PART A - PROCESSING PERMANENT AND TEMPORARY PROMOTIONS OR CHANGES
IN EMPLOYMENT

STEP 1 - Posting of the Promotional Bulletin

Prior to any request to the local Labor Service Director for approval of a promotional appointment of a permanent employee in the Labor Service to a higher title in such service or for approval of a change in employment of a permanent employee within such service from one position to a temporary or permanent position which is not higher, but which has requirements for appointment which are substantially dissimilar to those of the position from which the change is being made, the Appointing Authority must post a promotional bulletin. The bulletin must be posted in the department or divisions of a department (if applicable) for a period of at least five (5) working days in a location where it can be seen by all employees eligible for such promotional appointment or change in employment. Requisitions from the Appointing Authority should be reviewed to insure that they contain a statement verifying that the posting requirements have been satisfied, indicating the date, location and result of the posting. There is no standard format for a promotional bulletin. However, it is essential that any posting contain all of the following information relative to the vacant position:

- a. Title of position to be filled.
- b. The salary to be paid, including any differentials.
- c. The location of the position.
- d. Any pertinent information relative to special qualifications or licenses required by statute.
- e. Type of vacancy - whether permanent or temporary and, if temporary, the probable duration of the vacancy.
- f. The last date for applying for the position.

The completeness and accuracy of this information should be verified by the Appointing Authority with the Labor Service Director prior to authorization of the posting.

STEP 2 - Mailing of Promotional Bulletin

A copy of the promotional bulletin must also be mailed by the Appointing Authority to any employee on sick or military leave, on vacation, or off the payroll during the entire period of the posting of the bulletin. The Labor Service Director should verify compliance with this requirement.

STEP 3 - Selection for Promotion or Change of Employment

PAR. 19.5 provides that promotions and changes of position in the Labor Service shall be made from those employees in same or the lower grade or grades, who have the required qualifications and serve in eligible titles as determined by the Personnel Administrator and who have indicated their willingness to accept the position. (See Appendix) If there are less than three employees qualified and willing to accept, selection may be made from the lesser number.

If there is only one vacancy, selection must be made from among the first three employees with greatest length of service who, in the opinion of the appointing authority, have the required qualifications and who have indicated their willingness to accept. The appointing authority in making his/her selections is not required to determine qualifications on the basis of the experience or practical test requirements established for the registration of applicants for original appointment. The requirement of a license imposed by statute for a particular position, however, must be adhered to in the selection for promotion. If there is more than one vacancy, selection is made from the same number of those oldest in length of service, qualified and willing to accept, as provided in making selections for appointment under PAR. 9.1.

STEP 4 - Review of the Requisition

Upon completion of the posting of the Promotional Bulletin, the Appointing Authority should complete and forward to the local Labor Service Director a requisition for the vacancy. The Labor Service Director reviews the requisition, numbers and enters it in the Correspondence Control Log in the usual manner.

a. Title

If it is the intention of the Appointing Authority to retain the promotee's present title(s), as well as the promotional title, the present title(s) as well as the new title requested should be included in "title of position." Titles must be accepted Municlass titles included in local classification plan.

b. Incumbent

The local Labor Service Director should review the applicable history record card to verify the status of the previous incumbent and the reason for absence or termination given in the requisition. If the requisition specifies a permanent vacancy, and the previous incumbent is on leave of absence, industrial accident or has been given a temporary or provisional promotion to a higher level position, the local Labor Service Director must inform the Appointing Authority that the vacancy may be filled only on a temporary basis.

If the requisition indicates that the previous permanent incumbent has resigned or retired, and the employee history record does not so indicate, inquiry must be made of the Appointing Authority to verify the termination. The requisition should not be processed until an appropriate Termination Notice (Form 56) has been filed and noted on the record. Similarly, if the requisition submitted is to fill a temporary vacancy, the record card of the previous incumbent must be carefully checked to verify the cause of the vacancy.

c. Roster

The local Labor Service Director will next review the roster for the specific department or division of the department in the particular position to which the promotion is being requested to determine:

(1) If there are any employees who have been laid off for lack of work or funds, they should receive first consideration for reinstatement to the

(2) If the position is to be filled on a full-time basis, whether there are any permanent intermittent or permanent part-time employees holding the same position title who should be certified in order of their dates of seniority for the full-time vacancy, as provided in PAR. 8.6.

If neither of these conditions exist, the local Labor Service Director may proceed with processing the request for promotion.

d. Report on Posting of Promotional Bulletin

The local Labor Service Director should carefully review the requisition to insure that the Appointing Authority has completed the following information on the reverse side of the Requisition (Form 13), under the Section marked "Labor Service."

As previously indicated, the Appointing Authority must certify that a promotional bulletin has been posted for five (5) working days prior to filing the requisition, and must indicate the dates and exact places of posting. The Appointing Authority must also certify that as a result of the posting the employee(s) selected for promotion is one of the three (or more - see PAR. 9) employees in the lower grade with earliest seniority dates who has the required qualifications and has indicated willingness to accept the position.

The Appointing Authority must state the name and title of the present position of the proposed promotee. The local Labor Service Director should verify this information with the employee history record card.

If there are discrepancies relative to the present position titles of the promotee as they are indicated on the requisition, action on the promotion should be held pending resolution of the discrepancies with the Appointing Authority.

It is not necessary for the Appointing Authority to submit a copy of the promotional bulletin which was posted, although the local Labor Service Director may wish to request such documentation.

STEP 5 - Approval of Promotion or Change

In order to be consistent with the provisions of Section 29, Chapter 31, approval should be given for a "promotion" in the case of an employee being promoted from a position title(s) in a lower class to position title(s) in a higher class. If an employee receives a change in employment from a position title(s) in one class to position title(s) in the same class, the duties of which are so substantially dissimilar as to preclude a transfer under Section 35, Chapter 31, the approval should be worded "change in position."

Once it has been determined that the proposed promotion or change is in order, the local Labor Service Director may give written approval. Such approval should include the present titles, if any, which the employee is to retain; the new title; the effective date of the promotion; and the salary to be paid, including differentials for the individual titles held, if applicable.

There is no printed form for use in approving promotions and changes. A standard form letter may be prepared by the Labor Service Director and the pertinent information relative to each promotion filled in on the form as required. The letter of authorization should be addressed to the Appointing Authority. The original copy is sent directly to the Appointing Authority, a copy is sent to the City Auditor and a copy must be attached to the original requisition and retained in your files.

STEP 6 - Recording Promotion or Change

Approval of the promotion is entered in the Correspondence Control Log. Information relative to the promotion is entered on the employee history record card of the promotee, and the name of the promotee is then added to the departmental roster in the particular position title in Class II or Class III, whichever is applicable. The effective date of the promotion must be within thirty days from the date of receipt of notification.

PART B - PROVISIONAL PROMOTIONS DURING PROBATIONARY PERIOD

If the Appointing Authority requests the promotion of an employee who has not completed the service of his/her six (6) months probationary period, but certifies that such employee is the only one who responded to the posting of the promotional bulletin relative to the position, approval may be given for the provisional promotion of the employee from the date requested through the completion of the probationary period, in accordance with the provisions of Section 15, Chapter 31.

When the local Labor Service Director has reviewed the supporting documentation for the provisional promotion to insure that all is in order, approval and processing may proceed as outlined above. In addition, a Calendar Card (Form 338) should be prepared for follow-up action on the expiration date. The provisional promotion is also entered against the applicable requisition number in the Correspondence Log.

PART C - TRANSFER OF AN EMPLOYEE FROM THE OFFICIAL SERVICE TO LABOR SERVICE

If, as a result of the posting of the promotional bulletin, the Appointing Authority wishes to effect a transfer of an employee in the Classified Official Service to a position in the Classified Labor Service in the same department or division of a department, request for the transfer shall be made by the Appointing Authority in quadruplicate on Transfer Forms (Form 9) without filing a requisition, which are forwarded to Bureau of Local Government Services for approval. The original copy of the transfer form must be assigned a requisition number (also referred to as the correspondence number) and entered in the Correspondence Log Book. The transfer forms must be accompanied by a statement signed by the Appointing Authority certifying that he/she posted a promotional bulletin relative to the position as required by Chapter 29 of Chapter 31 and as a result of the posting, requests the transfer of the employee in Official Service who meets the conditions described below (M.G.L. Chapter 31, Section 36)

1. The employee must have been employed on a permanent basis after certification in the Official Service for at least one year.

2. The employee must have the necessary minimum qualifications to fill the position, as outlined in the promotional bulletin.

3. If the employee is to retain his/her Official Service title in addition to the Labor Service title requested, both titles must be included in the applicable area on the transfer forms and the forms must be signed by the employee, indicating his/her consent to the transfer, and also by the Appointing Authority authorized by law to make appointments. Dual titles are permitted if employee will perform partial duties of both.

If all the necessary requirements described above have been met, the transfer may be approved, notwithstanding the fact that the employee being transferred is not on an eligible list for employment in the Labor Service or is not in a position on said eligible list to be reached in certification.

After approval by the Bureau of Local Government Services and receipt of the record card, the approved transfer should be entered against the applicable correspondence number in the Correspondence Log Book and on the employee record card. The name of the employee is then added to the roster for the particular position in Class II or Class III of the Labor Service employees in the department. If the employee is to retain his/her Official Service position title, his/her name will also remain on the Official Service roster.

PART D - POSTING OF PROMOTIONAL BULLETIN AFTER APPROVAL

In accordance with the provisions of Section 29, Chapter 31, the Appointing Authority in a department must, within fourteen (14) days after the approval of a promotion or change in position of a Labor Service employee or transfer of an Official Service employee under Section 36, Chapter 31, post the following information regarding such employee in all areas under his/her control where five or more Civil Service employees start their tour of duty:

The name, permanent title(s), position title(s) to which promotional appointment, change in position or transfer under Section 36 was made, and the date from which length of service was computed for purposes of determining seniority.

PART E - REVOCATION OF PROMOTIONS OR TRANSFERS UNDER SECTION 36, CHAPTER 31

The Personnel Administrator may revoke a promotion, change in position or a transfer under Section 36 after approval if he/she is furnished evidence satisfactory to him/her that the action taken is not in accordance with the provisions of Civil Service Law and Rules.

A local Labor Service Director who has reason to believe or who receives a complaint to the effect that a promotional appointment, change in position or transfer under Section 36 does not meet the provisions of Civil Service Law and Rules may refuse to approve such action or may, if any such action has already been approved, contact the Bureau of Local Government Services of the Department of Personnel Administration for decision and direction.

VI. MAINTENANCE OF PERSONNEL RECORDS

The local Labor Service Director will be responsible for the establishment and administration of proper procedures relative to three major functions relating to personnel records. These function areas are: maintenance of the employee record cards, processing and approval of personnel actions, and maintenance of municipal departmental rosters. Each area of responsibility is discussed in detail in the following sections.

PART A - EMPLOYEE RECORD CARDS

The importance of maintaining complete and accurate personnel information on the Employee Record Cards cannot be overemphasized. These records will be used by the local Labor Service Director, the municipal Appointing Authorities and, in some instances, by the Department of Personnel Administration and the Civil Service Commission to determine eligibility and to process actions in the following areas:

1. Eligibility for promotion.
2. Determination of seniority date to establish order of precedence in lay-off and abolition of position.
3. Verification of eligibility for reinstatement.
4. Verification of current status of positions.
5. Recording of essential personnel data such as leaves of absence, lay-off, abolition of position, suspension for cause, terminations during the probationary period and terminations under the provisions of Section 37 and 38 of Chapter 31.
6. Determining eligibility for transfer.
7. Retention of information relative to collective bargaining issues.
8. Legal documentation in appeal processes and in many other areas.

All records must be kept in indelible ink, and every personnel action must be referenced on the Employee Record Card to the identifying correspondence file number or document which precipitated the action.

At the time of implementation, the local Labor Service Director receives from the Department of Personnel Administration the official record cards for all Labor Service employees currently employed within the municipality. Discrepancies in information locally maintained, should be brought immediately to the attention of the Bureau of Local Government Services, Department of Personnel Administration.

Immediately upon implementation, the local Labor Service Director assumes responsibility for ensuring the preparation and maintenance of Employee Record Cards for all current and future Labor Service employees of the municipality. The following basic information must be recorded on every Labor Service employee:

1. Identification of the City or Town.
2. Name: - Surname, given name, initial, if any.
3. Date of Birth.
4. Social Security Number.
5. Home address.

6. Veteran/Disabled Veteran Status.
7. Date of Seniority (for permanent employees).
8. Department (or Division within a Department if established by statute or ordinance).
9. Type of Service (Indicate Labor).
10. Status (Indicate permanent, temporary, military substitute, provisional, emergency).
11. Type of Employment (Indicate full-time, intermittent, part-time, recurrent).
12. Title of Position.
13. Salary

Employee Record Cards should be maintained by department and, within this category, alphabetically by last name. It is the strong suggestion of the Department of Personnel Administration that employee record cards for provisional employees either be maintained separately or be color-coded for easy identification within the general file.

Changes in the information originally recorded, as well as personnel actions in any of the areas specified below, must also be clearly noted on the Employee Record Cards.

1. Appointments (permanent, temporary and provisional)
2. Transfers (permanent and temporary)
3. Promotions (permanent, temporary and provisional)
4. Reinstatements (permanent and temporary)
5. Extensions and expirations of temporary and provisional employment
6. Assignments
7. Changes in duties
8. Changes in name or address
9. Demotions
10. Lay-offs (Section 39)
11. Abolition of positions
12. Absences due to injury
13. Change in veteran status
14. Leaves of absences (Section 37)
15. Military Service
16. Suspensions for cause
17. Discharge for cause
18. Resignations
19. Retirements
20. Deaths
21. Any decisions of the local Labor Service Director, Personnel Administrator or Civil Service Commission affecting employees

PART B - PERSONNEL TRANSACTIONS

Immediately upon implementation of PAR. 20, the local Labor Service Director assumes the authority to process and approve a wide range of personnel actions which would previously have required the approval of the State Personnel Administrator. It is the responsibility of the local Labor Service Director to ensure that all such actions are taken in accordance with Civil Service Law and Rules. Procedures should be developed within the municipality to ensure that personnel actions in areas listed above cannot be finalized without review, logging and approval by the local Labor Service Director.

Actions which may be approved by the local Labor Service Director fall into four broad categories: vacancy processing, appointments and promotions, employment actions and actions relating to termination and discharge.

Appropriate processing for actions related to vacancy processing and appointments and promotions have been largely covered in other sections of this manual. It should be carefully noted, however, that results of any appointment or promotion process must be noted on the appropriate Employee Record Card, cross-referenced to the control number assigned from the Correspondence Log Book. Actions resulting in appointments or promotions must also be noted on the appropriate departmental roster, as discussed later in this section.

Employment actions form a large portion of that area which the local Labor Service Director may approve and process without reference to the Department of Personnel Administration. Appropriate procedures are discussed below.

1. Leave of Absence (Sec. 37, 38 and PAR. 13)

An employee's request for a leave of absence should be processed by the local Labor Service Director only after approval by the appropriate Department Head or Appointing Authority and should be requested for a specific period. For leave of more than 14 days a written request must be filed with the Appointing Authority. For any period longer than three months except for illness as evidenced by the certificate of a registered physician or election to office, prior approval by the Labor Service Director must be requested. The request must be made in writing to the Appointing Authority at least 21 days in advance if practicable and receive prior approval by the local Labor Service Director after written request by the Appointing Authority at least 14 days in advance if practicable.

Internal review of Chapter 31, Section 37, as recodified by Chapter 393 of the Acts of 1978, indicates that there is nothing in the statute to preclude Appointing Authority approval of a leave of absence for personal reasons for a permanently appointed employee who is still serving the probationary period. Such a leave is granted at the discretion of the Appointing Authority; however, any employee who is given such a leave of absence, must, upon return to the position, complete the unexpired portion of such probationary period.

Once the local Labor Service Director has determined that a leave of absence may be approved, the following information should be noted on the Employee Record Card:

- a. The last date of paid employment
- b. The reason for the leave
- c. The period of the leave (a calendar card should also be prepared)
- d. The correspondence file number or identifying document

2. Military service

The local Labor Service Director should ensure that the following information is noted on the Employee Record Card:

- a. The last date of paid employment
- b. The reason for the leave
- c. The name of the military substitute, if any
- d. The correspondence file number or identifying document

3. Workmen's Compensation for Injury

A permanent employee who is injured in the performance of duty and who is paid compensation under General Laws, Chapter 152, is entitled to be absent during his probationary period, but no formal leave of absence is necessary in such a case. In any instance of absence due to work-incurred injury, the local Labor Service Director should note the following on the Employee Record Card:

- a. The last date of paid employment
- b. The circumstances for the leave
- c. The correspondence file number or identifying document

4. Suspension for Cause (Sec. 41 and 42)

There is no provision in the law for such action during the probationary period. The following information should be noted on the Employee Record Card:

- a. The last date of paid employment
- b. The period of the suspension and anticipated date of return to work
- c. The correspondence number or identifying document

5. Lay-Off for Lack of Work or Money/Position Abolished (Sec. 39 through 45)

The local Labor Service Director's first responsibility upon being notified of an action in this category is to verify that the lay-off or abolition of position is in accordance with MGL Chapter 31, Section 39 and has been effected through the provisions of M.G.L. Chapter 31, Section 41.

If it is determined that the action is in accordance with the sections of the law specified above, the local Labor Service Director should proceed as follows:

a. The name of any permanent full-time or part-time employee who has been terminated as a result of a layoff or abolition of position is to be placed on a re-employment list by the local Labor Service Director according to M.G.L. Chapter 31, Section 40, and the name should be removed from the seniority roster.

b. The name of a seasonal, permanent intermittent or permanent recurrent employee who is laid off due to lack of work or money is not placed on the re-employment list but should be retained on the roster. In this instance, no Form 56 (Absence and Termination Notice) need be processed.

c. Seasonal, permanent intermittent or permanent recurrent employees laid off during the probationary period due to lack of work or money are retained on the seniority roster. Again, no Form 56 is to be processed in such instances.

In any action involving lack of work or money or abolition of position, the local Labor Service Director should ensure that adequate documentation relating to the circumstances of the action is retained in file.

The Employee Record Card for each affected employee should contain a notification of:

- a. The last date of paid employment
- b. The action taken
- c. The correspondence file number

6. Terminations

In any instance of termination, whether voluntary or involuntary, it is the local Labor Service Director's responsibility to ensure that a complete Form 56 has been prepared and submitted by the appropriate Department Head or Appointing Authority. No position vacancy resulting from a termination of any kind should be filled until the Form 56 has been submitted and notation of the action made on the previous employee's record card. The Employee Record Card should indicate the following:

a. Resignation:

- (1) The date of the resignation
- (2) Indication that the action was a resignation and notation of the reason, if given
- (3) The last date of paid employment
- (4) The correspondence file number or identifying document.

b. Retirement/Pension/Death:

- (1) The date of the action
- (2) The nature of the action
- (3) The last date of paid employment
- (4) The correspondence file number or identifying document

c. Expiration of Temporary or Provisional Employment:

- (1) The last date of paid employment
- (2) The reason for the termination (establishment of an eligible list, end of funding period for temporary employment, etc.)

d. Discharge for Cause:

- (1) The last date of paid employment
- (2) The reason for the termination. For a temporary employee, documentation should be forwarded to the Bureau of Local Government Services, Department of Personnel Administration, for a determination by the Personnel Administrator as to whether the employee's name should be removed from the eligible list
- (3) The correspondence number or identifying document

7. Reinstatements (Sec. 39 and 46)

Reinstatement of a person separated from his/her position may, at the discretion of the local Labor Service Director, be allowed to the same or another departmental unit in a position having the same title or a lower title in the same series, provided that the Appointing Authority provides in writing the reasons why such a reinstatement would be in the public interest. No request for reinstatement can be approved after a separation from service in such position for over five years if there is a suitable eligible list in existence containing the names of two (2) or more persons available for appointment or promotion to such position.

Specific instances of reinstatement require the following documentation and notation on the Employee Record Card:

a. Reinstatement After Leave of Absence

- (1) Effective date
- (2) Action taken
- (3) Correspondence number
- (4) Date of seniority recomputed in accordance with Section 33 if the absence was in excess of six (6) months. (Continuity of service is not considered to have been interrupted by an absence from the payroll of more than six (6) months, if absence was due to personal illness or educational leave.)

b. Reinstatement After Military Service

Prior to approving such action, the local Labor Service Director must receive a copy of the employee's Honorable Discharge or Release from Active Duty and the Physician's Certificate required by the Statute of 1941, Chapter 708, Sections 2 and 3.

The record should contain:

- (1) The effective date
- (2) The action taken
- (3) Record the employee as a Veteran if eligible under Civil Service Law (or verify previous status as Veteran if already established)
- (4) The correspondence file number
- (5) Seniority date is not affected if the action conforms to the statute cited above and Section 33

c. Reinstatement after Injury/Workmen's Compensation Case

If an employee out on Workmen's Compensation is receiving partial pay, reinstatement forms are not required, but the date the employee resumed work should be furnished and posted.

- (1) Effective date
- (2) Action taken
- (3) Correspondence file number
- (4) Seniority is not affected if the action conforms to M.G.L. Chapter 31, Section 33

d. Reinstatement After Suspension for Cause

- (1) The effective date
- (2) The action taken
- (3) The correspondence file number
- (4) Date of Seniority must be recomputed if the absence from the payroll was for more than six (6) months

e. Reinstatement After Lay-Off/Lack of Work or Money/Position Abolished (Permanent Employees - Form 10)

The local Labor Service Director should verify that the action of reinstatement is in accordance with M.G.L. Chapter 31, Section 39.

- (1) Note the effective date
- (2) The action taken
- (3) The correspondence number or identifying document

In the above instance the local Labor Service Director will retain the Employee Record Card in the active file and on the seniority roster for five years from the date of the above action and, in the meantime, will submit for reinstatement in the same department in accordance with seniority in service if a position in the same category is to be filled in that department. If an employee is reinstated within a two-year period from the date of above action, the name is to be removed from the reemployment list; otherwise it will be removed at the expiration of the two-year period.

f. Reinstatement After Discharge (Form 10)

Note on the reactivated record card:

- (1) Name of the Department/Division
- (2) The effective date
- (3) The action taken
- (4) The status to which the employee is reinstated
- (5) The type of employment
- (6) The title of the position
- (7) Salary
- (8) The correspondence number
- (9) Date of seniority must be recomputed if the employee was absent from the payroll in excess of six (6) months

Should the local Labor Service Director discover at the time of making a reinstatement to the payroll of a former employee that he/she does not have the earlier Employee Record Card, a written request for that card should be forwarded to the Bureau of Local Government Services, Department of Personnel Administration.

g. Emergency Service After Retirement (Form 10 and 10A)

M.G.L. Chapter 32, Section 91(a) provides for emergency service after retirement for a period not to exceed one year in any position. Such action is taken after certification by the Appointing Authority and the local Labor Service Director if the position is subject to Civil Service Law, and must also be certified by the City Manager in a city having a Plan D or Plan E Charter, by the Mayor in any other city or in the case of a town employee, by the Board of Selectmen. Such certification shall state that:

- (1) An emergency exists
- (2) A vacancy exists
- (3) There is no person having the same or similar skills for such position

The local Labor Service Director should note that if a suitable eligible list exists to fill the position, the request for emergency service cannot be approved. In the event that there is no such list, the local Labor Service Director shall attach the above certification to a Form 10A.

The statute permits employment:

- (1) Of any retired person regardless of age or whether actually receiving a pension or of any employee about to be retired
- (2) At the same or a different position in the same or a different agency or department
- (3) Whether or not such emergency immediately follows the date of retirement

The local Labor Service Director may approve further emergency service of a retired employee who was employed in emergency service for less than one year and who terminated such services, so that he/she may again be employed under the same conditions, provided that the total emergency service does not exceed one year.

The Employee Record Card should include the following information:

- (1) The name of the Department or Division
- (2) Indication of type of appointment
- (3) The effective date
- (4) The type of service
- (5) Type of employment
- (6) Title of position
- (7) Salary
- (8) Approved period of employment
- (9) Correspondence number

A calendar card should also be prepared to flag the terminal date of the emergency service appointment.

h. Temporary Employment After Retirement (Form 10 only)

M.G.L. Chapter 32, Section 91(b) provides for temporary employment after retirement for ninety working days (720 hours) in a calendar year. Such a person must have had Civil Service status in the position requested.

Note on the Employee Record Card:

- (1) Name of department or division
- (2) Indication that this is temporary employment after retirement
- (3) The effective date
- (4) The type of service
- (5) The type of employment
- (6) The title of the position
- (7) The salary
- (8) The approved period of employment
- (9) The correspondence number

A calendar card should be prepared.

8. Transfer - Permanent or Temporary (Form 9)

Only permanent employees who have completed the probationary period (i.e. are tenured) are eligible for transfer. A transfer is a change in service from one department to a similar position in another department or from one division to another division in the same department if such divisions have been established by statute, ordinance or by-law. (If no divisions have been so established, a move from one area to another in the same department without a change in title is considered an assignment rather than a transfer). Transfers may also be made from one municipality to another and to or from a state agency in the Commonwealth. The Employee Record Card should contain the following information:

- a. Name of department or division
- b. The action taken
- c. The type of service
- d. The effective date of the action
- e. Status
- f. The type of employment
- g. The title of the position
- h. The salary
- i. The approved periods of employment if temporary
- j. Correspondence file number

In the case of the transfer of an employee upon his/her request, from one department to another in the same or another municipality or to the Commonwealth, the individual's date of seniority must be recomputed (and noted on the roster and record card) from the date of the transfer until the completion of three years service in the department to which the employee has transferred. At that time, the employee will revert to the seniority date held prior to the transfer.

In the case of a transfer which is not upon the request of an employee, the employee's seniority date does not change and continues to be computed from the date established prior to the date of the transfer. Seniority is not affected if the functions of a position occupied by a person holding permanent status under Civil Service Law and Rules are transferred to another department, division, board or commission.

9. Assignment

An assignment is an action taken by the Appointing Authority which does not involve a change in duties or title but rather is an extension of the employee's duties and which bears a close relationship to his/her position. In some instances, there may be an additional compensation of a reasonable amount attached to such an assignment. It is within the authority of the Appointing Authority to make or terminate an assignment. Record cards should indicate:

- a. That the action is an assignment
- b. The date the assignment begins
- c. The nature of the assignment
- d. Additional compensation provided, if any.
- e. Period if specified (otherwise considered to be indefinite)
- f. Correspondence number

10. Emergency Service Appointments (Form 28A)

The local Labor Service Director should approve an emergency appointment only when the Appointing Authority has clearly set forth the reasons why such an appointment is essential to the public good. Employment under these circumstances must not exceed 30 working days (or 240 hours if employed on an hourly basis) in a sixty calendar day period. An emergency appointment may be renewed only once in a twelve-month period, except where public health or safety is demonstrably involved. Only in such instances may a second renewal be permitted in a twelve-month period.

In the case of an original appointment of a laborer, however, an extension of fifteen days may be approved effective immediately following the thirty-day appointment, but no further emergency employment of that individual may be permitted until one year has elapsed from the date of the thirty-day appointment.

As a rule, emergency employment need not be posted on Employee Record Cards. Exceptions are made when:

- a. The emergency appointment serves as a restoration to the payroll for computing the seniority date for a former permanent employee because of continuous service in the same department to the date of permanent reinstatement or subsequent permanent appointment, regardless of whether the intervening employment was on an emergency, provisional or temporary basis prior to acquiring permanent status again.
- b. An employee receives an emergency appointment at another title in the course of his/her regular employment.

In these instances, an Employee Record Card should be prepared containing the following information:

- a. Name of department/division
- b. Indication that the action is an emergency appointment
- c. Date on which employment actually begins
- d. Title of position
- e. Salary
- f. Approved period of employment
- g. Identifying document number for cross-reference purposes

The local Labor Service Director should simultaneously prepare a Calendar Card (Form 338) which will serve to alert him/her to the expiration of and need to terminate the approved emergency appointment.

11. Appointment - Permanent and Temporary Appointments (Form 14)

This is defined as an appointment after certification from an eligible list to full-time, intermittent, part-time or recurrent employment. The Employee Record Card should include:

- a. Name of department/division
- b. Indication that it is an appointment
- c. Date employment begins
- d. Type of service
- e. Status
- f. Type of employment
- g. Title of position
- h. Salary
- i. Type of eligible list - whether established from an open competitive examination, a reemployment list, or a part-time, intermittent and recurrent or reserve list
- j. Approved period of employment if temporary, including end date
- k. If a military substitute appointment, name of person on military leave
- l. Correspondence file number or identifying document

12. Provisional Appointments (Form 15)

Provisional appointments are made when there is no suitable list. They may be made on a permanent or temporary requisition and on a full-time, intermittent, part-time or recurrent basis. The Provisional Record Card should include:

- a. Name of department/division
- b. Indication that it is an appointment
- c. Date employment begins
- d. Type of service
- e. Status
- f. Type of employment
- g. Title of position
- h. Salary
- i. Approved provisional appointment pending establishment of eligible list, "PEEL", if on a Form 13 for permanent position.
- j. Notified by Appointing Authority of provisional appointment made "by AA pending establishment of eligible list" if on a permanent requisition
- k. Approved provisional appointment with period of employment if on a temporary requisition Form 13.
- l. Notified by Appointing Authority of provisional appointment made (by AA) with period of employment if on a temporary requisition
- m. Correspondence file number or identifying document

Extension of Temporary and Provisional Employment

- a. Date extension begins
- b. Period of extension
- c. Correspondence file number or identifying document

13. Promotion - Permanent or Temporary (Approved by Letter)

A promotion is made in accordance with the provisions of General Laws, Chapter 31, Section 29. The record card should note:

- a. Name of department/division
- b. Indication that it is a promotion
- c. Effective date of promotion
- d. Type of service
- e. Status
- f. Type of employment
- g. Title of position
- h. Salary
- i. Approved period of employment, if temporary, including end date
- j. Correspondence file number or identifying document

14. Provisional Promotion (Approved by Letter)

A provisional promotion is approved on this basis only if requirements of General Laws, Chapter 31, Section 29 have been met or if the promotion takes place while the employee is serving the probationary period in connection with his/her permanent appointment. Such a provisional promotion will be authorized until the completion of the probationary period when, if requested, the promotion will be approved on a permanent or temporary basis depending on the type of requisition filed.

15. Extension of Temporary and Provisional Employment or Promotion

- a. Date extension begins
- b. Period of extension
- c. Correspondence file number or identifying document

16. Change in Duties

Any substantive change in duties of an employee would require proper action in conformance with the applicable Civil Service statute. The Municipal Classification Plan for Massachusetts states that inasmuch as an employee may be required, as part of his regular duties, to perform duties of a higher level within the same series on a temporary basis, any extra compensation for the performance of such duties for a temporary period not exceeding thirty days shall be considered compensation for the performance of regular duties for Civil Service purposes.

17. Change in Name

Change in name of an employee should be entered on the employment record card, on the index card, on a cross-reference card (buff colored, unruled card) filed alphabetically under the former name but indicating on it the new name of the employee, and on the appropriate roster of employees.

18. Decisions

Decisions of the Personnel Administrator as well as decisions rendered by the Civil Service Commission, if relative to a municipal employee, should be posted on the employee's record card noting the information pertinent to the case.

19. Resignation Because of Illness

When a permanent employee resigns because of illness, he/she may, if he/she so requests in writing, have his/her name placed on the reemployment list for a two-year period from the date of such resignation.

PART C - EMPLOYEE ROSTERS

At the time of implementation, the local Labor Service Director receives copies of the Department of Personnel Administration's Employee Rosters. Maintenance of the rosters, which list by class of service and department every individual lawfully employed in a Labor Service position covered by Civil Service, is a statutory requirement under Chapter 31, Section 71. With the implementation of PAR. 20, the municipality assumes responsibility for accurate maintenance of the rosters in accordance with Civil Service Law.

1. Roster Format

Rosters are prepared and maintained alphabetically for every department established by statute or ordinance within the municipality.

Departmental sections are prefaced by a list indicating (1) all Labor Service titles approved within the Municipal Classification Plan for that Department (2) the Munclass Code Number for each title and (3) the letter code assigned to each title for use throughout the departmental roster.

Each departmental section is then divided into four listings of employees: Permanent, Intermittent, Temporary, and Provisional.

a. Permanent Employees

Permanent employees are listed on the roster sheet chronologically in order of seniority date. Each employee is listed last name first. The appropriate title code from the Departmental preface sheet is indicated by the employee's name to show current position occupied. Veteran's status if any (V = veteran; DV = disabled veteran) and sex are indicated in the appropriate column. The "Remarks" section is used for notation of provisional promotions, disciplinary actions, and other explanatory information pertaining to or affecting the status of that employee. Termination of a permanent employee is indicated by drawing an ink line through the employee's name and indicating in the "Remarks" section the reason for separation from service (see Appendix for sample roster).

b. Permanent Intermittent Employees

Permanent intermittent employees are listed on the roster chronologically in the order of seniority date in the same manner as the permanent employees with the same information included. The permanent intermittent roster in the Official Service is filed immediately following the permanent (full-time) roster. In the Labor Service the permanent intermittent rosters are filed behind the permanent (full-time) roster in their respective classes, i.e., Classes I, II and III.

c. Temporary and Provisional Employees

Following the permanent roster or the permanent intermittent roster (if there is one) for each department are the rosters listing temporary (after certification) and provisional employees. Each of these rosters lists employees alphabetically with title, and date and period of approved employment. Additions to or deletions from the list of approved municlass titles should also be noted.

PART D - SECTION 67 ANNUAL REPORT

Careful maintenance of the Employee Departmental Rosters will greatly simplify the task of responding to the annual statutory requirement of M.G.L. Chapter 31, Section 67.

Section 67 requires that each municipality annually prepare and provide to the Personnel Administrator a list of all Civil Service employees in each of its departments as of January 2nd of each year. The reports are ordinarily required to be submitted on or before March 1 of the same year, in a specific format developed by the Department of Personnel Administration.

Upon implementation of PAR. 20, the local Labor Service Director assumes responsibility for the submission of the Section 67 Report for all Labor Service employees in every department within his/her municipality.

Preparation of the Report should originate in the office of each appropriate Department Head or Appointing Authority. Upon review of the report by the local Labor Service Director for consistency with the departmental rosters and employee record cards maintained in his/her office, the Appointing Authority and the local Labor Service Director shall sign the Report and forward a copy to the Bureau of Local Government Services, Department of Personnel Administration. Simultaneously, the Appointing Authority must ensure that copies of the list are posted in all areas where five or more Civil Service employees begin their tour of duty. The date of posting must be clearly indicated on the list and the posting will remain accessible to employees in the public area identified for at least one year.

PART E - SENIORITY

1. Computation of Seniority

"Seniority" of a Civil Service employee is defined as his/her ranking based on length of service. This is computed in accordance with M.G.L. Chapter 31, Section 33, which specifies that the seniority date is usually considered to be the first date of full-time employment as a permanent employee, including the required probationary period, in the departmental unit.

However, a wide range of circumstances or personnel actions may operate to affect or to change the seniority date of a permanent employee. Such instances would include voluntary transfers, returns to service after resignation, disciplinary action, or leaves of absence.

- a. Absence of less than six months will not affect seniority.
- b. Absence from the payroll for a period of more than six months will not affect the seniority date of the employee if that absence was the result of:
 1. Military service, illness, educational leave, abolition of position or lay-off because of lack of work or money.
 2. Injuries received in the performance of duty for which compensation was paid pursuant to Chapter 152, providing that the employee notifies the Appointing Authority in writing no later than six months after the final payment of such compensation that he/she is ready, willing, and able to do his/her former work and files with the Appointing Authority a physician's certificate indicating that he is able to perform the duties of his position in an efficient manner and is then restored to the payroll.

In the instances cited above, continuity of service is not considered to have been interrupted even if the employee has been absent from the payroll for a period in excess of six months.

c. In other instances of absence from the payroll of more than six months, the length of service is ordinarily computed from the date of restoration to the payroll unless the employee performs continuous service upon his restoration for a period of twice the length of his or her absence from the payroll. At the completion of that period, length of service should be recomputed by adding the period of the absence to the date of original employment.

When computing dates of seniority of employees:

1 Month = 30 days

1 Year = 12 months

One day*) is deducted from period of absence to compensate for fact that person was employed on both days, i.e., resignation date and reinstatement date.

The full text of Section 33, which sets forth the statutory requirements pertaining to seniority date and its recalculation when necessary follows in the Appendix. Specific examples of some more complicated calculations which may be performed in instances of changed seniority date are given below.

The local Labor Service Director is responsible for ensuring the accurate recording of all Labor Service employee seniority dates and for making changes in those instances which so warrant. Changes in seniority date should be noted on both the employee record card and on the appropriate departmental roster. Changes to seniority date which may be temporary and which will revert to another date after a defined period of service should be noted in pencil on the departmental roster and employee record card.

2. Reinstatement in Same Department

a. Example of Absence more than six months

1.15.70 Permanent appointment (probationary period served)
 8.23.73 Resigned
 11.20.77 Reinstatement (must be at same title at which permanent status was established or permanent appointment at same or different title)

<u>Year</u>	<u>Month</u>	<u>Day</u>	
	10	30	
77	-	11	- 20 Restoration date
73	-	8	- 23 Termination date
4	-	2	- 27
			-1*
4	-	2	- 26 <u>Absence</u>
			32
8	-	4	- 52 Twice period of absence
77	-	11	- 20 Restoration date and current seniority date
85	-	15	- 72
1		2	
86	-	5	- 12 = 5.12.86, <u>Date eligible for earlier seniority date</u>
70	-	1	- 15 Original appointment date
4	-	2	- 26 <u>Absence</u>
74	-	3	- 41
		1	
74	-	4	- 11 = 4.11.74, <u>Eventual date of seniority</u>

Date of Seniority is 11.20.77 until 5.12.86 when it will be 4.11.74

Employee Record Card - Note in pencil on latest card beside date of seniority:

4.11.74 Date of Sen. is 11.20.77
 until 5.12.86

Roster - Type in chronological sequence in "Date of Seniority" Column using date of 4.11.74 with pertinent information typed in other columns on same line; in "Warning" Column note the following in ink on line with date of seniority:

D. of S. is 11.20.77
 until 5.12.86

When employee has served twice the period of the absence, erase the restoration note from the card and cross this out in ink on roster.

b. Example of Extended Leave for Family Illness.

- 3. 5.65 Permanent appointment (probationary period served)
- 4. 3.76 Last date of paid employment - leave of absence approved for six months due to illness in family
- 10. 3.76 Extension of leave of absence approved for six months due to illness in family
- 3.15.77 Reinstated

<u>Year</u>	<u>Month</u>	<u>Day</u>	
6	-	12	
77	-	3	- 15 Restoration date
76	-	4	- 3 Last date of paid employment
0	-	11	- 12
			- 1*
	11	-	11 <u>Absence</u>
			x2
	22	-	22 <u>Twice period of absence</u>
77	-	3	- 15 Restoration date and current seniority date
77	-	25	- 37
2	-	1	
79	-	2	- 7=2.7.79 - <u>Date eligible for earlier seniority</u>
65	-	3	- 5 Original appointment date
	11	-	11 <u>Absence</u>
65	-	14	- 16
1			
66	-	2	- 16 <u>Eventual date of seniority</u>

Date of seniority is 3.15.77 until 2.7.79 when it will be 2.16.66

Employee Record Card - Note in pencil on latest card beside date of seniority:

2.16.66 Date of Sen. is 3.15.77
until 2.7.79

Roster - Type in chronological sequence in "Date of Seniority" column using date of 2.16.66 with pertinent information typed in other columns on same line; in "Warning" column note the following in ink on line with date of seniority:

D. of S. is 3.15.77
until 2.7.79

When employee has served twice the period of the absence, erase the restoration note from the card and cross this out in ink on roster.

c. Example of Absence from payroll less than six months

5.6.72 Permanent Appointment (probationary period served)
7.5.77 Resigned
12.5.77 Reinstated or reappointed in same department

Absence from payroll was for less than six months; therefore, upon reinstatement on 12.5.77 in same department, employee was eligible immediately for the date of seniority of 5.6.72.

Employee Record Card - Note in pencil on latest card beside
date of seniority: 5.6.72

Roster - Type in chronological sequence in "Date of Seniority" column using date of 5.6.72 with pertinent information typed in other columns on same line.

d. Example of Original Probationary Period Not Completed

4.11.68 Permanent appointment (probationary period not completed,
so no credit is given for this employment when computing
seniority in service)
8.30.68 Resigned
9.11.69 Permanent appointment
Date of seniority is 9.11.69

Employee Record Card - Note in pencil on latest card beside
date of seniority: 9.11.69.

Roster - Type in chronological sequence in "Date of Seniority" Column using date of 9.11.69 with pertinent information typed in other columns on same line.

3. Reinstatement to a Different Department

When reinstatement is made pursuant to M.G.L. Chapter 31, Section 46, and the employee is restored to employment in a departmental unit other than that in which he or she worked previously as a full-time employee, seniority date upon reinstatement is computed from the date of that reinstatement until the employee has provided continuous service in the new unit for three years or twice the length of his or her absence from the payroll, whichever is greater. At that time, the seniority date is computed based on the earlier service.

Example of Reinstatement in a Different Department
After Absence from Payroll Less Than Six Months

5.6.72 Permanent appointment - Assessing Department (probationary period served)

7.5.77 Resigned

12.5.77 Reinstated in Public Works Department

Date of seniority is 12.5.77 until 12.5.80 when it will be 5.6.72 due to requirements of General Laws, Chapter 31, Section 33 which states that in case of reinstatement in a department in which a person formerly had a permanent Civil Service status, seniority shall be computed as set forth in Section 33. In the event of a reinstatement in a department other than that in which a person formerly had a permanent Civil Service status, seniority shall be computed from date of reinstatement for three years or twice the length of absence from the payroll, whichever is greater.

Employee Record Card - Note in pencil on latest card beside date of seniority: 5.6.72 - Date of seniority is 12.5.77 until 12.5.80

Roster - Type in chronological sequence in "Date of Seniority" column using date of 5.6.72 with pertinent information typed in other columns on same line; in "Warning" column note the following in ink on line with date of seniority:

D. of S. is 12.5.77 until 12.5.80

When employee has served twice the period of the absence, erase the restoration date from the card and cross this out in ink on roster.

4. Change in Appointment/Same Department/Same Appointing Authority

If employment of a permanent full-time employee changes through either an original or a promotional appointment or transfer from one departmental unit of the Commonwealth to another under the same Appointing Authority, or from one division or departmental unit to another within the same city or town, his or her seniority date will be that which was used to compute length of service immediately prior to the appointment or transfer.

5. Change in Appointment/Different Department/Change in Municipality

If the employment of a permanent full-time employee changes as a result of an original or promotional appointment from one departmental unit of the Commonwealth to another, not under the same Appointing Authority, or from one departmental unit to another not within the same department in a city or town, or from one city to another, from a city or town to the Commonwealth, or from the Commonwealth, to a city or town, the seniority date is computed from the date of such change in employment. However, if the employee completes one year of continuous service in the new employment, the date which was used to compute the employee's length of service immediately prior to the change is used.

Example of permanent appointment or promotion in different department after absence from payroll less than six months (seniority retarded one year):

7.13.76 Permanent appointment (probationary period served - Auditing Department)
9.15.77 Resigned
12.23.77 Permanent appointment or promotion - Park Department
Date of seniority in Park Department is 12.23.77 until 12.23.78 when it will be 7.13.76.

Employee Record Card - Note in pencil on latest card beside date of seniority.

7.13.76 Date of Sen. is 12.23.77 until 12.23.78

Roster - Type in chronological sequence in "Date of Seniority" column using date of 7.13.76 with pertinent information typed in other columns on same line; in "Warning" column note the following in ink on line with date of seniority:

D. of S. is 12.23.77 until 12.23.78

When employee has served twice the period of the absence, erase the restoration date from the card and cross out in ink on roster

6. Involuntary Transfer

There is no change in seniority date for an employee whose employment is changed without his request from one departmental unit of the Commonwealth to another not under the same Appointing Authority, from one departmental unit to another not within the same department, from one city or town to another, from the Commonwealth to a city or town, or from a city or town to the Commonwealth.

7. Voluntary Transfer

If a transfer as described in Item 5 is made, but is made upon the request of the employee, seniority date is computed from the effective date of that transfer. However, if the employee completes three years of continuous service in the new employment, the earlier date, that used to compute seniority immediately prior to the transfer, is used.

8. Position Changed from Non-Civil Service to Civil Service (Section 56)

Where a permanent officer or employee in any departmental unit had formerly occupied in the same departmental unit a non-Civil Service office or position which is subsequently made a civil service position by statute, or by rule, or by acceptance by a city or town of provisions of this chapter or any other statute, the date which shall be used in computing length of service of such officer or employee for purposes of determining seniority shall be the earliest date of continuous employment which has not been interrupted by an absence from the payroll other than an absence specified in clauses (1) and (2) of the first paragraph of Section 33. However, when an incumbent acquires by statute permanent Civil Service status in a position which, previous to the effective date of such statute, had become a Civil Service position, the date from which his length of service shall be computed shall be the effective date of such statute, unless otherwise specifically provided therein.

9. Less than Full-Time Appointments

When appointed to a permanent full-time position, a permanent appointee to a less than full-time position (i.e., intermittent, part-time, recurrent, Reserve or Call Service), receives as the date of seniority, the date of such full-time appointment.

If such permanent full-time employee reverts to a less than full-time position on a permanent basis in the same department and at the same title as previously held on the less than full-time basis and continuity of service has not been interrupted by an absence from the payroll for more than six months, the date of seniority reverts to the date of original appointment to the less than full-time position. Similarly, if an employee receives another permanent appointment on a less than full-time basis in the same department, the date of seniority is computed from the original date of permanent appointment to the less than full-time position, or if such permanent appointment is in another department, and continuity of service has not been interrupted, then after one year, the date of seniority would be computed from the date of original appointment to the less than full-time position.

N.B. For certification purposes (PAR. 8.5), the date will be the date the employee reverted to the less than full-time status, or received the subsequent appointment to a less than full-time position.

If the status of a full-time employee is changed to less than full-time status in the same department, the date of seniority is the date of such change both for seniority and certification purposes. If such employee is returned to full-time status in the same department either by appointment from the list of less than full-time employees or by reinstatement and continuity of service was not interrupted, the date of seniority reverts to the original date of the full-time appointment.

Cafeteria Helpers in the School Department are not employed during the summer months. If permanent full-time Cafeteria employees resign at the beginning of the new school year, their absence is computed from the date the form was prepared (if no actual date of resignation is specified) rather than from the last date of paid employment at the end of the previous school year.

In the case of permanent Cafeteria employees and other permanent employees appointed on an intermittent, reserve or call basis, the absence is computed from the date the form was prepared (if no actual date of resignation is specified) rather than from the last date of paid employment which may have been months prior to the submission of the form, as such employees would not have a regular schedule of employment but would be employees on an "as needed" basis. If the available information indicates that such permanent intermittent, reserve or call employee was not employed of his own volition due to reasons that would interrupt continuity of service, then the absence is computed from the last date of paid employment.

In the case of permanent part-time employees who normally have a fixed schedule of employment, if an absence is in excess of six months and if for reasons that interrupt continuity of service, the absence is computed from the last date of paid employment upon subsequent appointment or reinstatement to a less than full-time basis.

VII. GENERAL INFORMATION

Part A - Audit

A random audit of Labor Service functions delegated to each municipality under the requirements of PAR. 20 will be conducted.

The audit will include an examination of any or all materials related to the Labor Service functions and responsibilities of the local Labor Service Director.

A formal written report of audit findings will be forwarded within four weeks of the audit, simultaneously to the local Labor Service Director, the Chief Administrative Officer of the municipality and the Personnel Administrator.

A written response by the local Labor Service Director to the audit report findings citing specific corrective measures taken (if required) should be forwarded to the Bureau of Local Government Services within three weeks from receipt of the audit findings.

Part B - Municlass Manual

A manual which is a master list of all current approved municipal position titles is available to municipal Appointing Authorities. The occupational and title definitions listed in the Municlass Manual may be applied by any City or Town within the review and approval of the Classification Bureau at the Department of Personnel Administration and the Civil Service Commission.

The occupational series and job titles were developed to standardize titles and classification criteria and was the result of a review of position descriptions, requisitions and input from municipal officials. The Municlass Manual is not a classification system for salary purposes so there is no uniformity of pay rates or grade levels. Therefore, the same position may have different salaries and grade levels in different communities.

Determination of an appropriate title should be based on the following:

1. All those performing essentially the same work should have the same job title,
2. The title should reflect the major duties required and should:
 - a. Be as brief as possible and in logical form;
i.e., Electrical Lineman, not Lineman Electrical,
and
 - b. Indicate the skill and supervisory level of the job.

The first section of the Municlass Manual includes mostly labor, maintenance, trades and crafts occupations covered under the Labor Service. Within each category, there are a number of occupational groups of occupations having related job knowledge, work methods and procedures. Each occupational group is assigned a four-digit number with the last two digits as zeros. For example, the Woodwork Group general number is 4600. Within the group, individual occupations are identified by replacing the two zeros with the digits of that series. The Woodwork Group is 4600 and the Carpentry Series is 4607. A letter is added to identify a specific title in the series. Therefore, the Woodwork Group is 4600; the Carpentry Series is 4607 and a Carpenter is 4607A, while a Carpenter's Helper is 4607B.

Frequently used titles throughout the Municlass Manual are:

1. Helper - performs laboring duties in direct support of a journeyman in a particular trade or craft. Journeyman Helpers are NOT apprentices working toward journeyman status in a particular trade. Titles are constructed by prefixing the word "Helper" by a journeyman trade title such as Carpenter Helper, Electrician Helper.
2. Apprentice - performs duties of higher skill to assist the journeyman craftsman and learn that trade. An apprentice attends classes as part of the apprenticeship program.
3. Working Foreman - works and supervises journeyman craftsmen and lower skilled workers, makes work assignments, enforces regulations and discipline, reviews work of the crew for compliance with instructions and conformance with accepted trade practices. The Working Foreman is skilled and works in the trade supervised. The title is derived from the occupation supervised; i.e., Working Foreman Carpenter, Working Foreman Laborer.

Other definitions include:

1. Class - All positions similar in:
 - a. Kind of work
 - b. Level of difficulty and responsibility
 - c. Qualification requirements to warrant similar pay
2. Occupation/Series - One or more classes of similar specialized positions but with differing responsibilities or difficulties.
3. Occupational Group - Series of occupations divided into classes of positions in related trades or activities.

Additions to the Municipal Classification Plan of positions subject to Civil Service Law and Rule in each city and town must be approved by the State Personnel Administrator and the Civil Service Commission. The procedures for requesting the addition of a new title is described below under Classification Plan.

Part C - Classification Plan

Each city and town having positions covered under Civil Service law and rule has its own individual Classification Plan of titles in use from the Municlass Manual. This plan lists each title by class of service, title of position and Municlass code number.

Upon receipt of a requisition, the local Labor Service Director must ensure that the title of the requested vacancy is found in the Classification Plan for his or her municipality. If the title is not found in the Plan, the local Labor Service Director should review the Position Description Form 30 attached to the requisition to find a suitable title based on that description from those listed in the Municlass Manual. Should a municipality find a position title it wishes to add to its existing approved plan, the community need only notify in writing the Bureau of Local Government Services, Department of Personnel Administration. All Civil Service documents including requisitions, employee record cards, and certificates, must indicate the correct Municlass title.

If an appropriate title cannot be found from the Municlass Manual, the municipality may request the creation of a proposed new title. The written request must be accompanied by the requisition and Position Description Form 30, and should be addressed to the Bureau of Local Government Services.

Intensive review of the report is undertaken by both the Department of Personnel Administration and the Civil Service Commission to determine the need for the title. Frequently, alternate title or titles currently in Municlass and with responsibilities similar to those specified by the municipality may be suggested rather than the addition of the new title. The local Labor Service Director will be notified in writing of the Department's determination regarding the proposed new title.

No new title may be added to the Municlass system or to any municipality's Classification Plan without adherence to these procedures and final approval by both the Department of Personnel Administration and the Civil Service Commission.