

REVISED MANDATORY EDUCATION AND TRAINING REQUIREMENTS IMPLEMENTATION PROCEDURES

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2. EXEMPTIONS FROM THE MANDATORY EDUCATION AND TRAINING REQUIREMENTS

Ideally, all public employees in the Commonwealth would be trained in the conflict of interest law. However, cost and other practical circumstances require that a principled way be found to exempt certain categories of public employees from the mandatory education and training requirements without compromising the objectives of those requirements. The Commission therefore establishes the following guidelines to enable public employers to determine which of their employees are exempt from the mandatory education and training requirements.

Each public employer may use the guidelines below to develop a list of positions for which distribution of summaries of the conflict of interest law and/or online training are not required. Employers are not required to obtain the Commission's approval of such lists, but must maintain such lists as public records and provide them to the Commission on request. If the Commission determines that such a list includes positions which should be subject to the requirements of distribution of summaries and/or online training, it may direct that such positions be removed from the list. Questions about whether particular positions should be subject to the mandatory education and training requirements may be submitted to the Commission's Legal Division by calling (617) 371-9500, or submitted electronically on this website.

a. Positions for which distribution of summaries and online training are required

- All elected public positions, whether compensated or uncompensated.
- All compensated, full-time public employee and official positions.
- All compensated, part-time public employee and official positions, (except for temporary or seasonal employee positions in which employees do not have or exercise governmental authority and do not participate in or have responsibility for government decision-making, contracting, hiring, investigation or any other discretionary governmental action, as set forth below in subsection b).
- Any position, including volunteer positions, whether chosen by election, appointment or otherwise, in which the employee personally serves in or provides services to a public agency, whether paid or unpaid, and participates in or has responsibility for any government decision-making, contracting, hiring, investigation or any other discretionary governmental action or otherwise has or exercises governmental authority.

b. Positions which may be exempted from the distribution of summaries and the online training requirements

A public employer may choose to exempt any or all of the following positions from one or both of the mandatory training and education requirements:

- Unpaid volunteer positions in which employees do not have or exercise governmental authority and do not participate in or have responsibility for government decision-making, contracting, hiring, investigation or any other discretionary governmental action.

Examples:

- Library volunteer positions in which employees reshelve books or read books to children during a story hour;
- School volunteer positions in which employees come into the schools a few times a year to help with parties and projects, shelve books in the school library, or chaperone field trips and other school events;
- Volunteer positions in which employees pick up litter at parks or beaches, or participate in a town "Clean Up Day";
- Senior Center or Parks and Recreation volunteer teacher positions;
- Positions in which volunteers assist with an event, such as a town July 4th celebration, by selling tickets, engaging in face painting, or helping "police" the grounds.
- Short-term temporary or seasonal compensated positions in which employees do not have or exercise governmental authority and do not participate in or have responsibility for government decision-making, contracting, hiring, investigation or any other discretionary governmental action.

Examples:

- Poll worker positions
- Non-supervisory seasonal positions, such as, for example, lifeguards and snowplow operators
- Substitute teachers who work less than one day per week
- Participants in senior citizen tax abatement programs pursuant to General Laws chapter 59, section 5K, and Senior Corps, the Retired and Senior Volunteer Program, Foster Grandparents, Senior Companions and comparable programs.
- Medical Reserve Corps volunteers.
- High school, college and graduate school students participating in summer and work-study employment, whether paid or unpaid.
- Participants in programs of the Department of Mental Health who are patients in a therapeutic program that includes employment.
- Individual vendors and contractors to public agencies who provide one day or less of services per calendar year.
- Participants in volunteer programs whose names are not available or known to any public agency, such as, for instance, town residents who help shovel snow or clean up after a flood.