
By Mr. Jones of Barnstable, petition of Allan F. Jones for legislation to establish the Massachusetts industrial relations board. State Administration.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty-Two.

AN ACT TO CREATE THE MASSACHUSETTS INDUSTRIAL RELATIONS BOARD.

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

1 SECTION 1. Section 7 of chapter 23 of the General Laws as
2 most recently amended by chapter 350 of the acts of 1919 is
3 hereby amended by striking out section 7 and inserting the
4 following new section:—

5 *Section 7.* The associate commissioners shall have the powers
6 and perform the duties given the minimum wage commission
7 by chapter one hundred and fifty-one. Pursuant to the powers
8 and duties, the commission shall have assigned to them such
9 assistants from the officers and employees of the department as
10 the commissioner and the commission may determine.

1 SECTION 2. Chapter 23 of the General Laws, as most recently
2 amended by chapter 611 of the acts of 1961, is hereby amended
3 by striking out section 90 and inserting in place thereof the
4 following new section:—

5 *Section 90.* (a) There shall be in the department a board to
6 be known as the industrial relations board, in this section called
7 the board, which shall have the powers and perform the duties
8 given it by this chapter and chapters one hundred and forty-
9 nine, one hundred and fifty, and one hundred and fifty A.
10 (b) The board shall be composed of three members who shall
11 be appointed by the governor. One member shall be a repre-
12 sentative of labor, one a representative of employers of labor

13 and one a disinterested person to represent the public. Of the
14 original members, one shall be appointed for a term to expire
15 January thirty-first, nineteen hundred and sixty-six; one for a
16 term to expire January thirty-first, nineteen hundred and sixty-
17 seven; and one for a term to expire January thirty-first, nineteen
18 hundred and sixty-eight. Appointments made for terms com-
19 mencing on or after January thirty-first, nineteen hundred and
20 sixty-six, shall be for a term of five years, except that an appoint-
21 ment to a vacancy shall be for the unexpired term of the member
22 causing the vacancy. The governor shall designate one member
23 to serve as chairman of the board. Any member may be removed
24 by the governor for inefficiency, neglect of duty, misconduct or
25 malfeasance in office, and for no other cause, after being given a
26 written statement of the charges and an opportunity to be heard
27 thereon.

28 (c) A vacancy in the board shall not impair the right of the
29 remaining members to exercise all the powers of the board, and
30 two members of the board shall at all times constitute a quorum.

31 (d) The board shall at the close of each fiscal year make a
32 report in writing to the governor and general court stating in
33 detail the cases it has heard and the decisions it has rendered.
34 A copy of such report shall be filed with the secretary of state
35 for public inspection.

36 (e) The board shall have an official seal which shall be judi-
37 cially noticed.

1 SECTION 3. Section 9P of chapter 23 of the General Laws, as
2 most recently amended by section 34 of chapter 730 of the acts
3 of 1955, is hereby further amended by striking out the section
4 and inserting in place thereof the following new section: —

5 *Section 9P.* The board shall have authority from time to
6 time to make, amend, and rescind such rules and regulations as
7 may be necessary for the proper enforcement of its functions.
8 Such rules and regulations shall be effective upon publication in
9 the manner which the board shall prescribe.

1 SECTION 4. Section 9Q and 9R of chapter 23 are hereby
2 amended by striking out the word "commission" wherever it
3 appears and inserting in place thereof the word: — board.

1 SECTION 5. Chapter 23 of the General Laws, as most recently
2 amended, is hereby further amended by inserting after section 9R
3 the following new sections: —

4 *Section 9S.* (a) The power or duty which this chapter and
5 chapters one hundred and forty-nine, one hundred and fifty
6 and one hundred and fifty A give the board or a member thereof,
7 as the case may be, from time to time to issue complaints, hold
8 hearings; make appointments, inquiries and findings; render
9 decisions; enter orders; file petitions; make and publish rules,
10 regulations and reports; subpoena and examine witnesses, books
11 and records; and administer oaths and certify documents shall
12 be exercised or performed only by the board or such a member,
13 respectively; and neither the commissioner nor any other agent
14 or agency of the department shall in any way direct, review,
15 modify or reverse any action taken pursuant to such power or
16 in performance of such duty, or control or seek to control or
17 supervise or seek to supervise the taking thereof. The commis-
18 sioner shall be responsible for the performance of all other duties
19 necessary or incidental to the carrying out of the functions given
20 the board by the said chapters and shall have the powers neces-
21 sary or incidental to the proper discharge of such responsibility;
22 provided, however, that in discharging such responsibility and
23 exercising such powers the commissioner shall consult from time
24 to time with the chairman of the board, be guided by the general
25 policies of the board, and be governed by the board pursuant to
26 the said chapters.

27 (b) Any attorney employed in the department may, at the
28 direction of the board, appear for and represent the board in any
29 case in any court.

30 *Section 9T.* (a) There shall be within, and subject to the
31 department, a division of conciliation under the supervision of a
32 director who shall be appointed by the commissioner with the
33 approval of the governor, and who shall serve at the pleasure
34 of the commissioner.

35 (b) The director shall, under the supervision and control of the
36 commissioner, exercise the powers and perform the duties given
37 him by chapter one hundred and fifty and shall perform such
38 other duties related thereto as may be assigned to him by the
39 commissioner.

1 SECTION 6. Chapter 150 of the General Laws, as most recently
2 amended by chapter 546 of the acts of 1959, is hereby further
3 amended by striking out sections 1, 2, and 3 and inserting in
4 place thereof the following three sections:—

5 *Section 1.* The industrial relations board in the department of
6 labor and industries, in this chapter called the board, shall per-
7 form the duties required of it by this chapter.

8 *Section 2.* The director of the division of conciliation in the
9 department of labor and industries, in this chapter called the
10 director, shall perform the duties required by this chapter.

11 *Section 3.* The mayor of a city or the selectmen of a town
12 having knowledge that a strike or lockout is seriously threatened
13 or has actually occurred therein, shall at once give notice to the
14 director. Notice may be given by an employer or by the em-
15 ployees concerned in the controversy, strike or lockout. When
16 the director has knowledge that a strike or lockout, involving
17 an employer and his present or former employees is seriously
18 threatened or has actually occurred, he shall as soon as may be
19 communicate with the employer and employees and endeavor
20 by mediation conducted by himself or by such other representa-
21 tive or representatives as he may designate, to obtain an amica-
22 ble settlement or to persuade them to submit the controversy
23 to a local board of conciliation and arbitration established under
24 section nine or to the board. If a settlement is not agreed upon
25 and the parties refuse to submit the matter in dispute to arbitra-
26 tion, the commissioner of labor and industries may investigate
27 the cause of the controversy and ascertain which of the parties
28 thereto is mainly responsible or blameworthy for the existence or
29 continuance of the same and may, unless a settlement of the
30 controversy is reached, make and publish a report finding such
31 cause and assigning such responsibility or blame. The director
32 shall, upon the request of the governor, investigate and report
33 upon a controversy, if in the governor's opinion it seriously
34 affects or threatens seriously to affect the public welfare. The
35 director shall have the same powers for the foregoing purpose as
36 are given to the board by sections five to eight, inclusive. The
37 director shall by publication or otherwise inform employers and
38 employees of their duty to give notice to him before resorting to
39 a strike or lockout and of the provisions of this chapter affecting
40 the right of employers and employees relative to industrial
41 disputes.

1 SECTION 7. Chapter 150 of the General Laws is hereby further
2 amended by striking out section 5, as amended by section 2 of
3 chapter 364 of the acts of 1938, and inserting in place thereof the
4 following section: —

5 *Section 5.* If a controversy exists between an employer and
6 his employees the board shall, upon application as provided in the
7 following section, as soon as practicable visit the place where the
8 controversy exists and make careful inquiry into its cause and
9 may conduct their inquiry outside the commonwealth. The
10 board shall hear all persons interested who come before it and
11 shall make a written decision of the said controversy which shall
12 at once be made public, shall be open to public inspection, and
13 shall be recorded by the board. A short statement thereof may,
14 in the discretion of the board, be published in the annual report
15 of the board, and the board shall cause a copy thereof to be filed
16 with the clerk of the city or town in which said business is carried
17 on. The decision shall for six months be binding upon the
18 parties who join in said application unless by agreement of both
19 parties it is stipulated in the application that the contract is to
20 run for a longer period of time, in which event the decision of
21 the board will be binding for the length of time agreed upon by
22 both parties in their application.

1 SECTION 8. Section 2 of chapter 150A of the General Laws, as
2 most recently amended by chapter 615 of the acts of 1951, is
3 hereby amended by striking out subsection (8) and inserting in
4 place thereof the following subsection: —

5 (8) The term “board” means the industrial relations board
6 existing under section ninety of chapter twenty-three.

1 SECTION 9. Paragraph (c) of subsection (2) of section 4A of
2 chapter 150A, as amended by section 3 of chapter 657 of the acts
3 of 1947, is hereby amended by striking out the word “commis-
4 sion” and inserting in place thereof the word: — board.

1 SECTION 10. Paragraph (c) of subsection (2) of section 4A of
2 chapter 150A, as amended by section 3 of chapter 657 of the acts
3 of 1947, is hereby amended by striking out the word: — board.

1 SECTION 11. Chapter 150A is hereby further amended by
2 striking out the word “commission” wherever it appears in

3 subsection (b) of section 5, as most recently amended by sec-
4 tion 4 of chapter 615 of the acts of 1951, subsection (c) of sec-
5 tion 5, as amended by section 4 of chapter 657 of the acts of
6 1947, subsection (d) of section 5; subsection (a) of section 5 as
7 most recently amended by section 3 of chapter 615 of the acts
8 of 1951, subsection (a) of section 6 as most recently amended
9 by section 5 of chapter 657 of the acts of 1947, subsections (b),
10 (c), (d) of section 6; subsection (e) of section 6 as amended by
11 section 10 of chapter 681 of the acts of 1954, subsection (f) of
12 section 6, as amended by section 11 of chapter 681 of the acts
13 of 1954, subsection (g) of section 6, subsection (h) of section 6,
14 as amended by chapter 261 of the acts of 1941; sections 6A and
15 6B; the first paragraph of section 7, as amended by section 7 of
16 chapter 657 of the acts of 1947; subsections (1), (2), (3), (4)
17 and (6) of section 7; section 8; subsection (b) of section 10, as
18 amended by section 9 of chapter 657 of the acts of 1947, and in-
19 serting in place thereof in each instance the word: — board.

1 SECTION 12. Nothing in this act shall be construed to impair
2 the civil service status, seniority, retirement or other rights of
3 any permanent civil service employee of the commonwealth
4 employed on the effective date of this act under the labor rela-
5 tions commission.

1 SECTION 13. All records of the board of conciliation and
2 arbitration relating to the arbitration of labor disputes and all
3 records of the labor relations commission are hereby transferred
4 to the industrial relations board established by this act.

1 SECTION 14. The effective date of this act shall be January
2 first, nineteen hundred and sixty-three.

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The first part of the paper is devoted to a general discussion of the problem. It is shown that the problem is equivalent to the problem of finding a function $f(x)$ which satisfies the conditions

$$f(x) = \int_0^x f(t) dt + g(x)$$

where $g(x)$ is a given function. It is shown that the function $f(x)$ is uniquely determined by these conditions.

In the second part of the paper, the problem is solved for the case where $g(x)$ is a polynomial. It is shown that the function $f(x)$ is also a polynomial.

In the third part of the paper, the problem is solved for the case where $g(x)$ is a function of the form e^{ax} . It is shown that the function $f(x)$ is also of the form e^{ax} .

In the fourth part of the paper, the problem is solved for the case where $g(x)$ is a function of the form $\sin bx$. It is shown that the function $f(x)$ is also of the form $\sin bx$.

In the fifth part of the paper, the problem is solved for the case where $g(x)$ is a function of the form $\cos bx$. It is shown that the function $f(x)$ is also of the form $\cos bx$.

The sixth part of the paper is devoted to a general discussion of the problem. It is shown that the problem is equivalent to the problem of finding a function $f(x)$ which satisfies the conditions

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In the seventh part of the paper, the problem is solved for the case where $g(x)$ is a polynomial. It is shown that the function $f(x)$ is also a polynomial.

In the eighth part of the paper, the problem is solved for the case where $g(x)$ is a function of the form e^{ax} . It is shown that the function $f(x)$ is also of the form e^{ax} .

In the ninth part of the paper, the problem is solved for the case where $g(x)$ is a function of the form $\sin bx$. It is shown that the function $f(x)$ is also of the form $\sin bx$.

In the tenth part of the paper, the problem is solved for the case where $g(x)$ is a function of the form $\cos bx$. It is shown that the function $f(x)$ is also of the form $\cos bx$.

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where $g(x)$ is a given function. It is shown that the function $f(x)$ is uniquely determined by these conditions.

In the twelfth part of the paper, the problem is solved for the case where $g(x)$ is a polynomial. It is shown that the function $f(x)$ is also a polynomial.

In the thirteenth part of the paper, the problem is solved for the case where $g(x)$ is a function of the form e^{ax} . It is shown that the function $f(x)$ is also of the form e^{ax} .

In the fourteenth part of the paper, the problem is solved for the case where $g(x)$ is a function of the form $\sin bx$. It is shown that the function $f(x)$ is also of the form $\sin bx$.

In the fifteenth part of the paper, the problem is solved for the case where $g(x)$ is a function of the form $\cos bx$. It is shown that the function $f(x)$ is also of the form $\cos bx$.