

By Mr. Buglione of Methuen, petition of Nicholas J. Buglione, Thomas R. Lussier, Samuel Rotondi and David B. Cohen relative to hearings and investigations in public labor disputes by the Labor Relations Commission. Commerce and Labor.

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO HEARINGS AND INVESTIGATIONS OF THE LABOR RELATIONS COMMISSION.

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 9Q of Chapter 23 of the General Laws, as appearing in
2 chapter 345 of the Acts of 1938, is hereby amended by inserting at
3 the end thereof the following:

4 For the purpose of all hearings and investigations which in the
5 opinion of the commission are necessary and proper for the exer-
6 cise of powers vested in it by chapters 150A and 150E:

7 (1) The commission, or its duly authorized agents or agencies,
8 shall at all reasonable times have access to, for the purpose of
9 examination, and the right to copy any evidence of any person
10 being investigated or proceeded against that relates to any matter
11 under investigation or in question. Any members of the commis-
12 sion shall have the power to issue subpoenas requiring the attend-
13 ance and testimony of witnesses and the production of any evi-
14 dence that relates to any matter under investigation or in question
15 before the commission, its member, agent or agency conducting
16 the hearing or investigation. Any member of the commission, or
17 any agent or agency designated by the commission for such pur-
18 poses, may administer oaths and affirmations, examine witnesses,
19 and receive evidence. Such attendance of witnesses and the produc-
20 tion of such evidence may be required from any place in the
21 commonwealth, at any designated place of hearing.

22 (2) In case of contumacy or refusal to obey a subpoena issued to
23 any person, the superior court within the jurisdiction of which the
24 inquiry is carried on or within the jurisdiction of which said person
25 guilty of contumacy or refusal to obey is found or resides or
26 transacts business, upon application by the commission shall have
27 jurisdiction to issue to such person an order requiring such person
28 to appear before the commission, its member, agent or agency,
29 there to produce evidence if so ordered, or there to give testimony,
30 touching the matter under investigation or in question; and any
31 failure to obey such order of the court may be punished by said
32 court as a contempt thereof.

33 (3) No person shall be excused from attending and testifying or
34 from producing books, records, correspondence, documents or
35 other evidence in obedience to the subpoena of the commission, on
36 the ground that the testimony or evidence required of him may
37 tend to incriminate him or subject him to a penalty or forfeiture;
38 but no individual shall be prosecuted or subjected to any penalty or
39 forfeiture for or on account of any transaction, matter or thing
40 concerning which he is compelled, after having claimed his privi-
41 lege against self-incrimination, to testify or produce evidence,
42 except that such individual so testifying shall not be exempt from
43 prosecution and punishment for perjury committed in so testify-
44 ing.

45 (4) Complaints, orders and other process and papers of the
46 commission, its member, agent or agency may be served either
47 personally or by registered mail or by telegraph or by leaving a
48 copy thereof at the principal office or place of business of the
49 person required to be served. The verified return by the individual
50 so serving the same setting forth the manner of such service shall be
51 proof of service of the same, and the return post office receipt or
52 telegraph receipt therefor when registered and mailed or tele-
53 graphed as aforesaid shall be proof of service of the same. Wit-
54 nesses summoned before the commission, its member, agent or
55 agency shall be paid the same fees and mileage that are paid
56 witnesses in civil cases before the courts of the commonwealth, and
57 witnesses whose depositions are taken and the persons taking the
58 same shall severally be entitled to the same fees as are paid for like
59 services in the courts of the commonwealth.