

By Messrs. Buglione of Methuen and Lussier of Pittsfield, petition of Nicholas J. Buglione, Thomas R. Lussier, Samuel Rotondi, Thomas J. Vallely and David B. Cohen relative to clarifying certain collective bargaining rights of employees in free public libraries of cities and towns. Public Service.

The Commonwealth of Massachusetts

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

AN ACT CLARIFYING CERTAIN COLLECTIVE BARGAINING RIGHTS OF EMPLOYEES IN FREE PUBLIC LIBRARIES OF CITIES AND TOWNS.

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. Chapter 78 of the General Laws, as most recently
2 amended by Chapter 99 of the Acts of 1980 is hereby further
3 amended by inserting after Section 32 contained therein the follow-
4 ing new sections: —

5 *Section 33.* Each employer and employee subject to this Sec-
6 tion, except those employees subject to Chapter 150E, may enter
7 into a written employment agreement outlining the basic condi-
8 tions of employment of this employee. The employer shall establish
9 in such employment contracts, a written policy on selection of
10 library materials and use of materials and facilities in accordance
11 with the Library Bill of Rights adopted by the American Library
12 Association. An employee shall not be dismissed for selection of
13 library materials when that selection is made in good faith in
14 accordance with the approved policy of the employer except in
15 accordance with the provisions of this Chapter.

16 *Section 34.* In each written employment contract between an
17 employer and employee, except for those covered by Chapter

18 150E, no employee may be terminated except in accordance with
19 the following provisions:

20 A. During the first twelve months of any employment subject to
21 this Act either party may terminate that employment after two
22 weeks written notice, and the other party, upon request, shall have
23 the right to a written statement of the reason or cause for that
24 termination before it takes effect.

25 B. Upon completion of twelve months of employment to the
26 satisfaction of the employer, the employee shall have the right to
27 continue that employment so long as the employee remains able
28 and willing to perform the duties of a mutually agreed job descrip-
29 tion.

30 C. If a public benefit requires the termination or modification of
31 the employment to the detriment of the employee after the em-
32 ployee has completed twelve months of employment to the satis-
33 faction of the employer, then the employer shall have the right to
34 make the necessary change after compliance with the following
35 procedure:

36 (1) at least twenty working days before a hearing at which the
37 employer intends to decide whether a change is necessary for the
38 public benefit, the employer shall give written notice to the em-
39 ployee, including the time and place of the hearing, the subject of
40 the hearing, and the alleged cause necessitating the change;

41 (2) the employee may attend the hearing, with or without counsel,
42 to hear and cross-examine all witnesses against the employee,
43 and to present witnesses in defense;

44 (3) the employer shall hold an open hearing if the individual
45 involved requests that the meeting be open;

46 (4) after conducting the hearing, the employer shall write a
47 statement of those findings of fact brought out by the hearing,
48 upon which its decision shall be based, and a statement of its
49 decision as to what change, if any, must be made for the public
50 benefit, and of the amount of just compensation, if any, to which
51 the employee is deemed to be entitled;

52 (5) within 5 working days after the hearing, the employee shall
53 be provided a written statement of the findings and decisions;

54 (6) the employer and employee may at any time by written
55 agreement amend or waive part or all of the foregoing procedure.

56 *Section 35.* In the event that any library fails to adopt the
57 written contract between its employer and employee, except those
58 subject to the provisions of Chapter 150E, in accordance with the
59 provisions of Sections 33 — 34, it shall enter into a written employ-
60 ment contract outlining the basic conditions of employment, in-
61 cluding but not limited, to the following:

62 A. a requirement that a written materials selection policy be
63 established

64 B. that an employment not be dismissed for complying in good
65 faith with the written materials selection policy

66 C. establishing a probationary period and specifying the cause
67 and procedure for dismissal during this probationary period

68 D. specifying the cause and procedure for dismissal after the
69 probationary period.

1 SECTION 2. Chapter 150E of the General Laws, as most re-
2 cently amended by Chapter 329 of the Acts of 1980 is hereby
3 further amended by inserting after paragraph K the following new
4 paragraph: —

5 (K½) Sections 33 and 34 of chapter 78

1 SECTION 3. This Act shall take effect upon its passage.

