

SENATE No. 2149

The Commonwealth of Massachusetts

SENATE, September 22, 1983.

The committee on Ways and Means, to whom was committed the House bill providing that certain employees be subject to the peaceful settlement of certain labor disputes (House, No. 3331), reports recommending that the same ought to pass, with an amendment, striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2149.

For the Committee,

ROBERT D. WETMORE

The Commonwealth of Massachusetts

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

1 SECTION 1. Section 1 of the General Laws is hereby amend-
2 ed by adding the following paragraph:—

3 It is further declared to be the policy of the commonwealth,
4 in the interest of allowing certain employees full freedom of
5 association and to eliminate strife and other obstructions: (a)
6 to promote collective bargaining between vendors who con-
7 tract with or receive funds from the commonwealth or its
8 political subdivisions, or both, to provide social, protective,
9 legal, medical, custodial, rehabilitative, respite, nutritional,
10 employment, educational, training, and other similar services
11 to clients of the commonwealth or its political subdivisions
12 and their employees; (b) to protect the right of employees of
13 such vendors to organize and select collective bargaining rep-
14 resentatives of their own choosing; (c) to prevent lockouts,
15 strikes, slowdowns or withholding of goods or services.

1 SECTION 2. Section 2 of said chapter 150A, as most recent-
2 ly amended by section 1 of chapter 882 of the acts of 1970,
3 is hereby further amended by striking subsections (2) and (3)
4 and inserting in place thereof the following:

5 (2) The word "employer" shall include any person acting
6 in the interest of an employer, directly or indirectly, and shall
7 include any health care facility, any nonprofit institution,
8 and any vendor who contracts with or receives funds from the
9 commonwealth or its political subdivisions, or both, to provide
10 social, protective, legal, medical, custodial, rehabilitative, res-
11 pite, nutritional, employment, educational, training, and other
12 similar services to clients of the commonwealth or its political
13 subdivisions, but shall not include the commonwealth or po-
14 litical subdivision thereof, except in the case of a health care
15 facility, or any labor organization, other than when acting as
16 an employer, or anyone acting in the capacity of officer or
17 agent of such labor organization.

18 (3) Except as otherwise provided in section three A, the
19 word "employee" shall include any employee, and shall not be

20 limited to the employees of a particular employer, unless the
21 chapter explicitly states otherwise, and shall include any in-
22 dividual whose work has ceased as a consequence of, or in
23 connection with, any current labor dispute or because of any
24 unfair labor practice, and who has not obtained any other
25 regular and substantially equivalent employment, and shall
26 include any nurse or nonprofessional employee of a health
27 care facility or of any nonprofit institution, except members
28 of religious orders, or any employees of vendors who contract
29 with or receive funds from the commonwealth or its political
30 subdivisions to provide social, protective, legal, medical, cus-
31 todial, rehabilitative, respite, nutritional, employment, educa-
32 tional, training, and other similar services to clients of the
33 commonwealth or its political subdivisions, but shall not in-
34 clude any individual employed as an agricultural worker, ex-
35 cept as provided in section five A, or in the domestic service
36 of any family or person at his home, or any individual em-
37 ployed by his parent or spouse.

The above mentioned information is being furnished to you for your information and for your use in connection with the above mentioned matter. It is requested that you advise this Bureau of any further information which you may have concerning the above mentioned matter.

Very truly yours,
 Special Agent in Charge

Enclosed for you are two copies of a letterhead memorandum dated and captioned as above. One copy of this memorandum is being furnished to the Bureau for its information and for its use in connection with the above mentioned matter.

Very truly yours,
 Special Agent in Charge