

By Mr. Caron of Springfield, petition of Paul E. Caron for legislation to prohibit gas and electric companies from retaining labor cost savings or to incur unnecessary expenditures during a curtailment of work due to a labor dispute. Government Regulations.

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**The Commonwealth of Massachusetts**

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In the Year One Thousand Nine Hundred and Ninety.

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AN ACT PROHIBITING GAS, ELECTRIC, AND TELEPHONE COMPANIES FROM  
RETAINING LABOR COST SAVINGS OR TO INCUR UNNECESSARY EXPEN-  
DITURES DURING A CURTAILMENT OF WORK DUE TO A LABOR DISPUTE.

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

1 A gas, electric, or telephone company must refund or rebate  
2 to its customers a pro rata basis any savings in labor costs the  
3 company may realize during any curtailment of work due to a  
4 labor dispute. During the curtailment of work the company shall  
5 not incur any costs greater than the minimum necessary to  
6 maintain its established level of service.

7 During and after the cessation of the curtailment of work the  
8 books and records of the company shall be open to the department  
9 of public utilities and to the public to determine if the company  
10 is in compliance with the provisions of this section.

11 Upon its own motion or that of the attorney general, or on  
12 written complaint by any of the company's customers, that a gas  
13 or electric company may not be in compliance with the provisions  
14 of this section the department shall notify the company and shall  
15 thereupon, after notice, give a public hearing to such  
16 complainant(s) if any and said company, and after such hearing  
17 shall order a pro rata refund or rebate to the company's customers  
18 in the amount of the realized labor cost savings and/or  
19 unnecessary expenditures as the case may be. The company shall  
20 not thereafter be allowed to recover as a cost the amount of the

21 refund or rebate. The department shall issue a public report of  
22 its findings upon concluding the proceedings set forth in this  
23 paragraph. A copy of the report shall be filed with the attorney  
24 general.

25 For the purposes of this section, "savings in labor costs" means  
26 the difference between the total remuneration that would have  
27 been paid to the employees involved in the curtailment of work  
28 had no curtailment occurred and the actual remuneration, if any,  
29 paid to these employees during the period of the curtailment;  
30 "curtailment of work" includes a lockout, strike, slowdown or any  
31 other deviation from normal employee work schedules; "labor  
32 dispute" shall have the same meaning as it does in section 25 of  
33 chapter 151A of the General Laws.

34 The department may establish regulations necessary to carry  
35 out the provisions of this section.