

HOUSE No. 3668

The Commonwealth of Massachusetts

By Mr. Chadwick of Winchester, petition relative to fair wages, hours, working conditions, health benefits, pensions and retirement allowances of employees of the Massachusetts Bay Transportation Authority and the related fair fares to be paid by those using the service of said authority. Transportation.

Petition signed by:

Harrison Chadwick
Francis W. Hatch, Jr.
Vernon R. Farnsworth, Jr.
William G. Robinson
Robert C. Buell
Norris W. Harris
Edward D. Harrington, Jr.
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The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Four.

AN ACT RELATIVE TO FAIR WAGES, HOURS, WORKING CONDITIONS, HEALTH BENEFITS, PENSIONS AND RETIREMENT ALLOWANCES OF MASSACHUSETTS BAY TRANSPORTATION AUTHORITY EMPLOYEES AND THE RELATED FAIR FARES TO BE PAID BY THOSE USING MASSACHUSETTS BAY TRANSPORTATION AUTHORITY SERVICES.

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

1 Chapter 161A of the General Laws, as inserted by section 18
2 of chapter 563 of the acts of 1964, is hereby amended by
3 striking section 19 as appearing therein and inserting in place
4 thereof the following sections: -

5 *Section 19A*

6 The directors shall have authority to bargain collectively
7 with labor organizations representing employees of the author-
8 ity and to enter into agreements with such organizations rela-
9 tive to wages, salaries, hours, working conditions, health
10 benefits, pensions and retirement allowances of such em-
11 ployees. The employees of the authority shall submit all
12 grievances and disputes pursuant to arbitration provisions in
13 agreements existing at the time of the creation of the authority
14 or subsequently entered into with the authority, or, in the
15 absence of such provisions, to the state board of conciliation
16 and arbitration, or other board or body having similar powers
17 and duties. The provisions of general or special laws relative to
18 rates of wages, hours of employment and working conditions
19 of public employees and relating to contracts for public works
20 shall not apply to the authority nor to the employees thereof,
21 nor to employees of contractors with the authority but with
22 the authority and its employees shall be governed with respect
23 to hours of employment, rates of wages, salaries and hours and
24 with respect to contracts for construction, maintenance and
25 repair by the laws relating to street railway companies insofar
26 as they are consistent with the provisions of this section.

27 *Section 19B*

28 (1) In the event of arbitration, an independent arbitrator
29 shall in the determination of a dispute or question concerning
30 wages, salaries, health benefits, pensions and retirement allow-
31 ances, take into consideration and be governed by reasonable
32 evidence of the average wages, salaries, health benefits, pension
33 and retirement allowances of persons within the cities and
34 towns of the Massachusetts Bay Transportation Authority who
35 possess the same general training, education, skill and respon-
36 sibility and are subjected to similar hours of employment and
37 working conditions and have similar security and regularity of
38 employment by practice or agreement. He shall give particular
39 weight to earnings and benefits received by those in similar
40 employment in private enterprise, other than public utilities
41 unless such similar employment is found by the arbitrator, on
42 compelling evidence, to be particularly underpaid or overpaid;
43 in which case said arbitrator shall determine a fair wage only
44 after taking into account average earnings in other general
45 employment, and the resultant impact of such fair wage on the
46 authority's fare schedule and on the tax consequences to the
47 cities and towns of the Massachusetts Bay Transportation
48 Authority. It shall be the right and the duty of the board of
49 directors of the authority to manage the affairs of the author-
50 ity in as efficient manner as they deem appropriate and in the
51 event of such arbitration, the arbitrator shall not directly or
52 indirectly interfere with such right and his decision shall be
53 restricted to applying the proper wages, salaries, health bene-
54 fits, pensions and retirement allowances to the work required
55 of the employees by the authority, excepting only that if the
56 arbitrator by compelling evidence finds that any working con-
57 ditions required of the employees by the authority are clearly
58 onerous as determined by the standards of work of a fair
59 cross-section of general employment within the area of the
60 authority, then the arbitrator shall remand such working con-
61 ditions to the authority for its determination within a reason-
62 able time set by such arbitrator of new working conditions,
63 and upon submission of such new working conditions which he
64 finds not to be in violation of the standards set thereby, he
65 shall then apply what he deems to be the proper wages,

66 salaries, health benefits, pensions, and retirement allowances to
67 the work so required of the employees by the authority.

68 (2) Evidence shall be lawful, material and relevant and the
69 arbitrator shall at all reasonable times have access to any
70 evidence within the control of the parties for the purpose of
71 examination, and the right to copy evidence that relates to any
72 matter in question.

73 (3) The arbitrator shall have the power of subpoena and
74 shall upon application of any party to the dispute, forthwith
75 issue to such party subpoenas requiring the attendance and
76 testimony of witnesses or the production of any evidence or
77 investigation relating to such dispute.

78 (4) The arbitrator shall furnish at the request of the parties
79 a written opinion stating his award and setting forth the find-
80 ings and rulings by which such award was determined. Such
81 award shall be final and binding upon both parties unless
82 within twenty (20) days either party appeals such decision to
83 the superior court which shall have jurisdiction and shall decide
84 only questions of law and whether the arbitrator was clearly
85 wrong in applying the standards of this section.

86 (5) The independent arbitrator shall be appointed as pro-
87 vided by agreements then in force or by applicable law and
88 shall be approved by the board of directors of the Massachu-
89 setts Bay Transportation Authority and the advisory board of
90 the Massachusetts Bay Transportation Authority. This power of
91 approval shall not be delegated.

92 Nothing contained herein shall be construed to reduce the
93 current level of wages, salaries, health benefits, pensions and
94 retirement allowances of employees of the Authority, but this
95 paragraph shall not interfere with the right and duty to apply
96 such level to any new standards of work. This paragraph shall
97 remain in effect for three years after the effective date of this
98 Act.

99 *Section 19C*

100 Within thirty (30) days after the effective date of this Act the
101 authority shall commence an investigation of its fare structure
102 based upon its estimate of the benefits to the taxpayer of the
103 cities and towns of the Authority and the increased efficiency
104 that will flow therefrom in order to determine to what extent
105 it may reduce the fares on the rapid transit and surface lines of
106 the Authority.