

**SENATE . . . . . No. 1924**

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*The Commonwealth of Massachusetts*

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SENATE, October 11, 1977.

The committee on Public Service, to whom was recommitted the residue of the Senate Bill further regulating collective bargaining impasses involving firefighters and police officers (Senate, No. 1669), reports recommending that the same ought to pass, with an amendment, substituting a new draft entitled "An Act providing for the establishment of a joint labor-management committee to oversee municipal police and firefighter collective bargaining and arbitration proceedings" (Senate, No. 1924).

For the Committee,

CHESTER G. ATKINS

## The Commonwealth of Massachusetts

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

AN ACT PROVIDING FOR THE ESTABLISHMENT OF A JOINT LABOR-MANAGEMENT COMMITTEE TO OVERSEE MUNICIPAL POLICE AND FIREFIGHTER COLLECTIVE BARGAINING AND ARBITRATION PROCEEDINGS.

*Whereas*, the deferred operation of this act would tend to defeat its purpose, which is, in part, to provide an impasse procedure conducive to the peaceful resolution of collective bargaining disputes involving municipal police officers and firefighters, it is, therefore, hereby declared an emergency law, necessary for the immediate preservation of the public convenience.

*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 1078 of the Acts of 1973 is hereby  
2 amended by inserting after Section 4, as amended by Chapter  
3 347 of the Acts of 1977, the following section: —

4 *Section 4A.* There shall be in the Executive Office of Man-  
5 power Affairs, but not subject to the jurisdiction thereof, a  
6 committee to be known as the Joint Labor-Management Com-  
7 mittee, in this section referred to as the Committee. The  
8 Committee shall be composed of twelve members and an im-  
9 partial Chairman. The twelve Committee members shall be  
10 appointed by the governor as follows: three from nominations  
11 submitted by the Professional Firefighters of Massachusetts,  
12 International Association of Firefighters, AFL-CIO; three  
13 from nominations submitted by the International Brother-  
14 hood of Police Officers NAGE and the Massachusetts Police  
15 Association, and six from nominations submitted by the Local  
16 Government Advisory Committee. Any member of the Com-  
17 mittee may be removed by the governor for neglect of duty,  
18 malfeasance in office, or upon request by the nominating body.  
19 The impartial Chairman shall be nominated by the Committee,  
20 and appointed by the governor.

21 In matters exclusively pertaining to municipal firefighters,

22 Committee members nominated for appointment by profes-  
23 sional police officer organizations shall not vote. In matters  
24 exclusively pertaining to municipal police officers, Committee  
25 members nominated for appointment by professional fire-  
26 fighter organizations shall not vote. All Committee members  
27 shall be eligible to vote on matters of common and general in-  
28 terest. The number of Committee members representing the  
29 Local Government Advisory Committee and the number of  
30 Committee members representing the professional firefighter  
31 and/or police organizations entitled to vote on any matter  
32 coming before the Committee shall be equal. The impartial  
33 Chairman is authorized to cast the deciding vote on any mat-  
34 ter relating to a dispute concerning negotiations over the terms  
35 and provisions of a collective bargaining agreement, including  
36 any decision to take jurisdiction over a dispute.

37 Members of the Committee shall serve without compensa-  
38 tion for such periods as this section shall remain in effect, but  
39 shall be entitled to reimbursement, out of any funds available  
40 for the purpose, for reasonable travel and other expenses  
41 actually incurred in the performance of their Committee du-  
42 ties. The impartial Chairman shall be compensated for time  
43 spent for Committee business on a per diem basis. The Com-  
44 mittee may purchase such supplies and equipment, and em-  
45 ploy such clerical and other personnel, who shall not be sub-  
46 ject to the provisions of Chapter 31 or Section 9A, of Chapter  
47 30, as then deem necessary to the conduct of Committee  
48 business out of any funds available for the purpose. Members  
49 of the Committee employed by a municipality shall be granted  
50 leave, if on duty, by the municipal employer for those reg-  
51 ularly scheduled work hours spent in the performance of Com-  
52 mittee business.

53 The Committee shall have oversight responsibility for all  
54 collective bargaining negotiations involving municipal police  
55 officers and firefighters. After notification by the Committee,  
56 the parties to any municipal police and fire negotiations shall  
57 file with the Committee, in such time as the Committee or-  
58 ders:

59 (1) copies of all requests to bargain, and of all bargain-  
60 ing agenda;

- 61 (2) notification of impasse in bargaining;
- 62 (3) notification of all pending unfair labor practice pro-  
63 ceedings between the parties;
- 64 (4) copies of any factfinding reports;
- 65 (5) notification of any impasse extending beyond completion  
66 of factfinding procedures; and
- 67 (6) copies of any collective bargaining agreements, and any  
68 relevant personnel ordinances, bylaws, and rules and  
69 regulations.

70 Notwithstanding any law to the contrary, the Committee  
71 shall, at its discretion, have jurisdiction in any dispute over  
72 the negotiation of the terms of a collective bargaining agree-  
73 ment involving municipal firefighters or police officers. The  
74 Committee or its representatives may meet with the parties  
75 to a dispute, conduct formal or informal conferences, and take  
76 other steps to encourage the parties to agree on the terms of  
77 a collective bargaining agreement or the procedures to resolve  
78 the dispute. The Committee shall make every effort to en-  
79 courage the parties to engage in good-faith negotiations to  
80 reach settlement.

81 Disputes the Committee does not exercise jurisdiction over  
82 shall be governed by all other applicable provisions of law.  
83 The Committee after consultation with the Board of Concilia-  
84 tion and Arbitration may remove from the jurisdiction of the  
85 Board any dispute in which the Board has exercised juris-  
86 diction and the Board shall then take no further action in  
87 such dispute. The Committee may, at any time, remand to the  
88 Board any dispute in which the Committee has exercised  
89 jurisdiction.

90 Notwithstanding any other provisions of law, the Commit-  
91 tee shall have exclusive jurisdiction, in matters over which it  
92 assumes jurisdiction, to determine if a genuine impasse exists  
93 and if the processes of collective bargaining have been ex-  
94 hausted. If the Committee determines that a genuine impasse  
95 exists, the Committee, notwithstanding any other provisions  
96 of law, shall:

- 97 (1) specify the issue or issues to be arbitrated; provided,  
98 however, that the Committee shall not specify for  
99 arbitration any issue excluded from arbitration pur-

- 100 suant to Section 4 of this Chapter. The Committee is  
101 authorized, however, to interpret the language of Sec. 4  
102 as it deals with firefighter assignments and transfers;
- 103 (2) nominate the panel of neutral arbitrators from which  
104 the arbitrator is to be selected by the parties; if the  
105 parties cannot agree on an arbitrator within a time pre-  
106 scribed by the Committee, the Committee shall appoint  
107 the neutral arbitrator; and
- 108 (3) determine the form of arbitration; issue by issue, last  
109 best offer, or such other form as the Committee deems  
110 appropriate.

111 Except as provided herein, arbitration proceedings in mat-  
112 ters over which the Committee assumes jurisdiction shall be  
113 conducted in accordance with the standards and provisions of  
114 Section 4. The Committee may direct the parties to a dis-  
115 pute to conduct further negotiations concerning issues not  
116 specified for arbitration.

117 The provisions of Chapter 150E of the General Laws not-  
118 withstanding, the Committee shall have jurisdiction in any  
119 particular dispute concerning job titles over which the parties  
120 have negotiated, to remove specific job titles from collective  
121 bargaining for individuals performing certain specified man-  
122 agement duties.

123 The Committee shall promulgate rules and regulations nec-  
124 essary for the performance and enforcement of the responsibil-  
125 ities and powers set forth herein in this section.

126 The provisions of Chapter 30A shall not apply to the Com-  
127 mittee.

1 SECTION 2. The provisions of this act shall take effect upon  
2 passage except that the Joint Labor-Management Committee  
3 established pursuant to Section 1 shall not exercise jurisdic-  
4 tion in any dispute before January 1, 1978. The provisions of  
5 this act shall terminate on June 30, nineteen hundred and sev-  
6 enty-nine. Any arbitration proceeding pending on June 30,  
7 nineteen hundred and seventy-nine shall be completed under  
8 the provisions of this act.

1 SECTION 3. It is hereby declared that the sections, para-  
2 graphs, sentences, clauses and phrases of this act are sever-

3 able, and if any phrase, clause, sentence, paragraph or section  
4 of this act shall be declared unconstitutional by the valid  
5 judgment or decree of any court of competent jurisdiction,  
6 such unconstitutionality shall not affect any of the remaining  
7 phrases, clauses, sentences, paragraphs and sections of this act.



