

By Mr. Burke, a petition (accompanied by bill, Senate, No. 954) of Edward L. Burke for legislation relative to arbitration of contracts for employment of the Massachusetts Bay Transportation Authority. Public Service.

**The Commonwealth of Massachusetts**

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

AN ACT RELATIVE TO ARBITRATION OF CONTRACTS FOR EMPLOYMENT OF THE MASSACHUSETTS BAY TRANSPORTATION AUTHORITY.

*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 one hundred and sixty-one A of the General Laws,  
2 as established by section eighteen of chapter five hundred and  
3 sixty-three of the acts of nineteen hundred and sixty-four, is  
4 hereby amended by striking out section nineteen and insert-  
5 ing in place thereof the following section: —

6 *Section 19.* The directors shall have the authority to bar-  
7 gain collectively with labor organizations representing em-  
8 ployees of the authority and to enter into agreements with  
9 such organizations relative to wages, salaries, hours, working  
10 conditions, health benefits, pensions and retirement allow-  
11 ances of such employees. The employees of the authority  
12 shall submit all grievances and disputes pursuant to arbitra-  
13 tion provisions in agreements existing at the time of the crea-  
14 tion of the authority or subsequently entered into with the  
15 authority, or in the absence of such provisions to the state  
16 board or body having similar powers and duties, provided how-  
17 ever, that such arbitration shall be governed by the following  
18 provisions:

19 (a) The arbitration panel shall make no award which pro-  
20 vides for more than two cost of living adjustments in any  
21 twelve month period, or for any cost of living adjustment  
22 which is greater than or equal to the consumer price index  
23 so-called of the United States Department of Labor.

24 (b) The arbitration panel shall base its award primarily  
25 upon:

26 (1) the financial ability of the authority to meet additional

27 costs,

28 (2) the statutorily required approval of the authority's op-  
29 erating budget by the advisory board and the secretary,

30 (3) the ability of the seventy-nine cities and towns and of  
31 the Commonwealth to meet additional costs,

32 (4) a comparison of the wages, salaries, hours, conditions  
33 and benefits of the employees of the authority to the wages,  
34 salaries, hours, conditions and benefits of employees of the  
35 cities, towns, counties and the Commonwealth.

36 (c) The award of the arbitrators shall be in writing, and  
37 shall include a discussion of each issue subject to the arbitra-  
38 tion which shall describe the finding of each issue in relation  
39 to the provisions of the foregoing paragraph. The award shall  
40 include a description of the cost in dollars to the authority of  
41 the award and an estimate of the effect of such award on the  
42 real property tax rates of each of the seventy-nine cities and  
43 towns.

44 (d) The provisions of general or special laws relative to the  
45 rates of wages, hours of employment and working conditions  
46 of public employees and relating to contracts for public works  
47 shall not apply to the authority nor to the employees thereof,  
48 nor to employees of contractors with the authority but the au-  
49 thority and its employees shall be governed with respect to  
50 hours of employment, rates of wages, salaries, hours, work-  
51 ing conditions, health benefits pensions and retirement allow-  
52 ances of its employees and with respect to contracts for con-  
53 struction, maintenance and repair by the laws relating to street  
54 railway companies.