

By Mr. Marsh of Wellesley, petition of the Massachusetts Municipal Association and Robert H. Marsh relative to the management rights of employers in cities and towns under the collective bargaining law. Public Service.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Two.

AN ACT RESTORING CERTAIN RIGHTS FOR MUNICIPAL EMPLOYERS.

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, as most
2 recently amended by Chapter 580 of the Acts of 1980, is hereby
3 further amended in Section 6 of Section 2 by adding the
4 following: — “Management rights as defined in this Section shall
5 be excluded from negotiations. Such rights include, but are not
6 limited to (a) the right to appoint, promote, assign, deploy,
7 transfer, schedule, and layoff employees; (b) the subcontracting
8 out of work; (c) the minimum manning or staffing of a shift,
9 vehicle, work station, or patrol; and (d) the right to determine the
10 level and kind of services to be provided by the municipality.

1 SECTION 2. Section 6 of Chapter 150E of the General Laws,
2 as most recently amended by Section 2 of Chapter 1078 of the
3 Acts of 1973, is hereby further amended by adding the
4 following: — “Management rights as defined in this Section shall
5 be excluded from negotiations. Such rights include, but are not
6 limited to (a) the right to appoint, promote, assign, deploy,
7 transfer, schedule, and layoff employees; (b) the subcontracting
8 out of work; (c) the minimum manning or staffing of a shift,
9 vehicle, work station, or patrol; and (d) the right to determine the
10 level and kind of services to be provided by the municipality.

1 SECTION 3. Section 9 of Chapter 150E of the General Laws
2 is hereby amended striking the second paragraph and inserting
3 the following: — After a reasonable period of mediation from the
4 date of appointment, not to exceed 20 days from the date of
5 appointment, said mediator shall issue to the board a report
6 indicating the results of his services in resolving the impasse.

1 SECTION 4. Section 9 of Chapter 150E is amended by
2 striking the sixth sentence of the fourth paragraph and inserting
3 the following: — The fact-finder shall transmit his findings and
4 any recommendations for the resolution of the impasse to the
5 board and to both parties within thirty days after the date of his
6 or her appointment.

1 SECTION 5. Section 9 of Chapter 150E of the General Laws
2 is amended by striking the ninth paragraph.