

HOUSE No. 4941

By Ms. Kerans of Danvers, petition of Sally P. Kerans and Douglas W. Petersen relative to the disciplining of certain employees of the Department of Mental Retardation, the Department of Mental Health and the Bridgewater State Hospital under the public employees collective bargaining law. Public Service.

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO THE PROTECTION OF CERTAIN DISABLED PERSONS FROM ABUSE.

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 8 of chapter 150E of the General Laws, as appearing
2 in the 1990 Official Edition, is hereby amended by adding the
3 following paragraph: —

4 An arbitrator shall find just cause to discipline an employee of
5 the department of mental retardation, the department of mental
6 health or the Bridgewater State Hospital up to and including
7 discharge, if the employee shows by a preponderance of the
8 evidence that the employee abused a client of the employer. For
9 the purposes of this section abuse shall include but not be limited
10 to: (1) an act or omission which results in physical or emotional
11 injury to to the client; (2) unauthorized physical aggression such
12 as hitting, kicking, slapping, tripping, spitting and pinching; (3)
13 verbal harassment, such as the use of derogatory, demeaning or
14 offensive names or language in speaking to or about a client and
15 (4) sexual harassment.

