

By Mrs. Newman of Cambridge, petition of John W. Teele and Mary B. Newman for legislation to promote negotiation of disputes in collective bargaining involving municipal employees. Public Service.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty-Nine.

AN ACT TO PROMOTE RESOLUTION OF DISPUTES IN MUNICIPAL COLLECTIVE BARGAINING.

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. Section 1781 of chapter 149 of the General
2 Laws is hereby amended by striking out the second paragraph
3 as it appears in section 2 of chapter 763 of the acts of 1965,
4 and inserting in place thereof the following:—

5 For the purposes of collective bargaining, the representative
6 of the municipal employer and the representative of the em-
7 ployees shall meet at reasonable times, including meetings
8 appropriately related to the budget making process, and shall
9 confer in good faith with respect to wages, hours and other
10 conditions of employment or the negotiation of an agreement,
11 or any question arising thereunder, and shall execute a written
12 contract incorporating any agreement reached, but neither
13 party shall be compelled to agree to a proposal or to make a
14 concession. Public employers are hereby empowered to enter
15 into written contracts with recognized or certified employee
16 organizations setting forth procedures to be invoked in the
17 event of disputes which reach an impasse. In the event that
18 any part or provision of a contract is in conflict with any law,
19 ordinance or by-law, such law, ordinance or by-law shall pre-
20 vail so long as such conflict remains. If funds are necessary to
21 implement such written agreement, a request for the necessary
22 appropriation shall be submitted to the legislative body. If
23 such request is rejected, the matter shall be returned to the

24 parties for further bargaining. The preceding two sentences
25 shall not apply to agreements reached by school committees
26 in cities and towns in which the provisions of section thirty-
27 four of chapter seventy-one are operative.

1 SECTION 2. Section 178J of chapter 149 of the General
2 Laws is hereby amended by striking out paragraph (*a*), as
3 appearing in section 2 of chapter 763 of the acts of 1965, and
4 inserting in place thereof the following:—

5 (*a*) If, after a reasonable period of negotiation over the
6 terms of an agreement, a dispute exists between a municipal
7 employer and an employee organization, or if no agreement
8 has been reached sixty days prior to the final date for setting
9 the municipal budget, the parties may jointly designate a per-
10 son or agency to undertake to mediate or otherwise resolve
11 such dispute or to conduct fact finding with respect thereto
12 in accordance with such procedure as the parties may accept
13 or adopt, which designation and acceptance or adoption of
14 procedure may be effected by written agreement of the parties
15 entered into prior to or at any time during such negotiations,
16 or either party or the parties jointly may petition the state
17 board of conciliation and arbitration to initiate fact finding.
18 The provisions of paragraphs (*b*) through (*f*) inclusive shall
19 apply to petitions to the board of conciliation and arbitration
20 and to fact finding pursuant thereto.

1 SECTION 3. Said section 178J is hereby further amended
2 by inserting at the end thereof the following paragraph:—

3 (*g*) The cost of conducting any procedure authorized by
4 paragraph (*a*) to be conducted upon joint designation of the
5 parties, including but not limited to the compensation of the
6 person or agency so designated, shall be divided equally
7 between the parties.