

HOUSE No. 2199

By Mr. Gallagher of Boston, petition of Thomas M. Gallagher, John A. Businger and Paul E. Caron for legislation to define the prohibition of a strike by public employees. Public Service.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Four.

AN ACT DEFINING THE PROHIBITION OF A STRIKE BY PUBLIC EMPLOYEES.

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 150E is amended by deleting Section 9A and substitut-
- 2 ing a new Section 9A as follows: —
- 3 (a) A strike shall not be prohibited unless: —
- 4 (1) It occurs sooner than thirty days after the delivery of a fact
- 5 finder's report to the parties pursuant to Section 9 of this chapter;
- 6 (2) It occurs after both parties have voluntarily submitted a
- 7 dispute to final and binding arbitration, or after a decision or
- 8 award has been issued by the arbitrator; or
- 9 (3) It will endanger the health, safety or welfare of the public.
- 10 The employer may petition the commission to make an investiga-
- 11 tion. If, after investigation, the commission determines that any
- 12 provision of this section has been or is about to be violated, it shall
- 13 immediately set requirements that must be complied with and may
- 14 institute appropriate proceedings before a three judge panel in the
- 15 superior court of the appropriate county.

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