SENATE . . . . . No. 1264

By Mr. Lynch, a petition (accompanied by bill, Senate, No. 1264) of Stephen F. Lynch, the SEIU, Local 509, by John J. Templeton, president, J. James Marzilli, Jr., Patricia D. Jehlen and other members of the General Court for legislation relative to the collective bargaining rights of employees of state funded human service providers. Commerce and Labor.

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO COLLECTIVE BARGAINING RIGHTS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the executive office of administration and finance is hereby authorized and directed to enter into a process to fund collective bargaining agreements between employee organization, representing employees of state funded human service providers, and the employers. Said process shall be as follows.

SECTION 2. As used in this chapter, the following words shall, unless the context clearly requires otherwise, have the following meanings:—

"Commission", the labor relations commission established under section nine O of chapter twenty-three.

"Cost items", the provisions of a collective bargaining agreement which require an appropriation by a legislative body.

"Employee", any individual who works in a state funded private sector human service agency.

"Employee organization", any lawful association, organization, federation, council, or labor union, the membership of which includes public employees, and assists its members to improve their wages, hours, and conditions of employment.

14 "Employer", a state funded private sector human service
15 provider agency, and any individual who is designated to repre-
16 sent one of these employers and act in its interest in dealing with
17 employees.
18 "Incremental cost items", the provisions of a collective bar-
19 gaining agreement that require, in respect of any fiscal year, an
20 appropriation by a legislative body that is greater than the appro-
21 priation so required in the preceding fiscal year; provided, how-
22 ever, that in respect of the first fiscal year or portion thereof
23 during which an agreement has effect, "incremental cost items"
24 shall mean the provisions of a collective agreement that require an
25 appropriation by a legislative body of monies that are newly
26 required by the employer to discharge the obligations arising
27 under the terms of such agreement.
28 "Legislative body", the general court in the case of the com-
29 monwealth or a county, the city council or town meeting in the
30 case of a city, town or district, or any body which has the power of
31 appropriation with respect to an employer as defined in this
32 chapter.

1 SECTION 3. Employees shall have the right of self-organiza-
2 tion and the right to form, join, or assist any employee organiza-
3 tion for the purpose of bargaining collectively as defined by the
4 national labor relations act. Nothing in this act shall supersede the
5 national labor relations act.

1 SECTION 4. Every such employer shall submit to the governor,
2 within thirty days after the date on which a collective bargaining
3 agreement is executed by the parties, a request for an appropria-
4 tion necessary to fund such incremental cost items contained
5 therein as are required to be funded in the then current fiscal year,
6 provided, however, that if such agreement first has effect in a sub-
7 sequent fiscal year, such request shall be submitted pursuant to the
8 provisions of this paragraph. Every such employer shall append to
9 such request an estimate of the monies necessary to fund such
10 incremental cost items contained therein as are required to be
11 funded in each fiscal year, during the term of the agreement, sub-
12 sequent to the fiscal year for which such request is made and shall
13 submit to the general court within the aforesaid thirty days, a copy

14 of such request and such appended estimate; provided, further,
15 that every such employer shall append to such request copies of
16 each said collective bargaining agreement, together with docu-
17 mentation and analyses of all changes to be made in the schedules
18 of permanent and temporary positions required by said agreement.
19 Whenever the governor shall have failed, within forty-five days
20 from the date on which such request shall have been received by
21 him, to recommend to the general court that the general court
22 appropriate the monies so requested, the request shall be referred
23 back to the parties for further bargaining.

1 SECTION 5. The commission shall maintain a list of employee
2 organizations. To be recognized as such and to be included in the
3 list an organization shall file with the commission a statement of
4 its name, the name and address of its secretary or other officer to
5 whom notices may be sent, the date of its organization, and its
6 affiliations, if any, with other organizations. Every employee orga-
7 nization shall notify the commission promptly of any change of
8 name or of the name and address of its secretary or other officer to
9 whom notices may be sent, or of its affiliations.
10 The commission shall indicate on the list which employee orga-
11 nizations are exclusive representatives of appropriate bargaining
12 units, the effective dates of their certification, and the effective
13 date and expiration date of any agreement reached between the
14 public employer and the exclusive representative. Copies of such
15 list shall be made available to interested parties upon request.
16 In the event of failure of compliance with this section, the com-
17 mission shall compel such compliance by appropriate order, said
18 order to be enforceable in the superior court for the county
19 wherein such violation has occurred in the same manner as other
20 orders of the commission under this chapter.