

SENATE. No. 1463

By Mr. Pacheco, a petition (accompanied by bill, Senate, No. 1463) of the Massachusetts AFL/CIO, by Robert J. Haynes, president, Marc R. Pacheco, Stephen F. Lynch, Marian Walsh and other members of the General Court for legislation relative to the lease of publicly owned infrastructure and private contracts for supplying public services. State Administration.

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO PROTECTING 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 In the event that work formerly performed by public employees
2 is privatized under Chapter 296 of the Acts of 1993, or that prop-
3 erty owned or leased by a public employer is assigned, sold, or
4 subleased to another employer to carry out tasks formerly per-
5 formed by public employees, following the initial privatization,
6 the privatization contractor or any other employer (hereinafter
7 successor employer,) shall be required to: (a) offer employment,
8 no later than thirty days prior to commencement of the work, in
9 order of seniority to non-supervisory nor managerial public
10 employees displaced either directly or indirectly as a result of pri-
11 vatization at terms and conditions consistent with those under
12 which they were employed, including, where applicable, those
13 provided in any collective bargaining agreement to which they
14 were subject, to the extent permitted by law, before hiring or
15 transferring other employees to carry out the privatized work, pro-
16 vided that nothing in this section shall require the follow-on
17 employer to maintain any particular staffing levels; (b) certify to
18 the predecessor employer, within thirty days of commencement of
19 the work entered into, or when required by law, its negotiated
20 binding written agreement with the predecessor's employees, or
21 their representatives, embodying those terms and conditions of
22 employment, provided that nothing in this section shall preclude

23 the successor employer from negotiating different terms and con-
24 ditions of employment with any collective bargaining representa-
25 tive for any bargaining unit to which the displaced public
26 employees may belong; (c) provide notice to the predecessor
27 employees' collective bargaining representative thirty days prior
28 to the commencement of any work formerly performed by public
29 employees, of any offers of employment to the predecessor's
30 employees. Nothing in this section shall require the successor
31 employer to undertake any obligation that is preempted by federal
32 law.