

By Mr. DiMasi of Boston, petition of Salvatore F. DiMasi and Byron Rushing for legislation to further regulate the right of public employees to engage in strikes. Public Service.

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**The Commonwealth of Massachusetts**

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

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AN ACT TO FURTHER REGULATE THE RIGHT TO STRIKE OF 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 Section 9A of chapter 150E of the General Laws as appearing  
2 in the 1990 Official Edition is hereby amended by striking out said  
3 section 9A and inserting in place thereof the following: —

4 Section 9A. (a) No public employee or employee or employee  
5 organization shall engage in a strike, work stoppage, slowdown  
6 or withholding of services by such public employees, or to  
7 condone or encourage same, except as otherwise provided in  
8 section (b) below.

9 (b) Whenever a strike occurs or is about to occur, the employer  
10 or the employee organization as the case may be, may petition  
11 the commission to make an investigation. The commission shall  
12 investigate and shall first determine whether such strike,  
13 slowdown or withholding of services so complained of, has been  
14 caused in whole or in part by unfair labor practices committed  
15 by the employer, as such are set forth in section 10(b) of the law.  
16 Whenever the commission shall determine, after investigation,  
17 that such strike, slowdown or withholding of services by such  
18 public employees has been proximately caused by the commission  
19 of unfair labor practices by the employer, the commission shall  
20 set forth its findings of fact and decision relative thereto, and such  
21 employees shall be deemed to engage in lawful, concerted activity  
22 for the purpose of collective bargaining or other mutual aid or  
23 protection, free from interference, restraint, or coercion.

24 Whenever, after investigation, the commission determines that  
25 such strike, slowdown or withholding of services so complained  
26 of, has not been caused in whole or in part by unfair labor practices  
27 committed by the employer, it shall immediately thereafter set  
28 requirements that must be prospectively complied with, including,  
29 but not limited to, instituting appropriate proceedings in the  
30 Superior Court for the county wherein such violation has occurred  
31 or is about to occur for enforcement of such requirements.