

By Mr. Wetherbee of Pepperell, petition of Bruce E. Wetherbee that provision be made for modification of impasse procedures in collective bargaining for public employees. Public Service.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty.

AN ACT PROVIDING FOR MODIFICATION OF IMPASSE PROCEDURES FOR PUBLIC SECTOR 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 Chapter 150E of the General Laws is hereby amended by
2 striking out section 9A and inserting in place thereof the following
3 section: —

4 *Section 9A.* (a) Except as provided in subsections (b) and (c) of
5 this section no public employee or employee organization shall
6 engage in a strike as defined in section 1. In the event a violation of
7 this paragraph occurs or is about to occur, the procedure
8 contained in paragraph (b) of this section shall be the exclusive
9 administrative and judicial remedy available to the employer, the
10 public and the commission.

11 (b) Whenever a strike occurs or is about to occur, the employer
12 shall petition the commission to conduct an expedited hearing on
13 the matter. The expedited hearing shall be conducted by the
14 commission or its appointee only after proper notice, including the
15 specific facts upon which the petition is based, is provided to all
16 parties alleged to have engaged in a strike. The parties alleged to be
17 in violation of paragraph (a) shall evidence in its behalf.

18 If upon all the testimony, the commission determines that a
19 violation of paragraph (a) is occurring or is about to occur and
20 further determines, based upon the evidence presented at the
21 hearing on the employer's petition that the strike presents a clear
22 and specific danger to the public health and safety, it shall
23 immediately set requirements that must be complied with to
24 eliminate the specific danger. The commission simultaneously with

25 any other remedial orders it issues pursuant to this section may
26 order the employer and the employee organization involved to
27 engage in continuous collective bargaining under the auspices of a
28 mediator approved by the commission until the dispute is resolved.

29 (c) The commission, upon determining that any part of its order
30 has not been complied with or is being violated shall institute
31 appropriate proceedings in the superior court for the county
32 wherein such non-compliance or violation has occurred or in the
33 superior court in and for the county of Suffolk. The commission
34 shall present to the superior court in all such proceedings a full and
35 detailed statement of the facts upon which it relied in making its
36 finding that a strike affecting the public health and safety is
37 occurring or about to occur, a statement of its disposition of all
38 complaints alleging a violation of section 10(a) by the petitioning
39 employer and a statement of its determination of the specific issues
40 which created the bargaining impasse.