

The Commonwealth of Massachusetts

MESSAGE FROM HIS EXCELLENCY THE GOVERNOR
RETURNING WITH HIS OBJECTIONS THERETO IN
WRITING, UNDER THE PROVISIONS OF ARTI-
CLE II OF SECTION I OF CHAPTER I OF PART
THE SECOND OF THE CONSTITUTION, THE
ENGROSSED BILL RELATIVE TO THE
COLLECTIVE BARGAINING UNIT OF
THE METROPOLITAN DISTRICT
COMMISSION POLICE
(see House, No. 6524)

November 21, 1977.

The Commonwealth of Massachusetts

EXECUTIVE DEPARTMENT

STATE HOUSE BOSTON 02133

November 21, 1977.*To the Honorable Senate and House of Representatives:*

I am returning, herewith, without my approval, House Bill No. 6524, entitled, "An Act Relative to the Collective Bargaining Unit of the Metropolitan District Commission Police."

H. 6524 would establish a separate collective bargaining unit for Metropolitan District Commission police officers below the rank of captain. These officers are currently part of a bargaining unit composed of various law enforcement personnel. The effect of this bill would be to create a third unit for police and law enforcement officers, one having been created by legislative action without my approval two years ago for certain positions in the uniformed branch of the state police.

The creation of another collective bargaining unit will in this case, just as it has done in the case of the State Police, make the collective bargaining process much more difficult. Instead of arriving at comparable contracts, each group of law enforcement employees will feel compelled to outgain the other groups at the bargaining table. The result will be additional instability in our labor relations, a decline in employee morale, and a possible negative effect on the provision of vital law enforcement services.

If this veto is overridden, serious legal questions will arise regarding the validity of the current contract with unit 5, the law enforcement unit that now includes the MDC police. That contract has more than two and one half years left in its term. The proponents of this bill have pushed for its passage at this time because they want to withdraw from this already-signed contract and negotiate for a new one. Even if this is a worthwhile reason for passing this legislation, which I do not believe it is, the legislation may not accomplish that purpose. The Labor Relations Commission, and eventually the courts, will be faced with the issue of when

bargaining must legally commence with the representatives of any newly-created unit, and whether the existing contract has been abrogated with respect to those members of the new unit who formerly bargained in unit 5. The amendment I previously proposed, making it clear that the current contract would not be affected, which you chose not to adopt, would have resolved these thorny legal issues and avoided a great deal of the administrative proceedings and possible litigation that will ensue if this bill becomes law.

It is unfortunate that special interest legislation such as this, designed to benefit a particular union that hopes to organize the newly-created unit, has come this close to becoming law, particularly when we have no concrete evidence that a majority of the affected police officers support this change in their bargaining unit. For the collective bargaining process to work effectively on the state level, it must remain as free as possible from outside political influence. I regret that such has not been the case in this instance.

For these reasons, I cannot in good conscience sign H. 6524.

Respectfully submitted,

Michael S. Dukakis

Governor

Commonwealth of Massachusetts