

By Mr. Harris of Marblehead, petition of Norris W. Harris and another for legislation to define the term "supervisory" under the state labor relations law. Commerce and Labor.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Four.

AN ACT TO DEFINE THE TERM SUPERVISOR UNDER THE STATE LABOR RELATIONS ACT.

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 1. Section 2 of chapter 105A as most recently
2 amended by chapter 882 of the acts of 1970 is hereby further
3 amended by striking subsection (3) and adding in place therefore
4 a new subsection (3): —

5 (3) Except as otherwise provided in section three A, the term
6 "employee" shall include any employee, and shall not be limited
7 to the employees of a particular employer, unless the chapter
8 explicitly states otherwise, and shall include any individual whose
9 work has ceased as a consequence of, or in connection with, any
10 current labor dispute or because of any unfair labor practice, and
11 who has not obtained any other regular and substantially
12 equivalent employment, and shall include any nurse or non-
13 professional employee of a health care facility or of any
14 non-profit institution, except members of religious orders, but
15 shall not include any individual employed as a supervisor as
16 defined in section 2 of chapter 150A subsection 12 or any
17 individual employed as an agricultural worker, except as provided
18 in section five A, or in the domestic service of any family or
19 person at his home, or any individual employed by his parent or
20 spouse.

1 SECTION 2. Section 2 of chapter 150A as most recently
 2 amended by chapter 882 of the acts of 1970 is hereby further
 3 amended by adding at the end thereof a new subsection (12): -

4 (12) The term "supervisor" shall mean any individual having
 5 authority, in the interest of the employer, to hire, transfer,
 6 suspend, lay off, recall, promote, discharge, assign, reward, or
 7 discipline other employees, or responsibly to direct them, or to
 8 adjust their grievances, or effectively to recommend such action,
 9 if in connection with the foregoing the exercise of such authority
 10 is not of a merely routine or clerical nature, but requires the use
 11 of independent judgment.