

# HOUSE . . . . . No. 906

By Mr. Shea of Worcester, petition of the Mass. State Labor Council, AFL-CIO, and C. Vincent Shea for legislation to protect locked out employees. Commerce and Labor.

## The Commonwealth of Massachusetts

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

### AN ACT TO PROTECT LOCKED OUT 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 1. Subsection (b) of the General Laws is further  
2 amended by deleting the words "or lockout" in said subsec-  
3 tion (b).

1 SECTION 2. The following new subsection (5) is hereby  
2 added to section 25 (b) of Chapter 151A of the General  
3 Laws: —

4 (5) The individual is out of work as a result of a lockout.  
5 A lockout exists whether or not such action is to obtain for  
6 the employer more advantageous terms when (1) an employer  
7 fails to provide employment to his employees with whom he  
8 is engaged in a labor dispute, either by physically closing his  
9 plant or informing his employees that there will be no work  
10 until the labor dispute has terminated, or (2) an employer  
11 makes an announcement that work will be available after  
12 the expiration of the existing contract only under the terms  
13 and conditions which are less favorable to the employees than  
14 those current immediately prior to such announcement; pro-  
15 vided in either event the recognized or certified bargaining  
16 agent shall have advised the employer that the employees with  
17 whom he is engaged in the labor dispute are ready, able and  
18 willing to continue working pending the negotiation of a new  
19 contract under the terms and conditions current immediately  
20 prior to such announcement.

21 In a lockout, as herein defined, an otherwise eligible indi-

22 vidual shall be entitled to benefits regardless of the other pro-  
23 visions of this subsection and its subsections (1) and (2).

The Commission of Investigation

to be the Commission of Investigation

AN ACT TO PROVIDE FOR THE COMMISSION OF INVESTIGATION

Enacted by the Commission of Investigation of the Government of the State of New York, in and for the State of New York, on this 1st day of January, 1972.

Section 1. Subsection (c) of section 17-a of the Government Law Article is amended by deleting the words "or defined" in said subsection (c).

Section 2. The following new subsections are hereby added to section 17-a of chapter 17-a of the Government Law Article -

- 1 (1) The definition in section 17-a of the word "employee" shall be amended to read as follows:
- 2 A person shall be deemed to be an employee if he is engaged in a job or service which is an integral part of the business of the State or of a political subdivision of the State, and he is engaged in such job or service under the direction and control of the State or of a political subdivision of the State, and he is engaged in such job or service for a substantial period of time.
- 3 (2) The definition in section 17-a of the word "employee" shall be amended to read as follows:
- 4 A person shall be deemed to be an employee if he is engaged in a job or service which is an integral part of the business of the State or of a political subdivision of the State, and he is engaged in such job or service under the direction and control of the State or of a political subdivision of the State, and he is engaged in such job or service for a substantial period of time.
- 5 (3) The definition in section 17-a of the word "employee" shall be amended to read as follows:
- 6 A person shall be deemed to be an employee if he is engaged in a job or service which is an integral part of the business of the State or of a political subdivision of the State, and he is engaged in such job or service under the direction and control of the State or of a political subdivision of the State, and he is engaged in such job or service for a substantial period of time.
- 7 (4) The definition in section 17-a of the word "employee" shall be amended to read as follows:
- 8 A person shall be deemed to be an employee if he is engaged in a job or service which is an integral part of the business of the State or of a political subdivision of the State, and he is engaged in such job or service under the direction and control of the State or of a political subdivision of the State, and he is engaged in such job or service for a substantial period of time.
- 9 (5) The definition in section 17-a of the word "employee" shall be amended to read as follows:
- 10 A person shall be deemed to be an employee if he is engaged in a job or service which is an integral part of the business of the State or of a political subdivision of the State, and he is engaged in such job or service under the direction and control of the State or of a political subdivision of the State, and he is engaged in such job or service for a substantial period of time.
- 11 (6) The definition in section 17-a of the word "employee" shall be amended to read as follows:
- 12 A person shall be deemed to be an employee if he is engaged in a job or service which is an integral part of the business of the State or of a political subdivision of the State, and he is engaged in such job or service under the direction and control of the State or of a political subdivision of the State, and he is engaged in such job or service for a substantial period of time.
- 13 (7) The definition in section 17-a of the word "employee" shall be amended to read as follows:
- 14 A person shall be deemed to be an employee if he is engaged in a job or service which is an integral part of the business of the State or of a political subdivision of the State, and he is engaged in such job or service under the direction and control of the State or of a political subdivision of the State, and he is engaged in such job or service for a substantial period of time.
- 15 (8) The definition in section 17-a of the word "employee" shall be amended to read as follows:
- 16 A person shall be deemed to be an employee if he is engaged in a job or service which is an integral part of the business of the State or of a political subdivision of the State, and he is engaged in such job or service under the direction and control of the State or of a political subdivision of the State, and he is engaged in such job or service for a substantial period of time.
- 17 (9) The definition in section 17-a of the word "employee" shall be amended to read as follows:
- 18 A person shall be deemed to be an employee if he is engaged in a job or service which is an integral part of the business of the State or of a political subdivision of the State, and he is engaged in such job or service under the direction and control of the State or of a political subdivision of the State, and he is engaged in such job or service for a substantial period of time.
- 19 (10) The definition in section 17-a of the word "employee" shall be amended to read as follows:
- 20 A person shall be deemed to be an employee if he is engaged in a job or service which is an integral part of the business of the State or of a political subdivision of the State, and he is engaged in such job or service under the direction and control of the State or of a political subdivision of the State, and he is engaged in such job or service for a substantial period of time.
- 21 (11) The definition in section 17-a of the word "employee" shall be amended to read as follows:
- 22 A person shall be deemed to be an employee if he is engaged in a job or service which is an integral part of the business of the State or of a political subdivision of the State, and he is engaged in such job or service under the direction and control of the State or of a political subdivision of the State, and he is engaged in such job or service for a substantial period of time.