

By Mr. Thompson of Cambridge, petition of the National Association of Government Employees and Alvin E. Thompson relative to the exercise of management rights by the Massachusetts Bay Transportation Authority. Public Service.

The Commonwealth of Massachusetts

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

AN ACT SETTING STANDARDS FOR THE EXERCISE OF MANAGEMENT RIGHTS BY THE MASSACHUSETTS BAY TRANSPORTATION AUTHORITY.

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. Paragraph (B) of Section 19 of chapter 161A is
2 hereby amended so as to read as follows: —

3 (B) No action set forth in paragraph (i) or paragraph (ii)(A)
4 shall be sustained if, in a proceeding invoked in accordance with
5 the provisions of such clause (C), the employee shall establish by
6 a preponderance of the evidence that it was based upon race, color,
7 religion, sex, age, national origin, handicapping condition, marital
8 status, or political affiliation or activities or union activities
9 or union organizing of the employees; a reprisal against the
10 employee for disclosure of information by an employee which
11 the employee reasonably believes evidences a violation of any law,
12 rule or regulation or mismanagement, a gross waste of funds, or
13 abuse of authority; a reprisal against any employee for the refusal
14 to any person to engage in political activity.

1 SECTION 2. Paragraph (C) of Section 19 of Chapter 161A is
2 hereby amended so as to read as follows: —

3 (C) The parties may include in any written agreement a
4 grievance procedure culminating in final and binding arbitration
5 which may be invoked in the event any employee of the authority
6 is aggrieved by any action taken under this section.

