

five, all precincts of ward six, and precinct eight of ward eight, of the city of Worcester, in the county of Worcester.

*Seventeenth Worcester.* - Consisting of the town of Leicester, and all precincts of ward seven and precincts one, two, four, five, six and seven of ward eight, of the city of Worcester, all in the county of Worcester.

SECTION 2. The supreme judicial court shall have jurisdiction of any petition for a writ of mandamus relative to the establishment of one hundred and sixty representative districts under section one of this act. Every such petition shall be filed in said court within ten days after the effective date of this act.

*Approved June 10, 1977.*

**Chap. 278. AN ACT RELATIVE TO COLLECTIVE BARGAINING BY JUDICIAL EMPLOYEES.**

*Be it enacted, etc., as follows:*

SECTION 1. The definition of "Employee" or "public employee" in section 1 of chapter 150E of the General Laws is hereby amended by striking out the first sentence, as amended by section 11 of chapter 689 of the acts of 1975, and inserting in place thereof the following sentence:- "Employee" or "public employee", any person in the executive or judicial branch of a government unit employed by a public employer except elected officials, appointed officials, members of any board or commission, representatives of any public employer, including the heads, directors and executive and administrative officers of departments and agencies of any public employer, and other managerial employees or confidential employees, and members of the militia or national guard and employees of the commission and officers and employees within the departments of the state secretary, state treasurer, state auditor and attorney general.

SECTION 2. Said definition of "Employer" or "public employer" in said section 1 of said chapter 150E is hereby further amended by adding the following sentence:- In the case of judicial employees, the employer shall be the chief justice of the supreme judicial court or any individual who is designated by him to represent him and act in his interest in dealing with judicial employees.

SECTION 3. The last paragraph of section 3 of said chapter 150E, added by chapter 591 of the acts of 1975, is hereby amended by adding the following sentence:- The appropriate bargaining units in the case of judicial employees shall be a pro-

fessional unit composed of all probation officers and court officers and a unit composed of all nonmanagerial or nonconfidential staff and clerical personnel employed by the judiciary.

SECTION 4. Said chapter 150E is hereby further amended by striking out section 7, as most recently amended by section 21 of chapter 480 of the acts of 1976, and inserting in place thereof the following section:-

*Section 7. (a)* Any collective bargaining agreement reached between the employer and the exclusive representative shall not exceed a term of three years. The agreement shall be reduced to writing, executed by the parties, and a copy of such agreement shall be filed with the commission by the employer.

*(b)* The employer, other than any employer that is a board of trustees of the community colleges, state colleges, or state universities, or the judiciary, shall submit to the appropriate legislative body within thirty days after the date on which the agreement is executed by the parties, a request for an appropriation necessary to fund the cost items contained therein; provided, that if the general court is not in session at that time, such request shall be submitted at the next session thereof. If the appropriate legislative body duly rejects the request for an appropriation necessary to fund the cost items, such cost items shall be returned to the parties for further bargaining. The provisions of the preceding two sentences shall not apply to agreements reached by school committees in cities and towns in which the provisions of section thirty-four of chapter seventy-one are operative.

*(c)* The provisions of this paragraph shall apply to every employer that is a board of trustees of the community colleges, state colleges or state universities and the judiciary. Every such employer shall submit to the governor, within thirty days after the date on which a collective agreement is executed by the parties, a request for an appropriation necessary to fund such incremental cost items contained therein as are required to be funded in the then current fiscal year; provided, however, that if such agreement first has effect in a subsequent fiscal year, such request shall be submitted pursuant to the provisions of this paragraph. Every employer to whom this subsection applies shall append to such request an estimate of the monies necessary to fund such incremental cost items contained therein as are required to be funded in each fiscal year, during the term of the agreement, subsequent to the fiscal year for which such request is made. The employer shall submit to the general court within the aforesaid thirty days, a copy of such request and such appended estimate. Whenever the governor shall have failed, within sixty

days from the date on which such request shall have been received by him, to recommend to the general court that the general court appropriate the monies so requested, the request shall be referred back to the parties for further bargaining.

(d) If a collective bargaining agreement reached by the employer and the exclusive representative contains a conflict between matters which are within the scope of negotiations pursuant to section six of this chapter and any municipal personnel ordinance, by-law, rule or regulation; the regulations of a police chief pursuant to section ninety-seven A of chapter forty-one; the regulations of a fire chief or other head of a fire department pursuant to chapter forty-eight; any of the following statutory provisions or rules or regulations made thereunder:

(a) the second paragraph of section twenty-eight of chapter seven;

(a<sup>1/2</sup>) section six E of chapter twenty-one;

(b) sections fifty to fifty-six, inclusive, of chapter thirty-five;

(c) section twenty-four A, paragraphs (4) and (5) of section forty-five, paragraphs (1), (4) and (10) of section forty-six, section forty-nine, as it applies to allocation appeals, and section fifty-three of chapter thirty;

(d) sections twenty-one A and twenty-one B of chapter forty;

(e) sections one hundred and eight D to one hundred and eight I, inclusive, and sections one hundred and eleven to one hundred and eleven I, inclusive, of chapter forty-one;

(f) section thirty-three A of chapter forty-four;

(g) sections fifty-seven to fifty-nine, inclusive, of chapter forty-eight;

(g<sup>1/2</sup>) section sixty-two of chapter ninety-two;

(h) sections fourteen to seventeen E, inclusive, of chapter one hundred and forty-seven;

(i) sections thirty to forty-two, inclusive, of chapter one hundred and forty-nine;

(j) section twenty-eight A of chapter seven;

(k) sections forty-five to fifty, inclusive, of chapter thirty;

(l) sections thirty, thirty-three and thirty-nine of chapter two hundred and seventeen;

(m) sections sixty-one, sixty-three and sixty-eight of chapter two hundred and eighteen;

(n) sections sixty-nine to seventy-three, inclusive, and seventy-five, eighty and eighty-nine of chapter two hundred and twenty-one;

(o) section fifty-three C of chapter two hundred and sixty-two;

(p) sections eighty-four, eighty-five, eighty-nine, and ninety-nine B of chapter two hundred and seventy-six, the terms of the collective bargaining agreement shall prevail.

*Approved June 13, 1977.*

**EMERGENCY LETTER — June 13, 1977 @ 11:04 A. M.**

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**Chap. 279. AN ACT AUTHORIZING CERTAIN CASH PRIZES AT BAZAARS.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith additional funds for charitable organizations by allowing said organizations operating bazaars to offer certain cash prizes, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

Section 7A of chapter 271 of the General Laws is hereby amended by striking out the definition “Bazaar”, as appearing in chapter 810 of the acts of 1969, and inserting in place thereof the following definition:-

“Bazaar”, a place maintained by the sponsoring organization for disposal by means of chance of one or both of the following types of prizes: (1) merchandise, of any value, (2) cash awards, not to exceed five dollars each.

*Approved June 13, 1977.*

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**Chap. 280. AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF THE COUNTY OF ESSEX TO EXPEND A CERTAIN SUM OF MONEY FOR THE PAYMENT OF DEBTS INCURRED DUE TO THE OPERATION OF THE FORMER ESSEX COUNTY TRAINING SCHOOL.**

*Be it enacted, etc., as follows:*

SECTION 1. The county commissioners of the county of Essex are hereby authorized to expend from available funds a sum of money not to exceed thirty-nine thousand four hundred and ninety-two dollars in the aggregate for the payment of debts incurred for the maintenance and supplies and contractual services of the former Essex County Training School for the budgetary period ending June thirtieth, nineteen hundred and seventy-seven.

SECTION 2. This act shall take effect upon its passage.

*Approved June 13, 1977.*