SENATE . . . . . No. 2056

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act to restore collective bargaining rights for employees of the MBTA.

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 140 of chapter 25 of the Acts of 2009 is amended by adding at the end thereof the
2 following:

3 "; Provided, however, that nothing in this Section shall restrict the authority of the
4 Massachusetts Bay Transportation Authority to bargain collectively with the authorized
5 collective bargaining representatives of its employees over the establishment of a Health and
6 Welfare Trust Plan, as described in the following provisions, or to pay the cost in whole or in
7 part as determined by collective bargaining, of any supplementary benefits or coverage provided
8 under such a Trust Plan. The Health and Welfare Trust Plan authorized under the preceding
9 sentence may provide for MBTA employees and retirees such supplementary payments, payroll
10 deduction arrangements, supplementary benefit coverages, workplace health and treatment
11 benefits, life and disability income benefits, and the like, as the Massachusetts Bay
12 Transportation Authority and (when applicable) authorized collective bargaining representatives
13 may determine, funded in a manner that they also determine, from time to time. The Trust Plan
14 benefits and coverages and other contents shall be determined so as to avoid duplication of
15 Group Insurance Commission benefits and coverages. Disputes that arise during collective
16 bargaining over the Plan contents and covered benefits shall be resolved in accordance with the
17 dispute resolution procedures of chapter 161A of the General Laws. The Trust Plan shall be
18 designed so as to provide payroll and income tax reduction under the Federal and State tax
19 codes, in compliance with such laws and regulations that pertain to such arrangements. The
20 Trust Plan will be administered by no fewer than seven Trustees, three appointed by the
21 Massachusetts Bay Transportation Authority and three appointed by various participating
22 collective bargaining representatives in the same manner used to appoint trustees of the Pension
23 Plan, with one neutral Trustee selected by the other six from a list of seven experienced neutrals
24 provided by the American Arbitration Association. Each Trustee may strike at least one name
25 from the list until only one remains. The neutral Trustee shall vote only on occasions of a tie

26 vote by the Trustees, subject to such rules and procedures as the Trustees shall adopt and publish.
27 The Trustees shall have no authority to establish benefits or to otherwise alter the Trust Plan".