

HOUSE No. 3729

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relative to Interest Arbitration..

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 4B of chapter 1078 of the Acts of 1973, as most recently amended
2 by section 100 of Chapter 412 of the Acts of 1991, is hereby further amended by striking out the
3 first 4 paragraphs and inserting in place thereof the following 3 paragraphs:-

4 If an employee organization duly recognized as representing the bargaining unit
5 of the uniformed members of the state police is engaged in successor contract negotiations with
6 the employer which have not resulted in an agreement, the employee organization shall petition
7 the board to make an investigation.

8 If, after an investigation, the board determines that the negotiations have not
9 resulted in agreement, the board shall notify the employer and the employee organization that the
10 unresolved issues in the negotiations shall be resolved by an arbitration before an arbitrator
11 selected by the employee organization and the employer pursuant to the voluntary labor
12 arbitration rules and procedures of the American Arbitration Association.

13 The arbitrator so designated shall establish a hearing schedule, shall preside over
14 the hearing, and shall take evidence.

15 SECTION 2. The fifth paragraph of said section 4B of said Chapter 1078 of the Acts of
16 1973, as most recently amended by section 1 of Chapter 726 of the Acts of 1985, is hereby
17 further amended by striking out the second sentence.

18 SECTION 3. Said fifth paragraph of said section 4B of said Chapter 1078 of the Acts of
19 1973, as most recently amended by said section 1 of said Chapter 726 of the Acts of 1985, is
20 hereby further amended by striking out, in the fifth sentence, the word “arbitrators” and inserting
21 in the place thereof the following word: - arbitrator.

22 SECTION 4. Section 8A of said Chapter 1078 of the Acts of 1973, as most recently
23 amended by section 2 of said Chapter 726 of the Acts of 1985, is hereby repealed.

24 SECTION 5. Said section 4B of said chapter 1078 of the Acts of 1973, as most recently
25 amended by said Chapter 333 of the Acts of 1988, is hereby further amended by striking out, in
26 the 10th paragraph, the following words, “that the scope of arbitration in police matters shall be
27 limited to wages, hours, and conditions of employment and shall not include the following
28 matters of inherent managerial police: the right to appoint, promote, assign, and transfer
29 employees. Assignments shall not be within the scope; provided however, that the subject
30 matters of initial station assignment upon appointment or promotion shall be within the scope of
31 arbitration. The subject matter of transfer shall not be within the scope of arbitration; provided,
32 however, that the subject matters of relationship of seniority to transfers and disciplinary and
33 punitive transfers shall be within the scope of arbitration” and inserting in the place thereof the

- 34 following:- that the scope of arbitration shall include wages, hours, standards of productivity and
- 35 performance, and any other term and condition of employment.