

HOUSE No. 2482

The Commonwealth of Massachusetts

PRESENTED BY:

Byron Rushing

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to further regulate the right to strike of public employees.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|---------------------------|-----------------------|------------------|
| <i>Byron Rushing</i> | <i>9th Suffolk</i> | <i>1/20/2011</i> |
| <i>Gloria L. Fox</i> | <i>7th Suffolk</i> | <i>2/3/2011</i> |
| <i>Elizabeth A. Malia</i> | <i>11th Suffolk</i> | <i>2/3/2011</i> |
| <i>Martha M. Walz</i> | <i>8th Suffolk</i> | <i>2/2/2011</i> |
| <i>Kay Khan</i> | <i>11th Middlesex</i> | <i>2/4/2011</i> |

HOUSE No. 2482

By Mr. Rushing of Boston, a petition (accompanied by bill, House, No. 2482) of Byron Rushing and others for legislation to further regulate the right to strike of public employees. Public Service.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 2591 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act to further regulate the right to strike of public 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. Section 9A of chapter 150E of the General Laws, as appearing in the 2004
2 Official

3 Edition, is hereby amended by striking out said section 9A and inserting in place thereof
4 the following:

5 (a) No public employee or employee organization shall engage in a strike, work stoppage,
6 slowdown or withholding of services by such public employees, or to condone or encourage the
7 same, except as otherwise provided in section (b) below.

8 (b) Whenever a strike occurs or is about to occur, the employer of the employee
9 organization as the case may be, may petition the commission to make an investigation. The

10 commission shall investigate and shall first determine whether such strike, slow-down or
11 withholding of services so complained of, has been caused in whole or in part by unfair labor
12 practices committed by the employer, as such are set forth in section 10. Whenever the
13 commission shall determine, after investigation, that such strike, slowdown or withholding of
14 services by such public employees has been proximately caused by the commission of unfair
15 labor practices by the employer, the commission shall set forth its findings of fact and decision
16 relative thereto, and such employees shall be deemed to engage in lawful, concerted activity for
17 the purpose of collective bargaining or other mutual aid or protection, free from interference,
18 restraint or coercion.