

**HOUSE . . . . . No. 1434**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*James J. O'Day*

*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 relative to public higher education collective labor contracts.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>James J. O'Day</i>	<i>14th Worcester</i>	<i>1/18/2017</i>
<i>John J. Lawn, Jr.</i>	<i>10th Middlesex</i>	<i>1/18/2017</i>
<i>James R. Miceli</i>	<i>19th Middlesex</i>	<i>1/18/2017</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>	<i>2/1/2017</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>	<i>1/23/2017</i>
<i>Paul Brodeur</i>	<i>32nd Middlesex</i>	<i>2/2/2017</i>
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>	<i>2/1/2017</i>
<i>Thomas J. Calter</i>	<i>12th Plymouth</i>	<i>2/2/2017</i>
<i>James M. Cantwell</i>	<i>4th Plymouth</i>	<i>1/30/2017</i>
<i>Gailanne M. Cariddi</i>	<i>1st Berkshire</i>	<i>2/2/2017</i>
<i>Brendan P. Crighton</i>	<i>Third Essex</i>	<i>2/1/2017</i>
<i>Daniel Cullinane</i>	<i>12th Suffolk</i>	<i>2/2/2017</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>2/3/2017</i>
<i>Diana DiZoglio</i>	<i>14th Essex</i>	<i>2/2/2017</i>
<i>Daniel M. Donahue</i>	<i>16th Worcester</i>	<i>2/1/2017</i>
<i>Eileen M. Donoghue</i>	<i>First Middlesex</i>	<i>2/3/2017</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/3/2017</i>
<i>Tricia Farley-Bouvier</i>	<i>3rd Berkshire</i>	<i>2/3/2017</i>

<i>Carole A. Fiola</i>	<i>6th Bristol</i>	<i>2/1/2017</i>
<i>Jennifer L. Flanagan</i>	<i>Worcester and Middlesex</i>	<i>2/3/2017</i>
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>	<i>1/26/2017</i>
<i>Patricia A. Haddad</i>	<i>5th Bristol</i>	<i>2/1/2017</i>
<i>Stephan Hay</i>	<i>3rd Worcester</i>	<i>2/2/2017</i>
<i>Natalie Higgins</i>	<i>4th Worcester</i>	<i>2/3/2017</i>
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>	<i>1/25/2017</i>
<i>Jay R. Kaufman</i>	<i>15th Middlesex</i>	<i>2/3/2017</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>2/2/2017</i>
<i>Peter V. Kocot</i>	<i>1st Hampshire</i>	<i>2/1/2017</i>
<i>Jack Lewis</i>	<i>7th Middlesex</i>	<i>1/26/2017</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>	<i>1/31/2017</i>
<i>Paul W. Mark</i>	<i>2nd Berkshire</i>	<i>2/3/2017</i>
<i>Thomas M. McGee</i>	<i>Third Essex</i>	<i>1/30/2017</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>2/3/2017</i>
<i>Smitty Pignatelli</i>	<i>4th Berkshire</i>	<i>2/3/2017</i>
<i>John W. Scibak</i>	<i>2nd Hampshire</i>	<i>2/1/2017</i>
<i>Paul Tucker</i>	<i>7th Essex</i>	<i>2/3/2017</i>
<i>Aaron Vega</i>	<i>5th Hampden</i>	<i>1/30/2017</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>	<i>2/1/2017</i>
<i>Timothy R. Whelan</i>	<i>1st Barnstable</i>	<i>2/1/2017</i>
<i>Susannah M. Whipps</i>	<i>2nd Franklin</i>	<i>2/3/2017</i>

**HOUSE . . . . . No. 1434**

By Mr. O'Day of West Boylston, a petition (accompanied by bill, House, No. 1434) of James J. O'Day and others relative to public higher education collective bargaining agreement labor contracts. Public Service.

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninetieth General Court  
(2017-2018)**

An Act relative to public higher education collective labor contracts.

*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 7 of Chapter 150E of the General Laws, as appearing in the 2014 Official  
2 Edition, is hereby amended by striking out paragraph (c) and inserting in place thereof the  
3 following two paragraphs:

4 (c) The provisions of this paragraph shall apply to the chief justice for administration and  
5 management, a county sheriff, the PCA quality home care workforce council, the department of  
6 early education and care with regard to bargaining with family child care providers, the alcoholic  
7 beverage control commission, Massachusetts Department of Transportation and the state lottery  
8 commission.

9 Every such employer shall submit to the governor, within thirty days after the date on  
10 which a collective bargaining agreement is executed by the parties, a request for an appropriation  
11 necessary to fund such incremental cost items contained therein as are required to be funded in  
12 the then current fiscal year, provided, however, that if such agreement first has effect in a

13 subsequent fiscal year, such request shall be submitted pursuant to the provisions of this  
14 paragraph. Every such employer shall append to such request an estimate of the monies  
15 necessary to fund such incremental cost items contained therein as are required to be funded in  
16 each fiscal year, during the term of the agreement, subsequent to the fiscal year for which such  
17 request is made and shall submit to the general court within the aforesaid thirty days, a copy of  
18 such request and such appended estimate; provided, further, that every such employer shall  
19 append to such request copies of each said collective bargaining agreement, together with  
20 documentation and analyses of all changes to be made in the schedules of permanent and  
21 temporary positions required by said agreement. Whenever the governor shall have failed,  
22 within forty-five days from the date on which such request shall have been received by him, or  
23 ninety days prior to the start of each fiscal year in which incremental cost items must be paid, to  
24 recommend to the general court that the general court appropriate the monies so requested, the  
25 request or the incremental cost items shall be referred back to the parties for further bargaining.

26 (c 1/2) The provisions of this paragraph shall apply to the board of higher education and  
27 the board of trustees of the University of Massachusetts.

28 Acting on behalf of the state universities and community colleges, the commission of  
29 higher education shall submit to the governor, within thirty days after the date on which a  
30 collective bargaining agreement is executed by the parties, a request for an appropriation  
31 necessary to fund such incremental cost items contained therein as are required to be funded in  
32 the then current fiscal year; provided, however, that if such agreement first has effect in a  
33 subsequent fiscal year, such request shall be submitted pursuant to the provisions of this  
34 paragraph. The employer shall append to such request an estimate of the monies necessary to  
35 fund such incremental cost items contained therein as are required to be funded in all fiscal years

36 covered by the collective bargaining agreement; during the term of the agreement, subsequent to  
37 the fiscal year for which such request is made, the governor shall annually submit to the general  
38 court a request for an appropriation necessary to fund such incremental cost items contained in  
39 the collective bargaining agreement for the subsequent fiscal year; said appropriation request  
40 shall supplement, not supplant the prior fiscal year appropriation; provided further that said  
41 funding request is to be submitted pursuant to Article LXIII of the constitution.

42         Acting on behalf the University of Massachusetts board of trustees, the president or  
43 acting president of the University of Massachusetts shall submit to the governor, within thirty  
44 days after the date on which a collective bargaining agreement is executed by the parties, a  
45 request for an appropriation necessary to fund such incremental cost items contained therein as  
46 are required to be funded in the then current fiscal year, provided, however, that if such  
47 agreement first has effect in a subsequent fiscal year, such request shall be submitted pursuant to  
48 the provisions of this paragraph. Every such employer shall append to such request an estimate  
49 of the monies necessary to fund such incremental cost items contained therein as are required to  
50 be funded in all fiscal years covered by the collective bargaining agreement; during the term of  
51 the agreement, subsequent to the fiscal year for which such request is made, the governor shall  
52 annually submit to the general court a request for an appropriation necessary to fund such  
53 incremental cost items contained in the collective bargaining agreement for the subsequent fiscal  
54 year; said appropriation request shall supplement, not supplant the prior fiscal year  
55 appropriation; provided further that said funding request is to be submitted pursuant to Article  
56 LXIII of the constitution. Every such employer shall append to such request copies of each said  
57 collective bargaining agreement, together with documentation and analyses of all changes to be  
58 made in the schedules of permanent and temporary positions required by said agreement.

59 Whenever the governor shall have failed, within forty-five days from the date on which such  
60 request shall have been received by him, or ninety days prior to the start of each fiscal year in  
61 which incremental cost items must be paid, to recommend to the general court that the general  
62 court appropriate the monies so requested, the request or the incremental cost items shall be  
63 referred back to the parties for further bargaining.