

**HOUSE . . . . . No. 2385**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Bud L. Williams***

*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 collective bargaining.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Bud L. Williams</i>	<i>11th Hampden</i>	<i>1/17/2019</i>
<i>Carlos González</i>	<i>10th Hampden</i>	<i>1/22/2019</i>
<i>José F. Tosado</i>	<i>9th Hampden</i>	<i>1/23/2019</i>
<i>Chynah Tyler</i>	<i>7th Suffolk</i>	<i>1/31/2019</i>

**HOUSE . . . . . No. 2385**

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By Mr. Williams of Springfield, a petition (accompanied by bill, House, No. 2385) of Bud L. Williams and others relative to public employee collective bargaining. Public Service.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-First General Court  
(2019-2020)**  
\_\_\_\_\_

An Act relative to collective bargaining.

*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 10B of chapter 66 of the General Laws, as appearing in the 2016  
2 Official Edition, is hereby amended by adding the following paragraph:-

3           The home address, personal email address and home or mobile telephone number of an  
4 employee of an agency, executive office, department, board, commission, bureau, division or  
5 authority of the commonwealth, or of a political subdivision thereof, or of an authority  
6 established by the general court to serve a public purpose, in the custody of the governmental  
7 entity which maintains records identifying persons as falling within those categories shall not be  
8 public; provided, that the information may be disclosed only to an employee organization whose  
9 written aims and objectives on file with the department of labor relations are to represent public  
10 employees in collective bargaining under chapter 150E or under chapter 150A for employees of  
11 a public authority subject to chapter 150A by chapter 760 of the acts of 1982, a nonprofit  
12 organization for retired public employees under chapter 180, a criminal justice agency as defined  
13 in section 167 of chapter 6 or as otherwise required by law. The home address, personal email

14 address and home or mobile telephone number of a family member of an employee, contained in  
15 a record in the custody of a government agency which maintains records identifying employees  
16 of an agency, executive office, department, board, commission, bureau, division or authority of  
17 the commonwealth, or of a political subdivision thereof, or of an authority established by the  
18 general court to serve a public purpose shall not be public; provided, that the information may be  
19 disclosed as required by law.

20 SECTION 2. Section 5 of chapter 150E of the General Laws, as so appearing, is hereby  
21 amended by inserting after the first paragraph the following 3 paragraphs: -

22 Provided, however, that notwithstanding this or any other general or special law to the  
23 contrary, the exclusive representative may require a non-member to pay for the reasonable costs  
24 and fees, including arbitrator fees and related attorney fees for grieving or arbitrating a matter  
25 that arises under an agreement negotiated pursuant to this section and is brought at the non-  
26 member's request. Employee organizations may require non-members to pay any anticipated  
27 proportional costs and fees prior to a grievance or arbitration hearing. Failure to pay costs and  
28 fees shall relieve the exclusive representative of further responsibility to the non-member  
29 regarding the matter.

30 Notwithstanding this or any other general or special law to the contrary, an exclusive  
31 representative's duty of fair representation to a public employee who is in the bargaining unit  
32 shall be limited to the negotiation and enforcement of the terms of agreements with the public  
33 employer. The laws of the commonwealth shall not be construed to prohibit an employee  
34 organization from providing only to its members legal, economic or job-related services or  
35 benefits outside of the collective bargaining agreement.

36 SECTION 3. Chapter 150E of the General Laws is hereby amended by inserting after  
37 section 5 the following section: -

38 Section 5A. (a) Public employers shall provide to an employee organization access to  
39 members of the bargaining unit that the employee organization exclusively represents. Access  
40 shall include, but shall not be limited to, the following:

41 (i) the right to meet with individual employees on the premises of the public employer  
42 during the work day to investigate and discuss grievances, workplace-related complaints and  
43 other workplace issues;

44 (ii) the right to conduct worksite meetings during lunch and other non-work breaks, and  
45 before and after the workday, on the employer's premises to discuss workplace issues, collective  
46 bargaining negotiations, the administration of collective bargaining agreements, other matters  
47 related to the duties of an exclusive representative and internal union matters involving the  
48 governance or business of the employee organization; and

49 (iii) the right to meet with newly hired employees, without charge to the pay or leave  
50 time of the employees, for a minimum of 30 minutes, not later than 10 calendar days after the  
51 date of hire, during new employee orientations or, if the employer does not conduct new  
52 employee orientations, at individual or group meetings. In the case of school employees, the  
53 employer shall notify the exclusive representative of a hiring decision not later than 10 calendar  
54 days after the date a prospective employee accepts an offer of employment, and shall provide to  
55 the exclusive representative the employee contact information identified in subsection (b).

56 (b) Not later than 10 calendar days after the date a prospective school employee accepts  
57 an offer of employment or after the date of hire for all other public bargaining unit employees,

58 public employers shall provide the following contact information to an exclusive representative  
59 employee organization in spreadsheet file format or other format agreed to by the exclusive  
60 representative employee organization: name, job, title, worksite location, home address, work  
61 telephone numbers, home and personal cellular telephone numbers on file with the public  
62 employer, date of hire, work email address and personal email address on file with the public  
63 employer.

64 (c) Home addresses, phone numbers, email addresses, dates of birth, bargaining units and  
65 groupings of employees and emails or other communications between employee organizations  
66 and their members are not public records and are prohibited from disclosure except as provided  
67 in clauses Twenty-sixth(o) and (p) of section 7 of chapter 4.

68 (d) The exclusive representative shall have the right to use the email system of a public  
69 employer to communicate with bargaining unit members regarding official union-related matters  
70 including, but not limited to, elections, results of elections, meetings and social activities;  
71 provided, that the use does not create an unreasonable burden on network capability or system  
72 administration.

73 (e) The exclusive representative shall have the right to use government buildings and  
74 other facilities that are owned or leased by government entities to conduct meetings with unit  
75 members regarding bargaining negotiations, the administration of collective bargaining  
76 agreements, the investigation of grievances, other workplace-related complaints and issues and  
77 internal union matters involving the governance or business of the union; provided, that the use  
78 does not interfere with governmental operations. Meetings conducted in government buildings  
79 pursuant to this section shall not be for a purpose prohibited by section 13 and section 14 of

80 chapter 55. An exclusive representative conducting a meeting in a government building or other  
81 government facility pursuant to this section may be charged for maintenance, security and other  
82 costs related to the use of the government building or facility that would not otherwise be  
83 incurred by the government entity.

84 (f) Nothing in in this section shall be construed to diminish the obligations of an  
85 employer to comply with a collective bargaining agreement that provides greater access and  
86 orientation rights than the rights established by this law.

87 (g) A public employer’s failure to comply with subsections (a) to (e), inclusive, shall  
88 constitute a violation of section 10(a)(5).

89 (h) For the purposes of this section, “exclusive representative” means an employee  
90 organization which has been designated as the exclusive representative of employees in a  
91 collective bargaining unit as defined in section 3 of chapter 150E.

92 SECTION 4. Chapter 180 of the General Laws is hereby amended by striking out  
93 sections 17A, 17C, 17E and 17G and inserting in place thereof the following section: -

94 Section 17A. Deductions on payroll schedules may be made from the salary of an  
95 employee of an amount that the employee may specify in writing to that employee’s public  
96 employer or its representative under chapter 150E or to an employer made subject to chapter  
97 150A by chapter 760 of the acts of 1982, for the payment of union dues or fees to a labor  
98 organization or employee organization. The authorization for payroll deduction may be  
99 irrevocable pursuant to the terms of that authorization for a period of not longer than 1 year after  
100 the anniversary of the authorization and shall be revocable solely pursuant to the terms of  
101 revocation specified in the employee authorization. An authorization consistent with the terms of

102 this section shall be accepted by the employer or public employer. The treasurer of the labor  
103 organization or employee organization or relief association shall notify the office of the  
104 employer or public employer responsible for implementing payroll deductions of an  
105 authorization revocation not later than 15 days after it is received.

106 If an authorization for payroll deduction does not specify the terms for revocation, then  
107 the authorization may be withdrawn by the employee by giving not less than 60 days' notice in  
108 writing of that withdrawal to that employee's employer or public employer responsible for  
109 implementing payroll deductions and by filing a copy of the notice with the treasurer of the labor  
110 organization or employee organization.

111 The state treasurer or the treasurer of the employer or public employer that employs the  
112 employee shall deduct from the salary of that employee the amount of union dues or fees  
113 certified to that treasurer on the payroll, and transmit the sum so deducted to the treasurer of the  
114 labor organization or employee organization; provided, that the state treasurer or the treasurer of  
115 the employer or public employer, as applicable, is satisfied that the treasurer of the employee  
116 organization or labor organization has given the employee organization or labor organization a  
117 bond, in a form approved by the commissioner of revenue, for the faithful performance of that  
118 treasurer's duties, in a sum and with such surety or sureties as are satisfactory to the state  
119 treasurer or treasurer of the employer or public employer. Whenever a labor organization or  
120 employee organization is certified or obtains consent recognition under chapter 150A or chapter  
121 one 150E, such deductions shall be made for dues or fees only to the certified or recognized  
122 labor organization or employee organization.

123           This section shall be effective in a county, city or town which has accepted it in the  
124 manner provided by section 2 of chapter 740 of the acts of 1950 or which accepts this section in  
125 the following manner: (i) in a county, by vote of the county commissioners; (ii) in a city having a  
126 Plan D or Plan E charter, by majority vote of its city council; (iii) in any other city, by vote of  
127 city council, approved by the mayor; and (iv) in a town, by vote of the board of selectmen.