

SENATE No. 2273

The Commonwealth of Massachusetts

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

SENATE, June 20, 2019.

The committee on Ways and Means to whom was referred the House Bill relative to collective bargaining dues (House, No. 3854),-- reports, recommending that the same ought to pass with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2273.

For the committee,
Michael J. Rodrigues

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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, home telephone number or mobile telephone
4 number of an employee of an agency, executive office, department, board, commission, bureau,
5 division or authority of the commonwealth, or of a political subdivision thereof, or of an
6 authority established by the general court to serve a public purpose, in the custody of the
7 governmental entity that maintains records identifying persons as falling within those categories
8 shall not be public records; provided, however, that the information may be disclosed only to an
9 employee organization whose written aims and objectives on file with the department of labor
10 relations are to represent public employees in collective bargaining under chapter 150E or under
11 chapter 150A for employees of a public authority subject to said chapter 150A by chapter 760 of
12 the acts of 1962, a nonprofit organization for retired public employees under chapter 180, a
13 criminal justice agency as defined in section 167 of chapter 6 or as otherwise required by law.

14 The home address, personal email address, home telephone number or mobile telephone number
15 of a family member of an employee that is contained in a record in the custody of a government
16 agency that maintains records identifying employees of an agency, executive office, department,
17 board, commission, bureau, division or authority of the commonwealth, or of a political

subdivision thereof, or of an authority established by the general court to serve a public purpose shall not be a public record.

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

The exclusive representative may require a non-member to pay for the reasonable costs and fees, including arbitrator fees and related attorney fees, for grieving or arbitrating a matter arising under an agreement negotiated pursuant to this section and brought at the non-member's request. The exclusive representative may require a non-member to pay any anticipated proportional costs and fees prior to a grievance or arbitration hearing. Failure to pay costs and fees shall relieve the exclusive representative of further responsibility to the non-member regarding the matter.

An exclusive representative's duty of fair representation to a public employee who is in the bargaining unit shall be limited to the negotiation and enforcement of the terms of agreements with the public employer. The laws of the commonwealth shall not prohibit an employee organization from providing only to its members legal, economic or job-related services or benefits outside of the collective bargaining agreement.

SECTION 3. Said chapter 150E is hereby further amended by inserting after section 5 the following section:-

Section 5A. (a) For the purposes of this section, "exclusive representative" shall mean an employee organization that has been designated as the exclusive representative of employees in a collective bargaining unit as described in section 3.

(b) Public employers shall provide an employee organization access to members of the bargaining unit that the employee organization exclusively represents. Access shall include, but shall not be limited to:

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

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

(iii) the right to meet with newly-hired employees, without charge to the pay or leave time of such an employee, for not less than 30 minutes, not later than 10 calendar days after the date of hire during new employee orientation or, if the employer does not conduct new employee orientation, at an individual or group meeting. For a school employee, the employer shall notify the exclusive representative of a hiring decision not later than 10 calendar days after the date a prospective employee accepts an offer of employment and shall provide to the exclusive representative the employee contact information identified in subsection (c).

(c) Not later than 10 calendar days after the date a prospective school employee accepts an offer of employment or after the date of hire for all other public bargaining unit employees, a public employer shall provide the following contact information to the exclusive representative in spreadsheet file format or other format agreed to by the exclusive representative: (i) name; (ii)

61 job; (iii) title; (iv) worksite location (v) home address; (vi) work telephone number; (vii) home
62 and personal cellular telephone numbers on file with the public employer; (viii) date of hire (ix)
63 work email address; and (x) personal email address on file with the public employer.

64 (d) Home addresses, home and personal cellular telephone numbers, personal email
65 addresses, dates of birth, bargaining units and groupings of employees and emails or other
66 communications between employee organizations and their members shall not be public records
67 and shall be prohibited from disclosure except as provided in subclauses (o) and (p) of clause
68 Twenty-sixth of section 7 of chapter 4.

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

74 (f) The exclusive representative shall have the right to use government buildings and
75 other facilities that are owned or leased by government entities to conduct meetings with unit
76 members regarding bargaining negotiations, the administration of collective bargaining
77 agreements, the investigation of grievances, other workplace-related complaints and issues and
78 internal union matters involving the governance or business of the union; provided, however,
79 that the use does not interfere with governmental operations. Meetings conducted in government
80 buildings pursuant to this section shall not be for a purpose prohibited by sections 13 and 14 of
81 chapter 55. An exclusive representative conducting a meeting in a government building or other
82 government facility pursuant to this section may be charged for maintenance, security and other

costs related to the use of the government building or facility that would not otherwise be incurred by the government entity.

(g) Nothing in this section shall diminish the obligations of an employer to comply with a collective bargaining agreement that provides greater access and orientation rights than the rights established by this section.

(h) A public employer's failure to comply with subsections (b) to (f), inclusive, shall constitute a violation of clause (5) of subsection (a) of section 10.

SECTION 4. Section 26 of chapter 161A of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by adding the following 3 paragraphs:-

The exclusive representative may act for and negotiate agreements covering all employees in the unit and shall be responsible for representing the interests of all such employees without discrimination and without regard to employee organization membership.

The exclusive representative may require a non-member to pay for the reasonable costs and fees, including arbitrator fees and related attorney fees, for grieving or arbitrating a matter arising under an agreement negotiated pursuant to this section and brought at the non-member's request.

The exclusive representative may require non-members to pay anticipated costs and fees prior to a grievance or arbitration hearing. Failure to pay costs and fees shall relieve the exclusive representative of further responsibility to the non-member regarding the matter.

An exclusive representative's duty of fair representation to a public employee who is in the bargaining unit shall be limited to the negotiation and enforcement of the terms of agreements with the authority. The laws of the commonwealth shall not prohibit an employee

organization from providing only to its members legal, economic or job-related services or benefits outside of the collective bargaining agreement.

An employee may present a grievance to the authority and have the grievance heard without intervention by the exclusive representative of the employee organization representing the employee; provided, however, that the exclusive representative is afforded the opportunity to be present at conferences and that any adjustment made shall not be inconsistent with the terms of an agreement then in effect between the authority and the exclusive representative.

SECTION 5. Chapter 180 of the General Laws is hereby amended by striking out section 17A, as so appearing, and inserting in place thereof the following section:-

Section 17A. Deductions on payroll schedules may be made from the salary of an employee of an amount that the employee may specify in writing to that employee's employer or its representative under chapter 150E or to an employer made subject to chapter 150A by chapter 760 of the acts of 1962, for the payment of union dues or fees to an employee organization. The authorization for payroll deduction may be irrevocable pursuant to the terms of that authorization for a period of not more than 1 year after the authorization and shall be revocable solely pursuant to the terms of revocation specified in the employee authorization. An authorization consistent with the terms of this section shall be accepted by the employer. The treasurer of the employee organization or relief association shall notify the office of the employer responsible for implementing payroll deductions of an authorization revocation not later than 15 calendar days after it is received.

If an authorization for payroll deduction does not specify the terms for revocation, then the authorization may be withdrawn by the employee by giving not less than 60 calendar days

126 notice in writing of that withdrawal to that employee's employer responsible for implementing
127 payroll deductions and by filing a copy of the notice with the treasurer of the employee
128 organization.

129 The state treasurer or the treasurer of the employer that employs the employee shall
130 deduct from the salary of that employee the amount of union dues or fees certified to that
131 treasurer on the payroll and transmit the sum so deducted to the treasurer of the employee
132 organization; provided, however, that the state treasurer or the treasurer of the employer, as
133 applicable, is satisfied that the treasurer of the employee organization has given the employee
134 organization a bond, in a form approved by the commissioner of revenue, for the faithful
135 performance of that treasurer's duties, in a sum and with such surety as is satisfactory to the state
136 treasurer or treasurer of the employer. Whenever an employee organization is certified or obtains
137 consent recognition under chapter 150A or chapter 150E, such deductions shall be made for dues
138 or fees only to the certified or recognized employee organization.

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

144 SECTION 6. Sections 17C, 17E and 17G of said chapter 180 are hereby repealed.