HOUSE DOCKET, NO. 2796 FILED ON: 2/18/2021

HOUSE . . . . . No. 2038

The Commonwealth of Massachusetts

PRESENTED BY:

Orlando Ramos

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 advancing public employee labor rights.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Orlando Ramos	*9th Hampden*	*2/18/2021*
Lindsay N. Sabadosa	*1st Hampshire*	*2/22/2021*
Patrick Joseph Kearney	*4th Plymouth*	*2/22/2021*
Rebecca L. Rausch	*Norfolk, Bristol and Middlesex*	*2/23/2021*
Peter Capano	*11th Essex*	*2/23/2021*
Christine P. Barber	*34th Middlesex*	*2/23/2021*
Jack Patrick Lewis	*7th Middlesex*	*2/24/2021*
Carmine Lawrence Gentile	*13th Middlesex*	*2/24/2021*
James K. Hawkins	*2nd Bristol*	*2/26/2021*
Carlos González	*10th Hampden*	*2/26/2021*
Natalie M. Higgins	*4th Worcester*	*2/26/2021*
David Henry Argosky LeBoeuf	*17th Worcester*	*2/26/2021*
Bud L. Williams	*11th Hampden*	*2/26/2021*
James J. O'Day	*14th Worcester*	*3/3/2021*
Danillo A. Sena	*37th Middlesex*	*3/8/2021*
Patrick M. O'Connor	*Plymouth and Norfolk*	*3/29/2021*
Maria Duaime Robinson	*6th Middlesex*	*3/30/2021*
Mary S. Keefe	*15th Worcester*	*4/2/2021*

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By Mr. Ramos of Springfield, a petition (accompanied by bill, House, No. 2038) of Orlando Ramos and others relative to impasses in collective bargaining negotiations. Labor and Workforce Development.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court
(2021-2022)

An Act advancing public employee labor rights.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 150E of the General Laws is hereby amended by striking out Section 9A and inserting in place thereof the following new section:-

Section 9A. (a) No public employee or employee organization shall engage in a strike, work stoppage, slowdown or withholding of services by such public employees, or to condone or encourage the same, except as otherwise provided in paragraphs (c) and (d) of this section.

(b) Whenever a strike occurs or is about to occur, the employer may petition the department to make an investigation. If, after investigation, the department determines that any provision of paragraph (a) of this section has been or is about to be violated, it shall set compliance requirements, potentially including instituting appropriate proceedings in the superior court for the county wherein such violation has occurred or is about to occur for enforcement of such requirements, except as otherwise provided in paragraphs (c) and (d) of this section.

(c)(1) For any petition filed pursuant to paragraph (b) alleging prohibited activity by public employees other than police and fire protection employees, or jail, prison, and other correctional institution employees, neither the department nor the superior court shall issue a restraining order or grant injunctive or other relief to any employer that has failed to satisfy any of its legal obligations arising out of or pertaining to a labor dispute with an employee organization or make every reasonable effort to settle such dispute pursuant to section 9 of this chapter.

(2) For purposes of this paragraph, if an employee organization pursuant to section 11 of this chapter has filed charges of prohibited practice against the employer prior to the employer filing a petition pursuant to paragraph (b) herein, the department shall first determine whether such strike, work stoppage, slow-down or withholding of services is related in whole or in part to the prohibited practice or practices allegedly committed by the employer. If upon investigation the department finds probable cause to believe that the alleged strike, work stoppage, slowdown or withholding of services relates to the commission of unfair labor practices by the employer, the department shall issue temporary orders to the employer addressing the alleged prohibited practice or practices. No actions by an employee or employee organization as alleged in the employer's petition shall be deemed to violate this section until the employer has complied with any such temporary orders. In setting or enforcing requirements pursuant to this paragraph, the department shall not compel or seek to compel any employee or employee organization to articulate, advocate or adhere to a message approved by a government official.

(d) For any petition filed pursuant to paragraph (b) alleging prohibited activity by public employees other than police and fire protection employees, or jail, prison, and other correctional institution employees, no strike, work stoppage, slowdown or withholding of services by such

public employees shall be deemed to be about to occur unless such strike activity is imminent and no condonation or encouragement prior thereto shall be unlawful.