

**HOUSE . . . . . No. 1728**

The Commonwealth of Massachusetts

PRESENTED BY:

*Peter V. Kocot*

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 prohibiting the bullying of public school employees.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Peter V. Kocot</i>	<i>1st Hampshire</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>
<i>Michael D. Brady</i>	<i>9th Plymouth</i>
<i>Paul Brodeur</i>	<i>32nd Middlesex</i>
<i>Gailanne M. Cariddi</i>	<i>1st Berkshire</i>
<i>Edward F. Coppinger</i>	<i>10th Suffolk</i>
<i>Claire D. Cronin</i>	<i>11th Plymouth</i>
<i>Daniel Cullinane</i>	<i>12th Suffolk</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>
<i>Anne M. Gobi</i>	<i>Worcester, Hampden, Hampshire and Middlesex</i>
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>

<i>Paul R. Heroux</i>	<i>2nd Bristol</i>
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>
<i>Timothy R. Madden</i>	<i>Barnstable, Dukes and Nantucket</i>
<i>Paul W. Mark</i>	<i>2nd Berkshire</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>
<i>James R. Miceli</i>	<i>19th Middlesex</i>
<i>James M. Murphy</i>	<i>4th Norfolk</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>
<i>Thomas M. Petrolati</i>	<i>7th Hampden</i>
<i>William Smitty Pignatelli</i>	<i>4th Berkshire</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>
<i>John H. Rogers</i>	<i>12th Norfolk</i>
<i>Dennis A. Rosa</i>	<i>4th Worcester</i>
<i>Tom Sannicandro</i>	<i>7th Middlesex</i>
<i>John W. Scibak</i>	<i>2nd Hampshire</i>
<i>Frank I. Smizik</i>	<i>15th Norfolk</i>
<i>Todd M. Smola</i>	<i>1st Hampden</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>
<i>William M. Straus</i>	<i>10th Bristol</i>
<i>Benjamin Swan</i>	<i>11th Hampden</i>
<i>John C. Velis</i>	<i>4th Hampden</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>
<i>James T. Welch</i>	<i>Hampden</i>
<i>Ann-Margaret Ferrante</i>	<i>5th Essex</i>

**HOUSE . . . . . No. 1728**

By Mr. Kocot of Northampton, a petition (accompanied by bill, House, No. 1728) of Peter V. Kocot and others relative to abusive or hostile work environments. Labor and Workforce Development.

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court  
(2015-2016)

An Act prohibiting the bullying of public school 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. Chapter 149 of the General Laws, as appearing in the 2004 Official Edition,  
2 is hereby amended by adding the following section (e):

3

4 (1) No employee of the Commonwealth or its political subdivisions shall be subjected to  
5 an abusive or hostile work environment. An abusive work environment exists when an employer,  
6 acting through its employees, officers, or agents with intent to cause pain or distress to an  
7 employee, subjects that employee to physical, verbal, or non-verbal conduct that is threatening,  
8 humiliating, or intimidating in nature, or involves the repeated use of derogatory remarks,  
9 insults, or epithets, or intentionally sabotages or undermines the employee’s work performance,  
10 and causes physical harm, psychological harm, or both. A hostile environment exists when the  
11 work environment is permeated with intimidation, ridicule, or insult that is sufficiently severe or  
12 pervasive to alter the conditions of the employee’s employment.

13

14           (2) It shall be an unlawful employment practice for an employer under this section to (a)  
15 create, maintain, or permit an abusive work environment, (b) permit the continuation of a hostile  
16 work environment by failing to promptly respond to and investigate reports that the conditions of  
17 a hostile work environment exist or failing to take affirmative steps to reduce or eliminate the  
18 cause of the hostile environment, or (c) implement or threaten to implement a personnel decision  
19 or action which causes or furthers such environments. A court may enjoin the implementation or  
20 continuation of any practices that would enable such work environments to persist and order any  
21 other relief that is deemed appropriate, including but not limited to, reinstatement, reassignment,  
22 removal of the offending party from the complainant's work environment, back pay, front pay,  
23 damages, and attorney's fees.

24

25           (3) (a) This section shall be enforced by a private right of action. Nothing in this section  
26 shall supersede rights and obligations provided under collective bargaining laws and regulations.

27

28           (b) The remedies provided in this section shall be in addition to any remedies provided  
29 under any other law, and nothing in this chapter shall relieve any person from any liability, duty,  
30 penalty or punishment provided by any other law, except that if an employee receives workers'  
31 compensation for medical costs for the same injury or illness pursuant to both this chapter and  
32 the workers' compensation law, or compensation under both this chapter and that law in cash  
33 payments for the same period of time not working as a result of the compensable injury or illness

34 or the unlawful employment practice, the payments of workers' compensation shall be  
35 reimbursed from compensation paid under this chapter.

36