

HOUSE No. 2061

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>1/28/2021</i>

HOUSE No. 2061

By Mr. Williams of Springfield, a petition (accompanied by bill, House, No. 2061) of Bud L. Williams relative to public employee collective bargaining. Labor and Workforce Development.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 2385 OF 2019-2020.]

The Commonwealth of Massachusetts

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

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.