

SENATE No. 1245

The Commonwealth of Massachusetts

PRESENTED BY:

Rebecca L. Rausch

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: | |
|---------------------------------|---------------------------------------|------------------|
| <i>Rebecca L. Rausch</i> | <i>Norfolk, Bristol and Middlesex</i> | |
| <i>Jack Patrick Lewis</i> | <i>7th Middlesex</i> | <i>2/24/2021</i> |
| <i>Carmine Lawrence Gentile</i> | <i>13th Middlesex</i> | <i>2/25/2021</i> |
| <i>Erika Uytterhoeven</i> | <i>27th Middlesex</i> | <i>2/27/2021</i> |
| <i>James B. Eldridge</i> | <i>Middlesex and Worcester</i> | <i>3/1/2021</i> |
| <i>Patricia D. Jehlen</i> | <i>Second Middlesex</i> | <i>3/18/2021</i> |
| <i>Patrick M. O'Connor</i> | <i>Plymouth and Norfolk</i> | <i>3/31/2021</i> |
| <i>Maria Duaine Robinson</i> | <i>6th Middlesex</i> | <i>3/31/2021</i> |
| <i>Mary S. Keefe</i> | <i>15th Worcester</i> | <i>4/8/2021</i> |

SENATE No. 1245

By Ms. Rausch, a petition (accompanied by bill, Senate, No. 1245) of Rebecca L. Rausch, Jack Patrick Lewis, Carmine Lawrence Gentile, Erika Uyterhoeven and other members of the General Court for legislation to advance public employee labor rights. 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:

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

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

6 (b) Whenever a strike occurs or is about to occur, the employer may petition the
7 department to make an investigation. If, after investigation, the department determines that any
8 provision of paragraph (a) of this section has been or is about to be violated, it shall set
9 compliance requirements, potentially including instituting appropriate proceedings in the
10 superior court for the county wherein such violation has occurred or is about to occur for

11 enforcement of such requirements, except as otherwise provided in paragraphs (c) and (d) of this
12 section.

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

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

33 (d) For any petition filed pursuant to paragraph (b) alleging prohibited activity by public
34 employees other than police and fire protection employees, or jail, prison, and other correctional
35 institution employees, no strike, work stoppage, slowdown or withholding of services by such
36 public employees shall be deemed to be about to occur unless such strike activity is imminent
37 and no condonation or encouragement prior thereto shall be unlawful.