

SENATE No. 02066

Senate, Tuesday, November 15, 2011 – New draft of Senate, No. 2056 reported from the Senate committee on Bills in the Third Reading.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act to restore collective bargaining rights for employees of the Massachusetts Bay Transportation Authority.

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 140 of chapter 25 of the acts of 2009 is hereby amended by adding
2 the following paragraph:-

3 Nothing in this section shall restrict the authority of the Massachusetts Bay
4 Transportation Authority to bargain collectively with the authorized collective bargaining
5 representatives of its employees over the establishment of a Health and Welfare Trust Plan or to
6 pay the cost, in whole or in part, as determined by collective bargaining, of any supplementary
7 benefits or coverages provided under such a Trust Plan. The Health and Welfare Trust Plan may
8 provide Massachusetts Bay Transportation Authority employees and retirees with supplementary
9 payments, payroll deduction arrangements, supplementary benefit coverages, workplace health
10 and treatment benefits and life and disability income benefits, as the Massachusetts Bay
11 Transportation Authority and the authorized collective bargaining representatives may

12 determine, funded in a manner that they also determine. The Health and Welfare Trust Plan
13 benefits, coverages and other contents shall be determined so as to avoid duplication of group
14 insurance commission benefits and coverages. Disputes that arise during collective bargaining
15 over the plan contents and covered benefits shall be resolved under the dispute resolution
16 procedures in section 28 of chapter 161A of the General Laws. The Health and Welfare Trust
17 Plan shall be designed to provide payroll and income tax reduction under the federal and state tax
18 codes, in compliance with such laws and regulations that pertain to such arrangements. The
19 Health and Welfare Trust Plan shall be administered by no fewer than 7 trustees, 3 of whom shall
20 be appointed by the Massachusetts Bay Transportation Authority and 3 of whom shall be
21 appointed by the participating collective bargaining representatives, with 1 neutral trustee
22 selected by the other 6 from a list of 7 experienced neutrals provided by the American
23 Arbitration Association. Each trustee may strike at least 1 name from the list until only 1
24 remains. The neutral trustee shall vote only on occasions of a tie vote by the trustees, subject to
25 such rules and procedures as the trustees shall adopt and publish. The trustees shall have no
26 authority to establish benefits or to otherwise alter the Health and Welfare Trust Plan.