

Chapter 120 of the Acts of 2007

AN ACT RELATIVE TO CERTAIN WRITTEN MAJORITY AUTHORIZATION EVIDENCE OF COLLECTIVE BARGAINING RESULTS.

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. Section 2 of chapter 150A of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by adding the following subsection:-

(12) The term "written majority authorization" shall mean writings signed and dated by employees in the form of authorization cards, petitions or such other written evidence that the commission finds suitable, in which a majority of employees in a unit appropriate for the purposes of collective bargaining designates or selects a labor organization as its representative for the purposes of collective bargaining and certifies the designation to be its free act and deed and given without consideration. Employee signatures shall be dated within the 12 months preceding the date on which the writings are proffered to establish majority and exclusive representative status within the meaning of subsection (a) of section 5.

SECTION 1A. Section 3 of said chapter 150A, as so appearing, is hereby amended by adding the following sentence:- An employee shall also have the right to refrain from any such activities, except to the extent of making payment of service fees to an exclusive representative.

SECTION 1B. Section 4A of said chapter 150A, as so appearing, is hereby amended by inserting after the word "therein", in line 20, the following words:- ; or

(4) To interfere with, restrain or coerce an employer or employee in the exercise of a right guaranteed under this chapter.

SECTION 2. Subsection (c) of section 5 of said chapter 150A, as so appearing, is hereby amended by adding the following paragraph:-

Notwithstanding any other provision of this section, the commission shall certify to the parties, in writing, and the employer shall recognize as the exclusive representative for the purposes of collective bargaining of all the employees in the bargaining unit, a labor organization which has received a written majority authorization, but this shall apply only when no other labor organization has been and currently is lawfully recognized as the exclusive representative of the employees in the appropriate bargaining unit. Whenever a labor organization proffers evidence that it has received a written majority authorization, the labor organization and the employer shall agree upon a neutral to conduct a confidential inspection of the evidence of a written majority authorization. If within 10 days the labor organization and the employer do not agree upon a neutral, the commission shall act as the neutral. The neutral shall verify the labor organization's majority support within the appropriate bargaining unit and report the results of its inspection in writing to the parties and, if the verification was conducted by an agreed neutral, to the commission, which shall in turn certify the results to the parties in writing. The commission shall establish rules and procedures for the prompt verification of evidence of a written majority authorization, which rules shall include safeguards to protect the privacy of individual employee choice, and which shall further provide that, absent exceptional cause, the verification procedure shall last not longer than 30 days after the appointment of the neutral or after the assumption by the commission of the duties of the neutral. As used in this paragraph, the term "employer" shall not include a health care facility, a nonprofit institution or a vendor who contracts with or receives funds

from the commonwealth or a political subdivision thereof to provide social, protective, legal, medical, custodial, rehabilitative, respite, nutritional, employment, educational, training or other similar services to the commonwealth or a political subdivision thereof.

SECTION 3. Section 1 of chapter 150E of the General Laws, as so appearing, is hereby amended by adding the following definition:-

“Written majority authorization”, writings signed and dated by employees in the form of authorization cards, petitions, or such other written evidence that the commission finds suitable, in which a majority of employees in an appropriate bargaining unit designates an employee organization as its representative for the purpose of collective bargaining and certifies the designation to be its free act and deed and given without consideration. Employee signatures shall be dated within the 12 months preceding the date on which the writings are proffered to establish majority and exclusive representative status within the meaning of section 4.

SECTION 4. Section 4 of said chapter 150E, as so appearing, is hereby amended by adding the following paragraph:-

Notwithstanding any other provision of this section, the commission shall certify and the public employer shall recognize as the exclusive representative for the purpose of collective bargaining of all the employees in the bargaining unit an employee organization which has received a written majority authorization, but this shall apply only when no other employee organization has been and currently is lawfully recognized as the exclusive representative of the employees in the appropriate bargaining unit. Whenever an employee organization proffers evidence that it has received a written majority authorization, the employee organization and the public employer shall agree upon a neutral to conduct a confidential inspection of the evidence of a written majority authorization. If within 10 days the employee organization and the public employer do not agree upon a neutral, the commission shall act as the neutral. The neutral shall verify the employee organization’s majority support within the appropriate bargaining unit and report the results of its inspection in writing to the parties and, if the verification was conducted by an agreed neutral, to the commission, which shall in turn certify the results to the parties in writing. The commission shall establish rules and procedures for the prompt verification of evidence of a written majority authorization, which rules shall include safeguards to protect the privacy of individual employee choice, and which shall further provide that, absent exceptional cause, the verification procedure shall not last longer than 30 days after the appointment of the neutral or after the assumption by the commission of the duties of the neutral.

Approved September 27, 2007.

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