

HOUSE No. 2730

By Mr. Rushing of Boston, petition of Byron Rushing and others for legislation to further regulate the right to strike of public employees. Public Service.

The Commonwealth of Massachusetts

PETITION OF:

Byron Rushing	Benjamin Swan
Timothy J. Toomey, Jr.	Willie Mae Allen
Martha M. Walz	Elizabeth A. Malia
Christine E. Canavan	Carl M. Sciortino, Jr.
Gloria L. Fox	Denise Provost

In the Year Two Thousand and Seven.

AN ACT TO FURTHER REGULATE THE RIGHT TO STRIKE OF PUBLIC 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 9A of chapter 150E of the General Laws, as appearing in
2 the 2004 Official Edition, is hereby amended by striking out said
3 section 9A and inserting in place thereof the following:
- 4 (a) No public employee or employee or employee organization
5 shall engage in a strike, work stoppage, slowdown or with-
6 holding of services by such public employees, or to condone
7 or encourage the same, except as otherwise provided in
8 section (b) below.
- 9 (b) Whenever a strike occurs or is about to occur, the employer
10 of the employee organization as the case may be, may peti-
11 tion the commission to make an investigation. The commis-
12 sion shall investigate and shall first determine whether such
13 strike, slow-down or withholding of services so complained
14 of, has been caused in whole or in part by unfair labor
15 practices committed by the employer, as such are set forth in
16 section 10.

17 Whenever the commission shall determine, after investigation,
18 that such strike, slowdown or withholding of services by such public
19 employees has been proximately caused by the commission of unfair
20 labor practices by the employer, the commission shall set forth its
21 findings of fact and decision relative thereto, and such employees
22 shall be deemed to engage in lawful, concerted activity for the
23 purpose of collective bargaining or other mutual aid or protection,
24 free from interference, restraint or coercion.