

SENATE NO. 1620

AN ACT RELATIVE TO WRITTEN MAJORITY AUTHORIZATION CARDS, PETITIONS AND OTHER WRITTEN 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:*

1 SECTION 1. Section one of Chapter 150E of the General Laws is hereby amended by inserting after
2 the last paragraph thereof the following paragraph:—

3 “Written majority authorization”, writings signed and dated by employees in the form of
4 authorization cards, petitions, or such other written evidence as the commission shall find suitable, in
5 which a majority of employees in an appropriate bargaining unit designate an employee organization
6 as their representative for the purpose of collective bargaining. Employee signatures must be dated
7 within the twelve months preceding the date on which the writings are proffered to establish majority
8 and exclusive representative status within the meaning of section four.

9 SECTION 2. Section four of Chapter 150E of the General Laws is hereby amended by inserting at the
10 conclusion of the second paragraph thereof the following:—

11 Notwithstanding any other provision of this section, the commission shall certify and the
12 public employer shall recognize as the exclusive representative for the purpose of collective
13 bargaining of all the employees in the bargaining unit an employee organization which has received a

14 written majority authorization as defined in section one and as hereinafter set forth, provided that this
15 rule shall apply only when no other employee organization has been and currently is lawfully
16 recognized as the exclusive representative of the employees in the appropriate bargaining unit.
17 Whenever an employee organization proffers evidence that it has received a written majority
18 authorization, the employee organization and the public employer shall agree upon a neutral to
19 conduct a confidential inspection of the evidence of written majority authorization. If within ten days
20 the employee organization and the public employer do not agree upon a neutral, the commission shall
21 act as the neutral. The neutral shall verify the employee organization's majority support within the
22 appropriate bargaining unit and report the results of such inspection in writing to the parties and, if the
23 verification was conducted by an agreed neutral, to the commission, which shall in turn certify the
24 results to the parties, in writing. The commission shall establish rules and procedures for the prompt
25 verification of evidence of written majority authorization, which rules shall include safeguards to
26 protect the privacy of individual employee choice, and which shall further provide that, absent
27 exceptional cause, the verification procedure shall not last longer than ten days from the appointment
28 of the neutral or from assumption by the commission of the duties of the neutral.

29 SECTION 3. Section two of Chapter 150A of the General Laws is hereby amended by inserting after
30 subsection eleven thereof the following subsection:—

31 (12) The term “written majority authorization” means writings signed and dated by employees
32 in the form of authorization cards, petitions, or such other written evidence as the commission shall
33 find suitable, in which a majority of employees in a unit appropriate for the purposes of collective
34 bargaining designate or select a labor organization as their representative for the purposes of collective
35 bargaining. Employee signatures must be dated within the twelve months preceding the date on which

36 the writings are proffered to establish majority and exclusive representative status within the meaning
37 of subsection (a) of section five.

38 SECTION 4. Subsection (c) of section five of Chapter 150A of the General Laws is hereby amended
39 by inserting at the conclusion thereof the following:—

40 Notwithstanding any other provision of this section, the commission shall certify to the parties,
41 in writing, and the employer shall recognize as the exclusive representative for the purposes of
42 collective bargaining of all the employees in the bargaining unit a labor organization which has
43 received a written majority authorization as defined in section two and as hereinafter set forth,
44 provided that this rule shall apply only when no other labor organization has been and currently is
45 lawfully recognized as the exclusive representative of the employees in the appropriate bargaining
46 unit. Whenever a labor organization proffers evidence that it has received a written majority
47 authorization, the labor organization and the employer shall agree upon a neutral to conduct a
48 confidential inspection of the evidence of written majority authorization. If within ten days the labor
49 organization and the employer do not agree upon a neutral, the commission shall act as the neutral.
50 The neutral shall verify the labor organization's majority support within the appropriate bargaining
51 unit and report the results of such inspection in writing to the parties and, if the verification was
52 conducted by an agreed neutral, to the commission, which shall in turn certify the results to the parties,
53 in writing. The commission shall establish rules and procedures for the prompt verification of
54 evidence of written majority authorization, which rules shall include safeguards to protect the privacy
55 of individual employee choice, and which shall further provide that, absent exceptional cause, the
56 verification procedure shall last not longer than ten days from the appointment of the neutral or from
57 the assumption by the commission of the duties of the neutral.