

# SENATE NO. 1990

## **AN ACT** PROHIBITING DISTRIBUTION, TRANSMISSION, GAS, OR WATER COMPANIES FROM RETAINING LABOR COST SAVINGS OR INCURRING UNNECESSARY EXPENDITURES DURING CURTAILMENT OF WORK DUE TO A LABOR DISPUTE

*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 164 of the General Laws as most recently amended is hereby further amended

2 by inserting after Section 1E(e) the following:-

3 (f) Each distribution, transmission, gas company, or water company must refund or rebate to its  
4 customers on a pro rata basis any savings in labor costs the company may realize during any  
5 curtailment of work due to a labor dispute. During the curtailment of work the company shall not  
6 incur any costs greater than the minimum necessary to maintain its established level of service.  
7 During and after the cessation of the curtailment of work the books and records of the company shall  
8 be open to the department of telecommunications and energy and to the public to determine if the  
9 company is in compliance with the provisions of this section.

10 Upon its own motion or that of the attorney general or on written complaint by any of the company's  
11 customers that a distribution, transmission, gas or water company may not be in compliance with the  
12 provisions of this section, the department of telecommunications and energy shall notify the company  
13 and shall, after notice, hold a public hearing to such investigate said complaints. If the department  
14 determines that any distribution, transmission, gas or water company violated this section, said  
15 department shall order a pro rate refund or rebate to the company's customers in the amount of the  
16 realized labor costs savings and/or unnecessary expenditures as the case may be. Thereafter the  
17 company shall not be allowed to recover as a cost the amount of the refund or rebate. The department

18 shall issue a public report of its findings upon concluding the proceedings set forth in this paragraph.

19 A copy of the report shall be filed with the attorney general.

20 For the purpose of this section, “savings in labor cost” means the difference between the total  
21 remuneration that would have been paid to the employees involved in the curtailment of the work had  
22 no curtailment occurred and the actual remuneration paid, if any, to these employees during the period  
23 of the curtailment; “curtailment of work” includes a lockout, strike, slowdown or any deviation from  
24 the normal employee work schedules; “labor dispute” shall have the same meaning as it does in  
25 section 25 of chapter 151A of the General Laws.

26 The department may establish regulations necessary to carry out the provisions of this section.