

456 CMR: DEPARTMENT OF LABOR RELATIONS

456 CMR 2.00: ADMINISTRATION OF THE LABOR RELATIONS LAW: M.G.L. c. 150A

Section

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2.01: Definitions

When used in the following sections, with reference to M.G.L. c. 150A, the words and phrases in 456 CMR 2.01 have the meanings as defined:

- 456 CMR 12.00: *General Provisions*;
- 456 CMR 13.00: *Conduct of Hearings*;
- 456 CMR 14.00: *Questions of Representation*;
- 456 CMR 15.00: *Investigations*;
- 456 CMR 16.00: *Various Provisions of M.G.L. c. 150E*;
- 456 CMR 18.00: *Designation of Department Agents*.

Board. The Commonwealth Employment Relations Board established pursuant to M.G.L. c. 23, § 9R.

Days. Calendar days, including Saturdays, Sundays and legal holidays.

Department. The Department of Labor Relations established pursuant to M.G.L. c. 23, § 9O.

Director. The Director of the Department of Labor Relations established pursuant to M.G.L. c. 23, § 9T.

Employee. The meaning set forth in M.G.L. c. 150A, § 2.

Employer. The meaning set forth in M.G.L. c. 150A, § 2.

Hearing Officer. The Board member or Department agent designated to preside at a hearing.

Labor Organizations. The meaning set forth in M.G.L. c. 150A, § 2.

Party (as used in connection with the proceedings under M.G.L. c. 150A, § 6). The respondent to the charge, the charging party and any other persons, labor organizations, or entities whose intervention in the proceedings has been permitted by the Department.

Party (as used in connection with proceedings under M.G.L. c. 150A, § 5). The employer, or employers, the person or organization designated in the notice of hearing and served therewith, the petitioner and any other person, labor organization, or entity whose intervention has been permitted by the Department, except as limited by the Department in granting such permission.

Person. The meaning set forth in M.G.L. c. 150A, § 2.

Representatives. The meaning set forth in M.G.L. c. 150A, § 2.

Showing of Interest.

- (a) Authorization cards or petitions, authorizing the named labor organization to represent such employees for the purpose of collective bargaining, provided that any such authorization cards or petitions are signed and individually dated by employees within six months prior to the filing of a petition pursuant to 456 CMR 14.03: *Petitions by Employee Organizations*.

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### 2.01: continued

(b) Authorization cards or petitions stating that such employees no longer wish to be represented by the named labor organization for the purpose of collective bargaining, provided that any such authorization cards or petitions are signed and individually dated by employees within six months prior to the filing of a petition pursuant to 456 CMR 14.04: *Petitions by Employees*.

(c) Other evidence approved by the Department.

Unfair Labor Practice. The meaning set forth in M.G.L. c. 150A, § 2.

Written Majority Authorization. The meaning set forth in M.G.L. c. 150A, § 2.

### 2.02: General Provisions

The provisions of 456 CMR 12.00: *General Provisions* are applicable to all proceedings conducted under 456 CMR 2.00.

### 2.03: Conduct of Hearings

The provisions of 456 CMR 13.00: *Conduct of Hearings* are applicable to all proceedings conducted under 456 CMR 14.00: *Questions of Representation*.

### 2.04: Questions of Representation

(1) The provisions of 456 CMR 14.00: *Questions of Representation*, except 456 CMR 14.06(1): *Contract Bar* and 14.07: *Employees of the Commonwealth*, are applicable to all proceedings conducted under M.G.L. c. 150A, §§ 5 and 5A, except that all references to M.G.L. c. 150E, § 4 in 456 CMR 14.00 shall be considered references to M.G.L. c. 150A, §§ 5 or 5A.

(2) Except for good cause shown, no petition filed under the provisions of M.G.L. c. 150A, §§ 5 or 5A, and no petition filed pursuant to 456 CMR 14.02(2) or 14.03(2) seeking to alter the composition or scope of a unit during the term of an existing valid collective bargaining agreement, shall be entertained unless such petition is filed no more than 90 days and no fewer than 60 days prior to the termination date of said agreement. A petition to alter the composition or scope of an existing unit by adding or deleting job classifications which have been created or whose duties have been substantially changed since the effective date of the collective bargaining agreement may be entertained at other times. No collective bargaining agreement shall operate as a bar for a period of more than three years.

### 2.05: Prohibited Practices

The provisions of 456 CMR 15.00: *Investigations* (except 15.04: *Six-month Limitation*), 16.06: *Advisory Rulings* and 16.08: *Compliance with Enforcement of Department Orders* are applicable to all proceedings under M.G.L. c. 150A, § 6, except that all references to M.G.L. c. 150E, § 10 shall be considered references to M.G.L. c. 150A, §§ 4, 4A, 4B, and 4C, and all references to M.G.L. c. 150E shall be considered references to M.G.L. c. 150A.

### 2.06: Time Limit for Filing Charges

(1) 15 Day Limit - M.G.L. c. 150A, § 6A Charges. Any employee required to maintain union membership as a condition of employment who files a charge pursuant to M.G.L. c. 150A, § 6A, must file such charge not more than 15 days after notice that the union has requested the employee's discharge or other adverse action for failure to maintain union membership.

(2) Six Month Limit - All Other Charges. Except for good cause shown, no charge alleging a violation of other provisions of M.G.L. c. 150A shall be entertained by the Department based upon any prohibited practice occurring more than six months prior to the filing of the charges with the Department.

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2.07: Designation of Agents of the Department

The provisions of 456 CMR 18.00: *Designation of Department Agents* are applicable to all proceedings under 456 CMR 2.00, except that all references to M.G.L. c. 150E shall be considered references to M.G.L. c. 150A.

2.08: Construction of Rules and Amendments

(1) 456 CMR 2.00 shall be liberally construed to effectuate the purposes and provisions of M.G.L. c. 150A.

(2) The provisions of 456 CMR 14.19: *Certification by Written Majority Authorization*, 14.20: *Bars to Petitions for Certification by Written Majority Authorization*, and 14.21: *Intervention in Written Majority Authorization Cases*, except 456 CMR 14.19(1)(g), (13), and (14)(b), are applicable to all proceedings under M.G.L. c. 150A, § 5, except that all references to M.G.L. c. 150E, § 1 shall be considered references to M.G.L. c. 150A, § 2, all references to M.G.L. c. 150E, §§ 3 and 4 shall be considered references to M.G.L. c. 150A, § 5, and all references to employee organization shall be considered references to labor organization as defined in M.G.L. c. 150A, § 2.

REGULATORY AUTHORITY

456 CMR 2.00: M.G.L. c. 23, §§ 90, 9T; M.G.L. c. 150A, §§ 2, 3, 4, 4A, 4B, 4C, 5 and 6.