HOUSE DOCKET, NO. FILED ON: 1/12/2009

**HOUSE . . . . . . . . . . . . . . No.**

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The Commonwealth of Massachusetts

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PRESENTED BY:

**Thomas A. Golden, Jr.**

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*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General
 Court assembled:*

 The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to Interest Arbitration.

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

PETITION OF:

|  |  |
| --- | --- |
| Name: | District/Address: |
| Thomas A. Golden, Jr. | 16th Middlesex |

The Commonwealth of Massachusetts

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**In the Year Two Thousand and Nine**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

An Act relative to Interest Arbitration.

 *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 4B of chapter 1078 of the Acts of 1973, as most recently amended by section 100 of Chapter 412 of the Acts of 1991, is hereby further amended by striking out the first 4 paragraphs and inserting in place thereof the following 3 paragraphs:-

            If an employee organization duly recognized as representing the bargaining unit of the uniformed members of the state police is engaged in successor contract negotiations with the employer which have not resulted in an agreement, the employee organization shall petition the board to make an investigation.

            If, after an investigation, the board determines that the negotiations have not resulted in agreement, the board shall notify the employer and the employee organization that the unresolved issues in the negotiations shall be resolved by an arbitration before an arbitrator selected by the employee organization and the employer pursuant to the voluntary labor arbitration rules and procedures of the American Arbitration Association.

            The arbitrator so designated shall establish a hearing schedule, shall preside over the hearing, and shall take evidence.

SECTION 2.  The fifth paragraph of said section 4B of said Chapter 1078 of the Acts of 1973, as most recently amended by section 1 of Chapter 726 of the Acts of 1985, is hereby further amended by striking out the second sentence.

SECTION 3.  Said fifth paragraph of said section 4B of said Chapter 1078 of the Acts of 1973, as most recently amended by said section 1 of said Chapter 726 of the Acts of 1985, is hereby further amended by striking out, in the fifth sentence, the word “arbitrators” and inserting in the place thereof the following word: - arbitrator.

SECTION 4.  Section 8A of said Chapter 1078 of the Acts of 1973, as most recently amended by section 2 of said Chapter 726 of the Acts of 1985, is hereby repealed.

SECTION 5.  Said section 4B of said chapter 1078 of the Acts of 1973, as most recently amended by said Chapter 333 of the Acts of 1988, is hereby further amended by striking out, in the 10th paragraph, the following words, “that the scope of arbitration in police matters shall be limited to wages, hours, and conditions of employment and shall not include the following matters of inherent managerial police:  the right to appoint, promote, assign, and transfer employees.  Assignments shall not be within the scope; provided however, that the subject matters of initial station assignment upon appointment or promotion shall be within the scope of arbitration.  The subject matter of transfer shall not be within the scope of arbitration; provided, however, that the subject matters of relationship of seniority to transfers and disciplinary and punitive transfers shall be within the scope of arbitration” and inserting in the place thereof the following:- that the scope of arbitration shall include wages, hours, standards of productivity and performance, and any other term and condition of employment.