

**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.**

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PETITION OF:

NAME:

Thomas A. Golden, Jr.

DISTRICT/ADDRESS:

16th Middlesex

# The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine  
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## 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:*

1 SECTION 1. Section 4B of chapter 1078 of the Acts of 1973, as most recently amended by  
2 section 100 of Chapter 412 of the Acts of 1991, is hereby further amended by striking out the  
3 first 4 paragraphs and inserting in place thereof the following 3 paragraphs:-

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

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

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

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

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

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23 section 2 of said Chapter 726 of the Acts of 1985, is hereby repealed.

24 SECTION 5. Said section 4B of said chapter 1078 of the Acts of 1973, as most recently  
25 amended by said Chapter 333 of the Acts of 1988, is hereby further amended by striking out, in  
26 the 10<sup>th</sup> paragraph, the following words, “that the scope of arbitration in police matters shall be  
27 limited to wages, hours, and conditions of employment and shall not include the following  
28 matters of inherent managerial police: the right to appoint, promote, assign, and transfer  
29 employees. Assignments shall not be within the scope; provided however, that the subject  
30 matters of initial station assignment upon appointment or promotion shall be within the scope of  
31 arbitration. The subject matter of transfer shall not be within the scope of arbitration; provided,  
32 however, that the subject matters of relationship of seniority to transfers and disciplinary and  
33 punitive transfers shall be within the scope of arbitration” and inserting in the place thereof the

34 following:- that the scope of arbitration shall include wages, hours, standards of productivity and  
35 performance, and any other term and condition of employment.

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