

Majority Authorization Bill H429/S1116

Lead Sponsors: State Representative Robert DeLeo &
State Senator Robert O'Leary

What is the Majority Authorization Bill?

The Majority Authorization bill provides public employees with the ability to form a union simply by getting a majority of workers to sign and date cards, petitions, or other written evidence indicating their desire to designate an employee organization as their representative for collective bargaining. *It can only be used in instances where a collective bargaining unit did not previously exist and it only applies to public sector workers.*

How is the Majority Authorization Bill different from current law?

Under existing Massachusetts law, union organizers must get at least 30 percent of workers to sign authorization cards. Once the 30 percent level is reached, a union can file for an election to be scheduled by the State Labor Relations Commission. Unfortunately, it can take up to six months or longer before the election date is set.

Why do we need majority authorization?

Despite the fact that a worker's right to join a union is guaranteed by law, it is widely recognized that employees often fall victim to intimidation by employers during the extensive period of time leading up to the election. Democratic majority authorization procedures are necessary to avoid anti-democratic employer coercion. Individuals should be able to enjoy the freedom to join a union confidentially, without fear or repercussions. This will allow working men and women to exercise their legal right more freely.

Summary of Legislation H 429 & S1116

The legislation would insert a paragraph into Chapter 150E/150A of the Massachusetts General Laws allowing for recognition of a labor organization upon written authorization from the workers. Authorization would constitute a majority of employees signing and dating cards, petitions, or other written evidence designating an employee organization as their representative for collective bargaining where one does not previously exist.

The legislation would further amend Chapter 150E/150A to enable the employee representative and employer to designate a neutral party to verify the authenticity of the employee's written authorization. If they cannot agree within ten days on a neutral party, the Labor Relations Commission will act as a neutral verification of the employees' confidential written designation within a period not longer than ten days. Upon

verification of the employees' written designation, the employer will recognize the representation of the bargaining unit if so designated.

Text of Majority Authorization Legislation

AN ACT PROVIDING AMENDMENTS TO THE LABOR LAWS.

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 one of Chapter 150E of the General Laws is hereby amended by inserting after the last paragraph thereof the following paragraph:-

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

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

Notwithstanding any other provision of this section, the commission shall certify and the public employer shall recognize as the exclusive representative for the purpose of collective bargaining of all the employees in the bargaining unit an employee organization which has received a written majority authorization as defined in section one and as hereinafter set forth, provided that this rule shall apply only when no other employee organization has been and currently is lawfully recognized as the exclusive representative of the employees in the appropriate bargaining unit. Whenever an

employee organization proffers evidence that it has received a written majority authorization, the employee organization and the public employer shall agree upon a neutral to conduct a confidential inspection of the evidence of written majority authorization. If within ten days the employee organization and the public employer do not agree upon a neutral, the commission shall act as the neutral. The neutral shall verify the employee organization's majority support within the appropriate bargaining unit and report the results of such inspection in writing to the parties and, if the verification was conducted by an agreed neutral, to the commission. The commission shall establish rules and procedures for the prompt verification of evidence of written majority authorization, which rules shall include safeguards to protect the privacy of individual employee choice, and which shall further provide that, absent exceptional cause, the verification procedure shall not last longer than ten days from the appointment of the neutral or from assumption by the commission of the duties of the neutral.

SECTION 3. Section two of chapter 150A of the General Laws is hereby amended by inserting after subsection eleven thereof the following subsection:-

(12) The term "written majority authorization" means writings signed and dated by employees in the form of authorization cards, petitions, or such other written evidence as the commission shall find suitable, in which a majority of employees in a unit appropriate for collective bargaining designate or select a labor organization as their representative for the purpose of collective bargaining. Employee signatures must be dated within the twelve months preceding the date on which the writings are proffered to establish majority and exclusive representative status within the meaning of subsection (a) of section five.

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

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