

**Labor & Employment Alert  
October 2019**

**Massachusetts Legislature Passes Post-*Janus* Bill Over Governor's Veto**

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On September 19<sup>th</sup>, the Massachusetts Legislature overwhelmingly overrode Governor Charlie Baker's veto of a union-friendly law. The bill was passed in response to the U.S. Supreme Court's 2018 decision in Janus v. AFSCME which relieved bargaining unit employees who were not members of the union of the obligation to pay dues to public sector unions. The Massachusetts bill allows unions to charge non-members certain fees, relieves unions of some of their obligations to those non-union employees, and expands unions' access to public employees.

More specifically, the law permits unions to require non-members to pay reasonable costs and fees associated with grieving or arbitrating a matter under a collective bargaining agreement. This includes arbitrator fees and reasonable attorney fees. If the employee does not pay, the union is relieved of its obligation to represent the non-member in the matter.

The law also expands unions' access to public employee information and use of public employer's resources. The law gives unions the following access:

- The right to meet with individual employees on the public employer's premises during the work day to investigate and discuss grievances, workplace-related complaints, and other workplace issues;
- The right to meet with newly hired employees, without charge to the pay or leave time of the employees, for at least 30 minutes within 10 calendar days after the date of hire, during orientations or at individual or group meetings;
- The right to use the public employer's email system to communicate with bargaining unit members regarding union-related matters such as elections, meetings, and social activities; and,
- The right to use government buildings and other facilities owned or leased by government entities to conduct meetings.

The law contains further provisions specific to school employees. A school must notify the union of a hiring decision no more than 10 calendar days after an employee accepts an offer of employment. At that time, the school must provide the employee's contact information to the union. This includes the employee's name, job, title, worksite location, home address, work telephone numbers, home and personal cell phone number on file with the public employer, date of hire, work email address, and personal email address on file with the public employer. The



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employee’s personal home and cell phone numbers and email address must only be provided if they are on file with the school.

Failure to provide the union with the above-mentioned access constitutes an unfair labor practice.

Finally, the bill updates Chapter 180, Section 17A of the General Laws by allowing for union dues authorizations to be irrevocable for a period of no more than one year. Under this new Section, an employee who authorizes a payroll deduction for union dues must give at least sixty (60) calendar days’ notice before revoking such an authorization, unless the authorization specifies otherwise. A revocation also must be in writing and pursuant to the terms specified in the authorization. The law does not change the fact that Section 17A is a local option law that must be adopted by a city or town to be effective. Irrevocable dues provisions and laws have been the subject of multiple legal challenges since the Supreme Court’s Janus decision, and it is not yet clear what effect Janus will have on such provisions.

The published session law contains an emergency preamble which indicates that the law is effective immediately.

*This Client Alert was prepared by Rachel Mills. If you have any questions about this issue, please contact Andrew Waugh, Michael Maccaro, or the attorney responsible for your account, or call (617) 479-5000.*

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