

SECOND REGULAR SESSION

HOUSE BILL NO. 1829

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES WALSH (Sponsor), SCHOEMEHL, HUMMEL, CARTER, WALTON GRAY, CHAPPELLE-NADAL, WEBBER, DOUGHERTY, CORCORAN, YAEGER, LeBLANC, BIERMANN, MORRIS, SCAVUZZO, LAMPE, MEADOWS, BURNETT, NASHEED AND NORR (Co-sponsor).

3737L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 105.500, 105.510, 105.520, 105.525, and 105.530, RSMo, and to enact in lieu thereof twenty new sections relating to collective bargaining for public employees.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 105.500, 105.510, 105.520, 105.525, and 105.530, RSMo, are
2 repealed and twenty new sections enacted in lieu thereof, to be known as sections 105.535,
3 105.537, 105.539, 105.541, 105.543, 105.545, 105.547, 105.549, 105.551, 105.553, 105.555,
4 105.557, 105.559, 105.561, 105.563, 105.565, 105.567, 105.569, 105.571, and 105.573, to read
5 as follows:

2 **105.535. Sections 105.535 to 105.573 shall be known and may be cited as the**
3 **"Public Employee Bargaining Act".**

2 **105.537. As used in sections 105.535 to 105.573, the following terms mean:**

2 (1) **"Appropriate bargaining unit", a group of public employees designated by the**
3 **board for the purpose of collective bargaining;**

4 (2) **"Appropriate governing body", the policymaking body or individual**
5 **representing a public employer;**

6 (3) **"Authorization card", a signed affirmation by a member of an appropriate**
7 **bargaining unit designating a particular organization as exclusive representative;**

8 (4) **"Board", the public employment labor relations board;**

9 (5) **"Certification", the designation by the board of a labor organization as the**
10 **exclusive representative for all public employees in an appropriate bargaining unit;**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

11 (6) "Collective bargaining", the act of negotiating between a public employer and
12 an exclusive representative for the purpose of entering into a written agreement regarding
13 wages, hours, and other terms and conditions of employment;

14 (7) "Confidential employee", a person who devotes a majority of his or her time to
15 assisting and acting in a confidential capacity with respect to a person who formulates,
16 determines, and effectuates management policies;

17 (8) "Emergency", a one-time crisis that was unforeseen and unavoidable;

18 (9) "Exclusive representative", a labor organization that, as a result of certification,
19 has the right to represent all public employees in an appropriate bargaining unit for the
20 purposes of collective bargaining;

21 (10) "Fair share", the payment to a labor organization which is the exclusive
22 representative for an appropriate bargaining unit by an employee of that bargaining unit
23 who is not a member of that labor organization equal to a certain percentage of
24 membership dues;

25 (11) "Impasse", failure of a public employer and an exclusive representative, after
26 good-faith bargaining, to reach agreement in the course of negotiating a collective
27 bargaining agreement;

28 (12) "Labor organization", an employee organization, one of whose purposes is the
29 representation of public employees in collective bargaining and in otherwise meeting,
30 consulting, and conferring with employers on matters pertaining to employment relations;

31 (13) "Lockout", an act by a public employer to prevent its employees from going
32 to work for the purpose of resisting the demands of the employees' exclusive representative
33 or for the purpose of gaining a concession from the exclusive representative;

34 (14) "Management employee", an employee who is engaged primarily in executive
35 and management functions and is charged with the responsibility of developing,
36 administering, or effectuating management policies. An employee shall not be deemed a
37 management employee solely because the employee participates in cooperative
38 decision-making programs on an occasional basis;

39 (15) "Mediation", assistance by an impartial third party to resolve an impasse
40 between a public employer and an exclusive representative regarding employment relations
41 through interpretation, suggestion, and advice;

42 (16) "Professional employee", an employee whose work is predominantly
43 intellectual and varied in character and whose work involves the consistent exercise of
44 discretion and judgment in its performance and requires knowledge of an advanced nature
45 in a field of learning customarily requiring specialized study at an institution of higher
46 education or its equivalent. The work of a professional employee is of such character that

47 the output or result accomplished cannot be standardized in relation to a given period of
48 time;

49 (17) "Public employee", any individual employed by a public employer except:

50 (a) Elected officials and persons appointed to fill vacancies in elective offices and
51 members of any board or commission;

52 (b) Representatives of a public employer, including the administrative officer,
53 director, or chief executive officer of a public employer or major division thereof as well
54 as the officer's or director's deputy, first assistant, and any supervisory employees. As
55 used in this section, "supervisory employee" means any individual having authority in the
56 interest of the public employer to hire, transfer, suspend, layoff, recall, promote, discharge,
57 assign, reward, or discipline other public employees, or the responsibility to direct them,
58 or to adjust their grievances, or effectively to recommend such action, if, in connection with
59 the foregoing, exercise of such authority is not of a merely routine or clerical nature, but
60 requires the use of independent judgment. All school superintendents, assistant
61 superintendents, principals, and assistant principals shall be deemed to be supervisory
62 employees;

63 (c) Confidential employees;

64 (d) Students working as part-time public employees twenty hours per week or less,
65 except graduate or other postgraduate students in preparation for a profession who are
66 engaged in academically related employment as a teaching, research, or service assistant;

67 (e) Temporary public employees employed for a period of four months or less;

68 (f) Commissioned and enlisted personnel of the Missouri national guard;

69 (g) Judicial officers and confidential or supervisory employees of the judicial
70 branch;

71 (h) Patients and inmates employed, sentenced, or committed to any state or local
72 institution;

73 (18) "Public employer", the state of Missouri, its boards, commissions, agencies,
74 departments, and its political subdivisions including school districts and other special
75 purpose districts;

76 (19) "Strike", a public employee's refusal, in concerted action with other public
77 employees, to report for duty or his willful absence in whole or in part from the full,
78 faithful, and proper performance of the duties of employment for the purpose of inducing,
79 influencing, or coercing a change in the conditions, compensation, rights, privileges, or
80 obligations of public employment; and

81 (20) "Supervisor", an employee who devotes a majority of work time to supervisory
82 duties, who customarily and regularly directs the work of two or more other employees and

83 who has the authority in the interest of the employer to hire, promote, or discipline other
84 employees or to recommend such actions effectively, but "supervisor" does not include an
85 individual who performs merely routine, incidental, or clerical duties or who occasionally
86 assumes a supervisory or directory role or whose duties are substantially similar to those
87 of his subordinates and does not include a lead employee or an employee who participates
88 in peer review or occasional employee evaluation programs.

105.539. Public employees may form, join, or assist a labor organization for the
2 purpose of collective bargaining through representatives chosen by public employees
3 without interference, restraint, or coercion and shall have the right to refuse any such
4 activities.

105.541. Unless limited by the provisions of a collective bargaining agreement or
2 by other statutory provision, a public employer may:

3 (1) Direct the work of, hire, promote, assign, transfer, demote, suspend, discharge,
4 or terminate public employees;

5 (2) Determine qualifications for employment and the nature and content of
6 personnel examinations;

7 (3) Take actions as may be necessary to carry out the mission of the public
8 employer in emergencies; and

9 (4) Retain all rights not specifically limited by a collective bargaining agreement
10 or by sections 105.535 to 105.573.

105.543. 1. There is established within the department of labor and industrial
2 relations a board to be known as the "Public Employment Relations Board". The board
3 shall consist of three members appointed by the governor, with the advice and consent of
4 the senate. No more than two members shall be of the same political party. No member
5 shall engage in any political activity while holding office, and the members shall devote full
6 time to their duties. One of the initial members appointed under this section shall serve a
7 term of four years. The other initial members appointed under this section shall serve
8 staggered terms of two and three years as determined by the governor at the time of
9 appointment. Thereafter, the successor members shall be appointed for a term of four
10 years. The member initially appointed for a term of four years shall serve as chairperson
11 and each of the member's successors shall also serve as chairperson.

12 2. Any vacancy occurring shall be filled in the same manner as regular
13 appointments are made.

14 3. In selecting the members of the board, consideration shall be given to their
15 knowledge, ability, and experience in the field of labor-management relations. The

16 chairperson and the remaining two members shall each receive an annual salary as set by
17 the general assembly.

18 **4. The board may employ such persons as are necessary for the performance of its**
19 **functions.**

20 **5. Members of the board and other employees of the board shall be allowed their**
21 **actual and necessary expenses incurred in the performance of their duties. All expenses**
22 **and salaries shall be paid from appropriations by the general assembly.**

105.545. 1. The board shall promulgate rules necessary to accomplish and perform
2 **its functions and duties as established in sections 105.535 to 105.573, including the**
3 **establishment of procedures for:**

4 **(1) The designation of appropriate bargaining units;**

5 **(2) The selection, certification, and decertification of exclusive representatives; and**

6 **(3) The filing of, hearing on, and determination of complaints of prohibited**
7 **practices.**

8 **2. The board shall:**

9 **(1) Hold hearings and make inquiries necessary to carry out its functions and**
10 **duties;**

11 **(2) Conduct studies on problems pertaining to employee-employer relations; and**

12 **(3) Request from public employers and labor organizations the information and**
13 **data necessary to carry out the board's functions and responsibilities.**

14 **3. The board may issue subpoenas requiring, upon reasonable notice, the**
15 **attendance and testimony of witnesses and the production of evidence, including books,**
16 **records, correspondence, or documents relating to the matter in question. The board may**
17 **prescribe the form of subpoena, but it shall adhere insofar as practicable to the form used**
18 **in civil actions in the circuit court. The board may administer oaths and affirmations,**
19 **examine witnesses and receive evidence.**

20 **4. The board shall decide issues by majority vote and shall issue its decisions in the**
21 **form of written orders and opinions.**

22 **5. The board may hire personnel or contract with third parties as it deems**
23 **necessary to assist it in carrying out its functions.**

24 **6. The board has the power to enforce provisions of sections 105.535 to 105.573**
25 **through the imposition of appropriate administrative remedies.**

26 **7. A rule promulgated by the board shall not require, directly or indirectly, as a**
27 **condition of continuous employment, a public employee covered by sections 105.535 to**
28 **105.573 to pay money to a labor organization that is certified as an exclusive**

29 representative. The issue of fair share shall be left a permissive subject of bargaining by
30 the public employer and the exclusive representative of each bargaining unit.

105.547. 1. The board may hold hearings for the purposes of:

2 (1) Information gathering and inquiry;

3 (2) Adopting rules; and

4 (3) Adjudicating disputes and enforcing the provisions of sections 105.535 to
5 105.573 and rules adopted under sections 105.535 to 105.573.

6 2. The board shall adopt rules setting forth procedures to be followed during
7 hearings of the board. The procedures adopted for conducting adjudicatory hearings shall
8 meet all minimal due process requirements of the state and federal constitutions.

9 3. The board may appoint a hearing examiner to conduct any adjudicatory hearing
10 authorized by the board. At the conclusion of the hearing, the examiner shall prepare a
11 written report, including findings and recommendations, all of which shall be submitted
12 to the board for its decision.

13 4. A rule proposed to be adopted by the board that affects a person or
14 governmental entity outside of the board and its staff shall not be adopted, amended, or
15 repealed without public hearing and comment on the proposed action before the board.
16 The public hearing shall be held after notice of the subject matter of the rule, the action
17 proposed to be taken, the time and place of the hearing, the manner in which interested
18 persons may present their views, and the method by which copies of the proposed rule,
19 proposed amendment, or repeal of an existing rule may be obtained. All meetings of the
20 board shall be held in this state. Notice shall be published once at least thirty days prior
21 to the hearing date in a newspaper of general circulation in the state, and notice shall be
22 mailed at least thirty days prior to the hearing date to all persons who have made a written
23 request for advance notice of hearings.

24 5. All adopted rules shall be filed in accordance with applicable state statutes.

25 6. A verbatim record made by electronic or other suitable means shall be made of
26 every rulemaking and adjudicatory hearing. The record shall not be transcribed unless
27 required for judicial review or unless ordered by the board.

105.549. 1. The board shall, upon receipt of a petition for a representation election
2 **filed by a labor organization, designate the appropriate bargaining units for collective**
3 **bargaining. Appropriate bargaining units shall be established on the basis of occupational**
4 **groups or clear and identifiable communities of interest in employment terms and**
5 **conditions and related personnel matters among the public employees involved.**
6 **Occupational groups shall generally be identified as blue-collar, secretarial clerical,**
7 **technical, professional, paraprofessional, police, fire, and corrections. The parties, by**

8 mutual agreement, may further consolidate occupational groups. Essential factors in
9 determining appropriate bargaining units shall include the principles of efficient
10 administration of government, the history of collective bargaining, and the assurance to
11 public employees of the fullest freedom in exercising the rights guaranteed by sections
12 105.535 to 105.573.

13 2. Within thirty days of a disagreement arising between a public employer and a
14 labor organization concerning the composition of an appropriate bargaining unit, the
15 board shall hold a hearing concerning the composition of the bargaining unit before
16 designating an appropriate bargaining unit.

17 3. The board shall not include in an appropriate bargaining unit supervisors,
18 managers, or confidential employees.

105.551. 1. Whenever, in accordance with rules prescribed by the board, a petition
2 is filed by a labor organization containing the signatures of at least thirty percent of the
3 public employees in an appropriate bargaining unit, the board shall conduct a secret ballot
4 representation election to determine whether and by which labor organization the public
5 employees in the appropriate bargaining unit shall be represented. The ballot shall contain
6 the name of any labor organization submitting a petition containing signatures of at least
7 thirty percent of the public employees in the appropriate bargaining unit. The ballot shall
8 also contain a provision allowing public employees to indicate whether they do not desire
9 to be represented by a labor organization. An election shall only be valid if forty percent
10 of the eligible employees in the bargaining unit vote in the election.

11 2. Once a labor organization has filed a valid petition with the board calling for a
12 representation election, other labor organizations may seek to be placed on the ballot.
13 Such an organization shall file a petition containing the signatures of not less than thirty
14 percent of the public employees in the appropriate bargaining unit no later than ten days
15 after the board and the public employer post a written notice that the petition in subsection
16 1 of this section has been filed by a labor organization.

17 3. As an alternative to the provisions of subsection 1 of this section, a public
18 employer and a labor organization with a reasonable basis for claiming to represent a
19 majority of the employees in an appropriate bargaining unit may establish an alternative
20 appropriate procedure for determining majority status. The procedure may include a
21 labor organization's submission of authorization cards from a majority of the employees
22 in an appropriate bargaining unit. The board shall not certify an appropriate bargaining
23 unit if the public employer objects to the certification without an election.

24 4. If a labor organization receives a majority of votes cast, it shall be certified as the
25 exclusive representative of all public employees in the appropriate bargaining unit. Within

26 fifteen days of an election in which no labor organization receives a majority of the votes
27 cast, a runoff election between the two choices receiving the largest number of votes cast
28 shall be conducted. The board shall certify the results of the election, and, when a labor
29 organization receives a majority of the votes cast, the board shall certify the labor
30 organization as the exclusive representative of all public employees in the appropriate
31 bargaining unit.

32 **5.** An election shall not be conducted if an election or runoff election has been
33 conducted in the twelve-month period immediately preceding the proposed representation
34 election. An election shall not be held during the term of an existing collective bargaining
35 agreement, except as provided in section 105.555.

36 **6.** The board shall investigate and consider allegations that the authorization cards,
37 petitions, or other evidence submitted in connection with a representation petition were
38 subsequently changed, altered, withdrawn, or withheld as a result of employer fraud,
39 coercion, or any other unfair labor practice by the employer. If the board determines that
40 a labor organization would have had majority designation but for an employer's fraud,
41 coercion, or unfair labor practice, it shall certify the labor organization as an exclusive
42 representative without conducting an election.

105.553. 1. A labor organization that has been certified by the board as
2 representing the public employees in the appropriate bargaining unit shall be the exclusive
3 representative of all public employees in the appropriate bargaining unit. The exclusive
4 representative shall act for all public employees in the appropriate bargaining unit and
5 negotiate a collective bargaining agreement covering all public employees in the
6 appropriate bargaining unit. The exclusive representative shall represent the interests of
7 all public employees in the appropriate bargaining unit without discrimination or regard
8 to membership in the labor organization.

9 **2.** This section does not prevent a public employee, acting individually, from
10 presenting a grievance without the intervention of the exclusive representative. At a
11 hearing on a grievance brought by a public employee individually, the exclusive
12 representative shall be afforded the opportunity to be present and make its views known.
13 An adjustment made shall not be inconsistent with or in violation of the collective
14 bargaining agreement then in effect between the public employer and the exclusive
15 representative.

105.555. 1. A member of a labor organization or the labor organization itself may
2 initiate decertification of a labor organization as the exclusive representative if thirty
3 percent of the public employees in the appropriate bargaining unit make a written request
4 to the board for a decertification election. Decertification elections shall be held in a

5 manner prescribed by rule of the board. An election shall only be valid if forty percent of
6 the eligible employees in the bargaining unit vote in the election.

7 2. When there is a collective bargaining agreement in effect, a request for a
8 decertification election shall be made to the board no earlier than ninety days and no later
9 than sixty days before the expiration of the collective bargaining agreement; provided,
10 however, a request for an election may be filed at any time after the expiration of the third
11 year of a collective bargaining agreement with a term of more than three years.

12 3. When, within the time period prescribed in subsection 2 of this section, a
13 competing labor organization files a petition containing signatures of at least thirty percent
14 of the public employees in the appropriate bargaining unit, a representation election rather
15 than a decertification election shall be conducted.

16 4. When an exclusive representative has been certified but no collective bargaining
17 agreement is in effect, the board shall not accept a request for a decertification election
18 earlier than twelve months subsequent to a labor organization's certification as the
19 exclusive representative.

105.557. 1. Public employers and exclusive representatives:

2 (1) Shall bargain in good faith on wages, hours, and all other terms and conditions
3 of employment and other issues agreed to by the parties. However, neither the public
4 employer nor the exclusive representative shall be required to agree to a proposal or to
5 make a concession; and

6 (2) Shall enter into written collective bargaining agreements covering employment
7 relations.

8 2. The obligation to bargain collectively imposed by sections 105.535 to 105.573
9 shall not be construed as authorizing a public employer and an exclusive representative to
10 enter into an agreement that is in conflict with the provisions of any other statute of this
11 state. In the event of conflict between the provisions of any other statute of this state and
12 an agreement entered into by the public employer and the exclusive representative in
13 collective bargaining, the statutes of this state shall prevail.

14 3. Payroll deduction of the exclusive representative's membership dues shall be a
15 mandatory subject of bargaining if either party chooses to negotiate the issue. The amount
16 of dues shall be certified in writing by an official of the labor organization and shall not
17 include special assessments, penalties, or fines of any type. The public employer shall
18 honor payroll deductions until the authorization is revoked in writing by the public
19 employee in accordance with the negotiated agreement and for so long as the labor
20 organization is certified as the exclusive representative. During the time that a board

21 certification is in effect for a particular appropriate bargaining unit, the public employer
22 shall not deduct dues for any other labor organization.

23 4. The scope of bargaining for representatives of public schools as well as
24 educational employees in state agencies shall include, as a mandatory subject of
25 bargaining, the impact of professional and instructional decisions made by the employer.

26 5. An impasse resolution or an agreement provision by the state and an exclusive
27 representative that requires the expenditure of funds shall be contingent upon the specific
28 appropriation of funds by the legislature and the availability of funds. An impasse
29 resolution or an agreement provision by a public employer other than the state or the
30 public schools and an exclusive representative that requires the expenditure of funds shall
31 be contingent upon the specific appropriation of funds by the appropriate governing body
32 and the availability of funds. An arbitration decision shall not require the reappropriation
33 of funds.

34 6. An agreement shall include a grievance procedure to be used for the settlement
35 of disputes pertaining to employment terms and conditions and related personnel matters.
36 The grievance procedure shall provide for a final and binding determination. The final
37 determination shall constitute an arbitration award within the meaning of sections 435.350
38 to 435.470; such award shall be subject to judicial review under the standard set forth in
39 sections 435.350 to 435.470. The costs of an arbitration proceeding conducted under this
40 subsection shall be shared equally by the parties.

41 7. The following meetings shall be closed:

42 (1) Meetings for the discussion of bargaining strategy preliminary to collective
43 bargaining negotiations between the public employer and the exclusive representative of
44 the public employees of the public employer;

45 (2) Collective bargaining sessions; and

46 (3) Consultations and impasse resolution procedures at which the public employer
47 and the exclusive representative of the appropriate bargaining unit are present.

105.559. 1. The following negotiations and impasse procedures shall be followed
2 by the state and exclusive representatives for state employees:

3 (1) A request to the state for the commencement of initial negotiations shall be filed
4 in writing by the exclusive representative no later than June first of the year in which
5 negotiations are to take place. Negotiations shall begin no later than July first of that year;

6 (2) In subsequent years, negotiations agreed to by the parties shall begin no later
7 than August first following the submission of written notice to the state by the exclusive
8 representative no later than July first of the year in which negotiations are to take place;

9 (3) If an impasse occurs during negotiations between the parties, and if an
10 agreement is not reached by the parties by October first, either party may request
11 mediation services from the state board of mediation;

12 (4) The mediator shall provide services to the parties until the parties reach
13 agreement or the mediator believes that mediation services are no longer helpful or until
14 November first, whichever occurs first; and

15 (5) If the impasse continues after November first, the board shall provide the
16 parties with a list of seven qualified arbitrators. One arbitrator shall be chosen by the
17 parties by alternately striking names from such list. Who strikes first shall be determined
18 by coin toss. The arbitrator shall render a final, binding, written decision resolving
19 unresolved issues under subsection 5 of section 105.557 and sections 435.350 to 435.470 no
20 later than thirty days after the arbitrator has been notified of his or her selection by the
21 parties. The arbitrator's decision shall be limited to a selection of one of the two parties'
22 complete, last, best offer. The costs of an arbitrator and the arbitrator's related costs
23 conducted under this subsection shall be shared equally by the parties. Each party shall
24 be responsible for bearing the cost of presenting its case. The decision shall be subject to
25 judicial review under the standard set forth in sections 435.350 to 435.470.

26 2. The following impasse procedures shall be followed by all public employers and
27 exclusive representatives, except the state and the state's exclusive representatives:

28 (1) If an impasse occurs, either party may request from the board that a mediator
29 be assigned to the negotiations unless the parties can agree on a mediator. A mediator shall
30 be assigned by the board to assist negotiations unless the parties agree to another mediator;
31 and

32 (2) If the impasse continues after a thirty-day mediation period, the board shall
33 provide the parties with a list of seven qualified arbitrators. One arbitrator shall be chosen
34 by the parties by alternately striking names from such list. Who strikes first shall be
35 determined by coin toss. The arbitrator shall render a final, binding, written decision
36 resolving unresolved issues under subsection 5 of section 105.557 and sections 435.350 to
37 435.470 no later than thirty days after the arbitrator has been notified of his or her
38 selection by the parties. The arbitrator's decision shall be limited to a selection of one of
39 the two parties' complete, last, best offer. The costs of an arbitrator and the arbitrator's
40 related costs conducted under this subsection shall be shared equally by the parties. Each
41 party shall be responsible for bearing the cost of presenting its case. The decision shall be
42 subject to judicial review under the standard set forth in sections 435.350 to 435.470.

43 3. A public employer other than the state may enter into a written agreement with
44 the exclusive representative setting forth an alternative impasse resolution procedure.

45 **4. In the event that an impasse continues after the expiration of a contract, the**
46 **existing contract will continue in full force and effect until it is replaced by a subsequent**
47 **written agreement. However, this shall not require the public employer to increase any**
48 **employees' levels, steps, or grades of compensation contained in the existing contract.**

105.561. A public employer or his representative shall not:

2 **(1) Discriminate against a public employee with regard to terms and conditions of**
3 **employment because of the employee's membership in a labor organization;**

4 **(2) Interfere with, restrain, or coerce a public employee in the exercise of a right**
5 **guaranteed under sections 105.535 to 105.573;**

6 **(3) Dominate or interfere in the formation, existence, or administration of a labor**
7 **organization;**

8 **(4) Discriminate in regard to hiring, tenure, or a term or condition of employment**
9 **in order to encourage or discourage membership in a labor organization;**

10 **(5) Discharge or otherwise discriminate against a public employee because he or**
11 **she has signed or filed an affidavit, petition, grievance, or complaint or given information**
12 **or testimony under the provisions of sections 105.535 to 105.573 or because a public**
13 **employee is forming, joining, or choosing to be represented by a labor organization;**

14 **(6) Refuse to bargain collectively in good faith with the exclusive representative;**

15 **(7) Refuse or fail to comply with a provision of sections 105.535 to 105.573; or**

16 **(8) Refuse or fail to comply with a collective bargaining agreement.**

105.563. A public employee or labor organization or its representative shall not:

2 **(1) Discriminate against a public employee with regard to labor organization**
3 **membership because of race, color, religion, creed, age, sex, or national origin;**

4 **(2) Interfere with, restrain, or coerce any public employee in the exercise of a right**
5 **guaranteed under sections 105.535 to 105.573;**

6 **(3) Refuse to bargain collectively in good faith with a public employer;**

7 **(4) Refuse or fail to comply with a collective bargaining or other agreement with**
8 **the public employer;**

9 **(5) Refuse or fail to comply with a provision of sections 105.535 to 105.573; or**

10 **(6) Picket homes or private businesses of elected officials or public employees.**

105.565. 1. A public employee or labor organization shall not engage in a strike.

2 **A labor organization shall not cause, instigate, encourage, or support a public employee**
3 **strike. A public employer shall not cause, instigate, or engage in a public employee lockout.**

4 **2. If a strike occurs, a public employer may initiate in the circuit court of**
5 **jurisdiction where the strike occurs, an action for injunctive relief, and if a lockout occurs,**

6 an exclusive representative of public employees affected by a lockout may apply to the
7 circuit court of jurisdiction where the lockout occurs for injunctive relief.

8 **3. The board, upon a clear and convincing showing of proof at a hearing that a**
9 **labor organization directly caused or instigated a public employee strike, may impose**
10 **appropriate penalties on that labor organization, up to and including decertification of the**
11 **labor organization with respect to any of its bargaining units which struck as a result of**
12 **such causation or instigation.**

105.567. Collective bargaining agreements and other agreements between public
2 **employers and exclusive representatives shall be valid and enforceable according to their**
3 **terms when entered into in accordance with the provisions of sections 105.535 to 105.573.**

105.569. 1. The board may request the circuit court to enforce orders issued under
2 **sections 105.535 to 105.573, including those for appropriate temporary relief. The court**
3 **shall consider the request for enforcement on the record made before the board. It shall**
4 **uphold the action of the board and take appropriate action to enforce it unless it concludes**
5 **that the order is:**

- 6 **(1) Arbitrary, capricious, or an abuse of discretion;**
7 **(2) Not supported by substantial evidence on the record considered as a whole; or**
8 **(3) Otherwise not in accordance with law.**

9 **2. A person or party, including a labor organization affected by a final rule, order,**
10 **or decision of the board, may appeal to the circuit court for further relief. All such appeals**
11 **shall be based upon the record made at the board. All such appeals to the circuit court**
12 **shall be taken within thirty days of the date of the final rule, order, or decision of the**
13 **board. Actions taken by the board shall be affirmed unless the court concludes that the**
14 **action is:**

- 15 **(1) Arbitrary, capricious, or an abuse of discretion;**
16 **(2) Not supported by substantial evidence on the record considered as a whole; or**
17 **(3) Otherwise not in accordance with law.**

105.571. Nothing in sections 105.535 to 105.573 shall be construed to annul or
2 **modify a collective bargaining agreement entered into between a public employer and an**
3 **exclusive representative prior to the effective date of sections 105.535 to 105.573. Nor shall**
4 **anything in sections 105.535 to 105.573 be construed to annul or modify the status of an**
5 **existing or recognized exclusive representative.**

105.573. The board shall promulgate rules to implement the provisions of sections
2 **105.535 to 105.573. Any rule or portion of a rule, as that term is defined in section 536.010,**
3 **that is created under the authority delegated in this section shall become effective only if**
4 **it complies with and is subject to all of the provisions of chapter 536 and, if applicable,**

5 **section 536.028. This section and chapter 536 are nonseverable and if any of the powers**
6 **vested with the general assembly under chapter 536 to review, to delay the effective date,**
7 **or to disapprove and annul a rule are subsequently held unconstitutional, then the grant**
8 **of rulemaking authority and any rule proposed or adopted after August 28, 2010, shall be**
9 **invalid and void.**

2 [105.500. Unless the context otherwise requires, the following words and
phrases mean:

3 (1) "Appropriate unit" means a unit of employees at any plant or
4 installation or in a craft or in a function of a public body which establishes a clear
5 and identifiable community of interest among the employees concerned;

6 (2) "Exclusive bargaining representative" means an organization which
7 has been designated or selected by majority of employees in an appropriate unit
8 as the representative of such employees in such unit for purposes of collective
9 bargaining;

10 (3) "Public body" means the state of Missouri, or any officer, agency,
11 department, bureau, division, board or commission of the state, or any other
12 political subdivision of or within the state.]
13

2 [105.510. Employees, except police, deputy sheriffs, Missouri state
highway patrolmen, Missouri national guard, all teachers of all Missouri schools,
3 colleges and universities, of any public body shall have the right to form and join
4 labor organizations and to present proposals to any public body relative to
5 salaries and other conditions of employment through the representative of their
6 own choosing. No such employee shall be discharged or discriminated against
7 because of his exercise of such right, nor shall any person or group of persons,
8 directly or indirectly, by intimidation or coercion, compel or attempt to compel
9 any such employee to join or refrain from joining a labor organization, except
10 that the above excepted employees have the right to form benevolent, social, or
11 fraternal associations. Membership in such associations may not be restricted on
12 the basis of race, creed, color, religion or ancestry.]
13

2 [105.520. Whenever such proposals are presented by the exclusive
bargaining representative to a public body, the public body or its designated
3 representative or representatives shall meet, confer and discuss such proposals
4 relative to salaries and other conditions of employment of the employees of the
5 public body with the labor organization which is the exclusive bargaining
6 representative of its employees in a unit appropriate. Upon the completion of
7 discussions, the results shall be reduced to writing and be presented to the
8 appropriate administrative, legislative or other governing body in the form of an
9 ordinance, resolution, bill or other form required for adoption, modification or
10 rejection.]
11

2 [105.525. Issues with respect to appropriateness of bargaining units and
majority representative status shall be resolved by the state board of mediation.
3 In the event that the appropriate administrative body or any of the bargaining
4 units shall be aggrieved by the decision of the state board of mediation, an appeal
5 may be had to the circuit court of the county where the administrative body is
6 located or in the circuit court of Cole County. The state board of mediation shall
7 use the services of the state hearing officer in all contested cases.]
8

2 [105.530. Nothing contained in sections 105.500 to 105.530 shall be
construed as granting a right to employees covered in sections 105.500 to
3 105.530 to strike.]

✓