

FIRST REGULAR SESSION

HOUSE BILL NO. 637

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HELMS.

1342H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 105, RSMo, by adding thereto one new section relating to bargaining with public employers.

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

Section A. Chapter 105, RSMo, is amended by adding thereto one new section, to be known as section 105.534, to read as follows:

105.534. 1. For purposes of this section, the following terms mean:

(1) "Appropriate unit", the same meaning given to the term under section 105.500;

(2) "Collective bargaining", the performance of the mutual obligation of the representatives of the public employer and the employee organization designated as an exclusive bargaining representative to meet and bargain in good faith in an effort to reach written agreement with respect to wages, hours, and terms and conditions of employment;

(3) "Employee organization", any association of employees, organization of employees, agency, employee representation committee, or plan in which employees participate that exists, in whole or in part, to advocate on behalf of employees about grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work;

(4) "Exclusive bargaining representative", the same meaning given to the term under section 105.500;

(5) "Independent bargaining" or "to bargain independently", to bargain between a public employer and a public employee with respect to rates of pay, wages, hours of employment, adjustment of grievances, or other terms and conditions of employment

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.

17 without the intervention of an employee organization, bargaining agent, or exclusive
18 bargaining representative;

19 (6) "Public employee", a person holding a position by appointment or employment
20 in a public body, as defined under section 105.500;

21 (7) "Public employer", any public body, as defined under section 105.500, that
22 employs one or more persons in any capacity.

23 2. Public employees shall have the right to bargain independently in their relations
24 with the public employer.

25 3. No provision of any agreement between an employee organization and a public
26 employer, or any other public policy, shall impose representation by an employee
27 organization on public employees who are not members of that organization and have
28 chosen to bargain independently. Nothing in any collective bargaining agreement shall
29 limit a public employee's ability to negotiate with his or her public employer or adjust his
30 or her grievances directly with his or her public employer, nor shall a resolution of any
31 such negotiation or grievance be controlled or limited by the terms of a collective
32 bargaining agreement.

33 4. There shall be not more than one exclusive bargaining representative designated
34 by the state board of mediation under section 105.525 as the representative of the public
35 employees in an appropriate unit.

36 5. No provision of any agreement between an employee organization and a public
37 employer, or any other public policy, shall impose any wages or conditions of employment
38 for members of an employee organization that are linked or contingent upon wages or
39 conditions of employment of public employees who are not members of an employee
40 organization.

41 6. Any independent bargaining under this section shall not grant any greater or
42 lesser rights or privileges to public employees who have chosen to represent themselves in
43 a unit with an exclusive bargaining representative than those public employees in a unit
44 without an exclusive bargaining representative.

45 7. Any independent bargaining under this section shall not grant any greater or
46 lesser duties or obligations for a public employer to public employees who have chosen to
47 represent themselves in a unit with an exclusive bargaining representative than those
48 duties or obligations the public employer owes to public employees in a unit without an
49 exclusive bargaining representative.

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