

SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1413

AN ACT

To repeal sections 105.500, 105.520, 105.525, 105.530, and 208.862, RSMo, and to enact in lieu thereof twenty-one new sections relating to public labor organizations, with penalty provisions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

1 Section A. Sections 105.500, 105.520, 105.525, 105.530, and
2 208.862, RSMo, are repealed and twenty-one new sections enacted
3 in lieu thereof, to be known as sections 105.500, 105.503,
4 105.505, 105.525, 105.530, 105.533, 105.535, 105.537, 105.540,
5 105.545, 105.550, 105.555, 105.570, 105.575, 105.580, 105.583,
6 105.585, 105.590, 105.595, 105.598, and 208.862, to read as
7 follows:

8 105.500. For purposes of sections 105.500 to 105.598,
9 unless the context otherwise requires, the following words and
10 phrases mean:

11 (1) ["Appropriate unit" means] "Bargaining unit", a unit of
12 public employees at any plant or installation or in a craft or in
13 a function of a public body [which] that establishes a clear and
14 identifiable community of interest among the public employees
15 concerned;

1 (2) "Board", the state board of mediation established under
2 section 295.030;

3 (3) "Department", the department of labor and industrial
4 relations established under section 286.010;

5 (4) "Exclusive bargaining representative" [means], an
6 organization [which] that has been designated or selected, as
7 provided in section 105.575, by a majority of the public
8 employees in [an appropriate] a bargaining unit as the
9 representative of such public employees in such unit for purposes
10 of collective bargaining;

11 (5) "Labor organization", any organization, agency, or
12 public employee representation committee or plan, in which public
13 employees participate and that exists for the purpose, in whole
14 or in part, of dealing with a public body or public bodies
15 concerning collective bargaining, grievances, labor disputes,
16 wages, rates of pay, hours of employment, or conditions of work;

17 [(3)] (6) "Public body" [means], the state of Missouri, or
18 any officer, agency, department, bureau, division, board or
19 commission of the state, or any other political subdivision or
20 special district of or within the state. "Public body" shall not
21 include the department of corrections;

22 (7) "Public employee", any person employed by a public
23 body;

24 (8) "Public safety labor organization", a labor
25 organization wholly or primarily representing persons trained or
26 authorized by law or rule to render emergency medical assistance
27 or treatment, including, but not limited to, firefighters,
28 ambulance attendants, attendant drivers, emergency medical

1 technicians, emergency medical technician paramedics,
2 dispatchers, registered nurses and physicians, and persons who
3 are vested with the power of arrest for criminal code violations
4 including, but not limited to police officers, sheriffs, and
5 deputy sheriffs.

6 105.503. 1. Except as provided in subsection 2 of this
7 section, the provisions of sections 105.500 to 105.598 shall
8 apply to all employees of a public body, all labor organizations,
9 and all labor agreements between such a labor organization and a
10 public body, whether collective bargaining rights are granted to
11 such entities in section 105.510 or by judicial decision.

12 2. The provisions of sections 105.500 to 105.598 shall not
13 apply to:

14 (1) Public safety labor organizations and all employees of
15 a public body who are members of a public safety labor
16 organization;

17 (2) The department of corrections and all employees of the
18 department of corrections;

19 (3) Members of a labor organization who are not employed by
20 a public body; and

21 (4) Any labor agreement between a labor organization and an
22 employer that is not a public body.

23 3. Nothing in sections 105.500 to 105.598 shall be
24 construed to interfere with the rights and obligations that are
25 specified in title 29 of the United States Code.

26 105.505. 1. No sum shall be withheld from the earnings of
27 any public employee for the purpose of paying any portion of
28 dues, agency shop fees, or any other fees paid by members of a

1 labor organization or public employees who are nonmembers except
2 upon the annual written or electronic authorization of the member
3 or nonmember.

4 2. No labor organization shall use or obtain any portion of
5 dues, agency shop fees, or any other fees paid by members of the
6 labor organization or public employees who are nonmembers to make
7 contributions, as defined in section 130.011, or expenditures, as
8 defined in section 130.011, except with the informed, written or
9 electronic authorization of such member or nonmember received
10 within the previous twelve months.

11 3. Public employees who do not authorize contributions or
12 expenditures under subsection 2 of this section shall not have
13 their dues, agency shop fees, or other fees increased in lieu of
14 payments for contributions or expenditures.

15 4. The requirements of this section shall not be waived by
16 any member or nonmember of a labor organization, and waiver of
17 the requirements shall not be made a condition of employment or
18 continued employment.

19 5. Signing or refraining from signing any authorization
20 described under subsection 1 or 2 of this section shall not be
21 made a condition of employment or continued employment.

22 6. A labor organization shall maintain financial records
23 substantially similar to and no less comprehensive than the
24 records that are required to be maintained in accordance with 29
25 U.S.C. Section 431(b), or any successor statute.

26 7. Every labor organization shall provide the records
27 required under subsection 6 of this section in a searchable
28 electronic format to every public employee it represents. If any

1 labor organization fails to make such records available to the
2 public employees represented by such organization, any such
3 public employee shall have a cause of action against the labor
4 organization for enforcement of this subsection. The court in
5 such action may, in its discretion, in addition to any judgment
6 awarded to the plaintiff or plaintiffs, require reasonable
7 attorney's fees and court costs to be paid by the labor
8 organization.

9 8. Every labor organization required to prepare any record
10 under this section shall maintain such records and any additional
11 data or summary by which the records may be verified, explained,
12 or clarified for a period of not less than five years immediately
13 following the preparation of such record.

14 9. For purposes of this section, the term "agency shop"
15 shall mean an arrangement that requires a public employee, as a
16 condition of employment or continued employment, either to join a
17 recognized labor organization or to pay such organization a
18 service fee.

19 105.525. Issues with respect to appropriateness of
20 bargaining units and majority representative status, as
21 determined under section 105.575, shall be resolved by the
22 [state] board [of mediation]. In the event that the appropriate
23 administrative body or any of the bargaining units shall be
24 aggrieved by the decision of the [state] board [of mediation], an
25 appeal may be had to the circuit court of the county where the
26 administrative body is located or in the circuit court of Cole
27 County. [The state board of mediation shall use the services of
28 the state hearing officer in all contested cases.]

1 105.530. Nothing contained in sections 105.500 to ~~105.530~~
2 105.598 shall be construed as granting a right to public
3 employees covered in sections 105.500 to ~~105.530~~ 105.598 to
4 strike.

5 105.533. 1. Every labor organization shall adopt a
6 constitution and bylaws and shall file a copy thereof with the
7 department, together with a report, signed by its president and
8 secretary or corresponding principal officers, containing the
9 following information:

10 (1) The name of the labor organization, its mailing
11 address, and any other address at which it maintains its
12 principal office or at which it keeps the records referred to in
13 sections 105.533 to 105.555;

14 (2) The name and title of each of its officers;

15 (3) The initiation fee or fees required from a new or
16 transferred member and fees for work permits required by the
17 reporting labor organization;

18 (4) The regular dues or fees or other periodic payments
19 required to remain a member of the labor organization, as well as
20 agency fees or any other fees required for nonmembers, if any;
21 and

22 (5) Detailed statements, or references to specific
23 provisions of documents filed under this subsection that contain
24 such statements, showing the provisions made and procedures
25 followed with respect to each of the following:

26 (a) Qualifications for or restrictions on membership;

27 (b) Levying of assessments;

28 (c) Participation in insurance or other benefit plans;

1 (d) Authorization for disbursement of funds of the labor
2 organization;

3 (e) Audits of financial transactions of the labor
4 organization;

5 (f) The calling of regular and special meetings;

6 (g) The selection of officers and stewards and of any
7 representatives to other bodies composed of the labor
8 organization's representatives, with a specific statement of the
9 manner in which each officer was elected, appointed, or otherwise
10 selected;

11 (h) Discipline or removal of officers or agents for their
12 breaches of trust;

13 (i) Imposition of fines, suspensions, and expulsions of
14 members, including the grounds for such actions and any provision
15 made for notice, hearing, judgment on the evidence, and appeal
16 procedures;

17 (j) Authorization for bargaining demands;

18 (k) Ratification of contract terms; and

19 (l) Issuance of work permits.

20
21 Any change in the information required by this subsection shall
22 be reported to the department at the time the reporting labor
23 organization files with the department the annual financial
24 report required by subsection 2 of this section.

25 2. Every labor organization shall file annually with the
26 department a financial report signed by its president and
27 treasurer or corresponding principal officers containing the
28 following information in such detail as may be necessary to

1 accurately disclose its financial condition and operations for
2 its preceding fiscal year:

3 (1) All assets and liabilities at the beginning and end of
4 the fiscal year;

5 (2) Receipts of any kind and the sources thereof;

6 (3) Salaries, allowances, and other direct or indirect
7 disbursements, including reimbursed expenses, to each officer and
8 employee who, during such fiscal year, received more than ten
9 thousand dollars in the aggregate from such labor organization or
10 any affiliated labor organization;

11 (4) All direct and indirect loans made to any officer,
12 employee, or member that aggregated more than two hundred fifty
13 dollars during the fiscal year, together with a statement of the
14 purpose, security, if any, and arrangements for repayment;

15 (5) All direct and indirect loans made to any business
16 enterprise, together with a statement of the purpose, security,
17 if any, and arrangements for repayment;

18 (6) An itemization schedule that discloses the purpose,
19 date, total amount, and type or classification of each
20 disbursement made by the labor organization for the following
21 services and activities, along with the name and address of the
22 entity receiving the expenditure:

23 (a) Contract negotiation and administration;

24 (b) Organizing activities;

25 (c) Litigation;

26 (d) Public relations activities;

27 (e) Political activities;

28 (f) Activities attempting to influence the passage or

1 defeat of federal, state, or local legislation or the content or
2 enforcement of federal, state, or local regulations or policies;

3 (g) Voter education and issue advocacy activities;

4 (h) Training activities for each officer of the local
5 bargaining representative or labor organization support staff;

6 (i) Conference, convention, and travel activities engaged
7 in by the labor organization; and

8 (j) Labor organization administration;

9 (7) The percentage of the labor organization's total
10 expenditures that were spent for each of the activities described
11 in paragraphs (a) to (j) of subdivision (6) of this subsection;

12 (8) The names, addresses, and activities of any law firms,
13 public relations firms, or lobbyists whose services are used by
14 the labor organization for any activity described in paragraphs
15 (a) to (j) of subdivision (6) of this subsection;

16 (9) A list of candidates, continuing committees, federal
17 political action committees, nonprofit organizations, and
18 community organizations to which the labor organization
19 contributed financial or in-kind assistance and the dollar amount
20 of such assistance;

21 (10) The names and addresses of any continuing committees
22 or federal political action committees with which the labor
23 organization is affiliated or to which it provides contributions,
24 the total amount of contributions to such committees, the
25 candidates or causes to which such committees provided any
26 financial assistance, and the amount provided to each such
27 candidate or cause; and

28 (11) Other disbursements made, including the purposes

1 thereof, all in such categories as the department may prescribe.

2 3. Every labor organization shall submit the report
3 required by subsection 2 of this section in an electronic format
4 that is readily and easily accessible and shall make available
5 the information required to be contained in such report to all of
6 its members. Every such labor organization and its officers
7 shall be under a duty enforceable at the suit of any member of
8 such organization in the county where the violation occurred to
9 permit such members for just cause to examine any books, records,
10 and accounts necessary to verify such report. The court in such
11 action may, in its discretion, in addition to any judgment
12 awarded to the plaintiff or plaintiffs, allow costs of the action
13 and a reasonable attorney's fee to be paid by the defendant.

14 4. The department shall make each report filed under this
15 section publicly available, online, in an electronic format.

16 5. For purposes of this section, the terms "candidate",
17 "continuing committee", and "contribution" shall have the same
18 meanings as in section 130.011, and the term "lobbyist" shall
19 have the same meaning as in section 105.470.

20 105.535. 1. Every officer of a labor organization and
21 every employee of a labor organization, other than an employee
22 performing exclusively clerical or custodial services, shall file
23 with the department a signed report listing and describing for
24 his or her preceding fiscal year:

25 (1) Any stock, bond, security, or other interest, legal or
26 equitable, that such person or his or her spouse or minor child
27 directly or indirectly held in, and any income or any other
28 benefit with monetary value, including reimbursed expenses, that

1 such person or his or her spouse or minor child derived directly
2 or indirectly from, any public body whose employees such labor
3 organization represents or is actively seeking to represent,
4 except payments and other benefits received as a bona fide
5 employee of such public body;

6 (2) Any transaction in which such person or his or her
7 spouse or minor child engaged, directly or indirectly, involving
8 any stock, bond, security, or loan to or from, or other legal or
9 equitable interest in the business of a public body whose
10 employees such labor organization represents or is actively
11 seeking to represent;

12 (3) Any stock, bond, security, or other interest, legal or
13 equitable, that such person or his or her spouse or minor child
14 directly or indirectly held in, and any income or any other
15 benefit with monetary value, including reimbursed expenses, that
16 such person or his or her spouse or minor child derived directly
17 or indirectly from, any business a substantial part of which
18 consists of buying from, selling or leasing to, or otherwise
19 dealing with the business of a public body whose employees such
20 labor organization represents or is actively seeking to
21 represent;

22 (4) Any stock, bond, security, or other interest, legal or
23 equitable, that such person or his or her spouse or minor child
24 directly or indirectly held in, and any income or any other
25 benefit with monetary value, including reimbursed expenses, that
26 such person or his or her spouse or minor child derived directly
27 or indirectly from, a business any part of which consists of
28 buying from, or selling or leasing directly or indirectly to, or

1 otherwise dealing with such labor organization;

2 (5) Any direct or indirect business transaction or
3 arrangement between such person or his or her spouse or minor
4 child and any public body whose employees his or her labor
5 organization represents or is actively seeking to represent,
6 except work performed and payments and benefits received as a
7 bona fide employee of such public body and purchases and sales of
8 goods or services in the regular course of business at prices
9 generally available to any employee of such public body; and

10 (6) Any payment of money or other thing of value, including
11 reimbursed expenses, that such person or his or her spouse or
12 minor child received directly or indirectly from any public body
13 or any person who acts as a labor relations consultant to any
14 public body.

15 2. The provisions of subdivisions (1) to (5) of subsection
16 1 of this section shall not be construed to require any such
17 officer or employee to report his or her bona fide investments in
18 securities traded on a securities exchange registered as a
19 national securities exchange under the Securities Exchange Act of
20 1934, in shares in an investment company registered under the
21 Investment Company Act, or in securities of a public utility
22 holding company registered under the Public Utility Holding
23 Company Act of 1935, or to report any income derived therefrom.

24 3. Nothing contained in this section shall be construed to
25 require any officer or employee of a labor organization to file a
26 report under subdivision (1) of subsection 1 of this section
27 unless such person or his or her spouse or minor child holds or
28 has held an interest, has received income or any other benefit

1 with monetary value or a loan, or has engaged in a transaction
2 described therein.

3 105.537. Nothing contained in the provisions of sections
4 105.533 to 105.555 shall be construed to require an attorney who
5 is a member in good standing of the bar of any state to include
6 in any report required to be filed under the provisions of
7 sections 105.533 to 105.555 any information that was lawfully
8 communicated to such attorney by any of his or her clients in the
9 course of a legitimate attorney-client relationship.

10 105.540. 1. The contents of the reports and documents
11 filed with the department under the provisions of sections
12 105.533 and 105.535 shall be considered a public record, as that
13 term is defined in section 610.010, and shall not be closed under
14 section 610.021. The department may publish any information and
15 data obtained under sections 105.533 and 105.535. The department
16 may use the information and data for statistical and research
17 purposes and compile and publish such studies, analyses, reports,
18 and surveys based thereon as it may deem appropriate.

19 2. The department shall, by regulation, make reasonable
20 provision for the inspection and examination, on the request of
21 any person, of the information and data contained in any report
22 or other document filed under section 105.533 or 105.535.

23 3. (1) The department shall, by regulation, provide for
24 the furnishing of reports or other documents filed with the
25 department under the provisions of sections 105.533 to 105.555,
26 upon payment of a charge based upon the cost of the service.

27 (2) The department shall make available without payment of
28 a charge, or require any person to furnish, to such state agency

1 as is designated by law or by the governor of the state in which
2 such person has his or her principal place of business or
3 headquarters, upon request of the governor of such state, copies
4 of any reports and documents filed by such person with the
5 department under the provisions of sections 105.533 or 105.535,
6 or of information and data contained therein.

7 (3) All moneys received in payment of such charges fixed by
8 the department under this subsection shall be deposited in the
9 general revenue fund of the state.

10 105.545. Every person required to file any report under the
11 provisions of sections 105.533 to 105.555 shall maintain records
12 on the matters required to be reported that will provide in
13 sufficient detail the necessary basic information and data from
14 which the documents filed with the department may be verified,
15 explained or clarified, and checked for accuracy and
16 completeness, and shall include vouchers, worksheets, receipts,
17 and applicable resolutions. Such records shall be kept available
18 for examination for a period of not less than five years after
19 the filing of the documents based on the information that they
20 contain.

21 105.550. 1. Each labor organization shall file the initial
22 report required under subsection 1 of section 105.533 within
23 ninety days after the date on which it first becomes subject to
24 the provisions of sections 105.533 to 105.555.

25 2. Each person required to file a report under the
26 provisions of sections 105.533 to 105.555 shall file such report
27 within ninety days after the end of each of its fiscal years,
28 except that where such person is subject for only a portion of

1 such a fiscal year, whether because the date of enactment of the
2 provisions of sections 105.533 to 105.555 occurs during such
3 person's fiscal year or because such person becomes subject to
4 the provisions of sections 105.533 to 105.555 during its fiscal
5 year, such person may consider that portion as the entire fiscal
6 year in making such report.

7 105.555. 1. Any person who makes a false statement or
8 representation of a material fact, knowing it to be false, or who
9 knowingly fails to disclose a material fact, in any document,
10 report, or other information required under the provisions of
11 sections 105.533 to 105.555 shall be fined not more than ten
12 thousand dollars or imprisoned for not more than one year, or
13 both.

14 2. Any person who knowingly makes a false entry in or
15 knowingly conceals, withholds, or destroys any books, records,
16 reports, or statements required to be kept by any provision of
17 sections 105.533 to 105.555 shall be fined not more than ten
18 thousand dollars or imprisoned for not more than one year, or
19 both.

20 3. Each person required to sign reports under section
21 105.533 shall be personally responsible for the filing of such
22 reports and for any statement contained therein that he or she
23 knows to be false.

24 4. Any person who fails to file a report required by
25 sections 105.533 to 105.555, or files a report late, shall be
26 subject to a fine of one hundred dollars for every day the report
27 is late.

28 105.570. 1. Supervisory public employees shall not be

1 included within the same bargaining unit as the public employees
2 they supervise.

3 2. The same labor organization shall not represent both
4 non-supervisory and supervisory public employees.

5 3. For the purposes of this section, the term "supervisory
6 public employee" means anyone with supervisory status, managerial
7 status, confidential status, or any other status that would be a
8 conflict of interest with the purpose of sections 105.570 to
9 105.595.

10 105.575. 1. Any labor organization wishing to represent a
11 bargaining unit as an exclusive bargaining representative shall
12 present to the board cards containing the signatures of at least
13 thirty percent of the public employees in the bargaining unit
14 indicating that they wish to select the labor organization in
15 question as their exclusive bargaining representative for the
16 purpose of collective bargaining. Voluntary recognition by any
17 public body of a labor organization as an exclusive bargaining
18 representative shall be prohibited. Recognition as an exclusive
19 bargaining representative may only be obtained by a labor
20 organization through an election conducted under this section.

21 2. Upon receiving such cards, the board shall request from
22 the public body a list of all public employees within the
23 bargaining unit and the public body shall provide to the board
24 such list no later than ten business days following receipt of
25 such request. The board shall validate the signatures on the
26 cards and confirm that at least thirty percent of the public
27 employees in the bargaining unit have signed the cards. If the
28 board determines that at least thirty percent of the public

1 employees in the bargaining unit have signed valid cards, the
2 board shall consult with the public body and the representative
3 of the labor organization that has presented the cards, and
4 together they shall select a mutually agreeable date for a secret
5 ballot election to take place. The election shall be conducted
6 at the public body's place of business or by mail-in ballot, in
7 whole or in part, at the discretion of the chairman of the board,
8 and shall be set for a date falling no less than four weeks, and
9 no more than eight weeks, after the day upon which the board
10 determines the bargaining unit for election and has resolved any
11 other bargaining unit issues.

12 3. Once an election date has been set, the public body
13 shall issue a notice informing all eligible voters of the date,
14 time, and place of the election. Such notice shall be
15 distributed to all public employees and shall be posted within
16 the public body's place of business.

17 4. All public employees shall have the right to freely
18 express their opinions about whether the labor organization
19 should be selected as the exclusive bargaining representative of
20 the public employees in the bargaining unit. However, no
21 employee or representative of the labor organization and no
22 public body or representative of the public body shall attempt to
23 threaten, intimidate, coerce, or otherwise restrain any eligible
24 voter in the free exercise of his or her individual choice to
25 support or oppose the selection of the labor organization in
26 question as the exclusive bargaining representative of the public
27 employees in the bargaining unit.

28 5. Elections shall be conducted by secret ballot, using

1 such procedures as the board shall determine are appropriate for
2 ensuring the privacy and security of each public employee's vote.
3 Once the poll is closed, the board shall oversee the counting of
4 the ballots. One representative of the public body's management
5 team and one representative of the labor organization shall have
6 the right to be present during the counting of the ballots.

7 6. The ballots shall read: "Do you wish to select (labor
8 organization) as the exclusive bargaining representative for
9 (description of bargaining unit) employed within (description of
10 public body)?". The ballot shall include check boxes for marking
11 "yes" or "no" in response to this question.

12 7. If more than one labor organization seeks to represent
13 public employees in the bargaining unit, and if both labor
14 organizations have obtained signatures from at least thirty
15 percent of the public employees in the unit stating that they
16 wish to designate the labor organization as their exclusive
17 bargaining representative, the ballot shall read: "Do you wish
18 to select (labor organization A), (labor organization B), or no
19 labor organization as the exclusive bargaining representative for
20 (description of bargaining unit) employed within (description of
21 public body)?". The ballot shall include check boxes for marking
22 "I wish to select (labor organization A) as my exclusive
23 bargaining representative.", "I wish to select (labor
24 organization B) as my exclusive bargaining representative.", and
25 "I do not wish to select any labor organization as my exclusive
26 bargaining representative.".

27 8. Any labor organization receiving the votes of more than
28 fifty percent of all public employees in the bargaining unit

1 shall be designated and recognized by the public body as the
2 exclusive bargaining representative for all public employees in
3 the bargaining unit.

4 9. Public employees within the bargaining unit shall have
5 the right to seek to decertify the labor organization as their
6 exclusive bargaining representative at any time. If any public
7 employee within the bargaining unit presents to the board cards
8 bearing the signatures of at least thirty percent of the public
9 employees within the bargaining unit stating that those public
10 employees no longer wish to be represented by the labor
11 organization in question, the board shall confirm the signatures
12 on the cards. The board shall request from the public body a
13 list of all public employees within the bargaining unit and the
14 public body shall provide such list no later than ten business
15 days following the receipt of such request.

16 10. If the board confirms that at least thirty percent of
17 the public employees in the bargaining unit have signed
18 decertification cards, the board shall consult with the public
19 body and the designated representative of the labor organization
20 to select a date for a decertification election. Such election
21 shall take place at least four weeks, but no later than six
22 weeks, after the board receives the decertification cards.
23 Notice of such election shall be distributed to all public
24 employees within the bargaining unit and posted within the public
25 body's place of business. The election shall be conducted at the
26 public body's place of business or by mail-in ballot, in whole or
27 in part, at the discretion of the chairman of the board.

28 11. If more than fifty percent of the public employees in

1 the bargaining unit cast votes to terminate the labor
2 organization's representation of the public employees in the
3 bargaining unit, the labor organization shall immediately cease
4 to represent the public employees in the bargaining unit.

5 12. All labor organizations that have previously been
6 certified shall be recertified during the twelve-month period
7 beginning on August 28, 2018, and every three years thereafter.
8 To meet the recertification requirement, continuation of the
9 labor organization's status as the exclusive bargaining
10 representative shall be favored in a secret ballot election
11 conducted by the board by more than fifty percent of the public
12 employees in the bargaining unit. Public employees shall vote by
13 telephone or online during a two-week period beginning on the
14 anniversary of initial certification, whether such certification
15 occurred prior to, on, or after August 28, 2018. Failure to
16 schedule an election within the prescribed time period on the
17 part of the labor organization shall result in immediate
18 decertification as the exclusive bargaining representative.

19 13. In the event of the decertification of a labor
20 organization as the exclusive bargaining representative of the
21 public employees in any bargaining unit or failure to recertify a
22 labor organization, all terms and conditions of employment
23 existing at the time of decertification or failure to recertify
24 shall remain in place until such time as those terms or
25 conditions of employment are altered by the public body.

26 14. No more than one election shall take place in any
27 bargaining unit within the same twelve-month period. Once an
28 election takes place, the board shall not accept cards from labor

1 organizations or public employees within the bargaining unit
2 seeking another election for one full calendar year after the
3 date of the election.

4 15. The board shall assess and collect a fee from each
5 labor organization participating in an election conducted under
6 this section for the purpose of paying for such election as
7 follows:

8 (1) For a bargaining unit of one to one hundred members, a
9 fee of two hundred dollars;

10 (2) For a bargaining unit of one hundred one to two hundred
11 fifty members, a fee of three hundred fifty dollars;

12 (3) For a bargaining unit of two hundred fifty-one to five
13 hundred members, a fee of five hundred dollars;

14 (4) For a bargaining unit of five hundred one to one
15 thousand members, a fee of seven hundred fifty dollars;

16 (5) For a bargaining unit of one thousand one to three
17 thousand members, a fee of one thousand five hundred dollars;

18 (6) For a bargaining unit of more than three thousand
19 members, a fee of two thousand dollars.

20 105.580. 1. Within eight weeks after a labor organization
21 is certified as the exclusive bargaining representative for the
22 public employees in a bargaining unit as described in section
23 105.575, representatives of the public body, designated by the
24 public body, and representatives of the labor organization,
25 selected by the labor organization, shall meet and begin
26 bargaining for an agreement covering the wages, benefits, and
27 other terms and conditions of employment for the public employees
28 within the bargaining unit.

1 2. No labor organization may refuse to meet with designated
2 representatives of any public body or engage in conduct intended
3 to cause the removal or replacement of any designated
4 representative by the public body.

5 3. The labor organization and the public body shall engage
6 in bargaining with each other's designated representatives, but
7 neither side shall be required to offer any particular concession
8 or withdraw any particular proposal.

9 4. The public body shall not pay any labor organization
10 representative or employee for time spent participating in
11 collective bargaining or preparing for collective bargaining on
12 behalf of a labor organization, except to the extent the person
13 in question is an employee of the public body and elects to use
14 accrued paid time off that was personally accrued by such person
15 to cover the time so spent.

16 5. Before any proposed agreement or memorandum of
17 understanding is presented to a public body, the labor
18 organization, as a condition of its presentation, shall establish
19 that it has been ratified by a majority of its members. The
20 public body may approve the entire agreement or any part thereof.
21 If the public body rejects any portion of the agreement, the
22 public body may return any rejected portion of the agreement to
23 the parties for further bargaining, adopt a replacement provision
24 of its own design, or state that no provision covering the topic
25 in question shall be adopted. Any tentative agreement reached
26 between the parties' representatives shall not be binding on the
27 public body or labor organization.

28 6. A public body and a labor organization shall not be

1 subject to binding mediation, binding interest arbitration, or
2 interest arbitration in the event the parties are unable to reach
3 an agreement.

4 7. After the first agreement between the public body and
5 the labor organization is adopted, bargaining for renewal
6 agreements shall take place triennially. Such bargaining shall
7 be completed within thirty days of the end of the public body's
8 fiscal year. The parties may elect to bargain non-economic terms
9 for longer periods, but all economic provisions of the agreement
10 shall be adopted on a triennial basis only.

11 8. The term of any labor agreement, provision of a labor
12 agreement, or extension of a labor agreement entered into after
13 the effective date of sections 105.500 to 105.598 shall not
14 exceed a period of three years. Any modification, extension,
15 renewal, or any change whatsoever to a labor agreement in effect
16 as of the effective date of sections 105.500 to 105.598 shall be
17 considered a new labor agreement for purposes of this section.

18 105.583. 1. A meeting concerning a labor agreement between
19 a public body or its agent and an exclusive bargaining
20 representative or its agent shall be considered a public meeting,
21 as that term is defined in section 610.010, and shall not be
22 closed under section 610.021. The provisions of this subsection
23 apply regardless of whether such meeting is conducted under
24 sections 105.500 to 105.598.

25 2. Any document presented by a public body during a meeting
26 concerning a labor agreement, or that the public body receives
27 from an exclusive bargaining representative, shall be considered
28 a public record, as that term is defined in section 610.010, and

1 shall not be closed under section 610.021.

2 3. This section shall not apply to any part of a meeting
3 during which a public body or its agent is planning or adopting
4 the strategy or position to be taken during the course of a
5 collective bargaining session or to any documents or records
6 containing public employee-specific information.

7 105.585. Labor agreements negotiated between a public body
8 and a labor organization may cover wages, benefits, and all other
9 terms and conditions of employment for public employees within
10 the bargaining unit and shall be subject to the following
11 limitations:

12 (1) Every labor agreement shall include a provision
13 reserving to the public body the right to hire, promote, assign,
14 direct, transfer, schedule, discipline, and discharge public
15 employees. Every labor agreement shall also include a provision
16 reserving to management the right to make, amend, and rescind
17 reasonable work rules and standard operating procedures;

18 (2) Every labor agreement shall expressly prohibit all
19 strikes and picketing of any kind. A strike shall include any
20 refusal to perform services, walkout, sick-out, sit-in, or any
21 other form of interference with the operations of any public
22 body. Every labor agreement shall include a provision
23 acknowledging that any public employee who engages in any strike
24 or concerted refusal to work, or who pickets over any personnel
25 matter, shall be subject to immediate termination of employment;

26 (3) Every labor agreement shall include a provision
27 extending the duty of fair representation by the labor
28 organization to public employees in a bargaining unit;

1 (4) Every labor agreement shall expressly prohibit labor
2 organization representatives and public employees from accepting
3 paid time, other than unused paid time off that was accrued by
4 such public employees, by a public body for the purposes of
5 conducting labor organization-related business including, but not
6 limited to, negotiations, meetings, meet and confer sessions,
7 time off to attend labor organization meetings, or any other
8 labor organization-related activity, provided that every labor
9 agreement may allow for paid time to be used for the purpose of
10 grievance-handling;

11 (5) Every labor agreement shall inform public employees of
12 their right to refrain from engaging in and supporting labor
13 organization activity as well as their right to oppose labor
14 organization activity; and

15 (6) Every labor agreement shall include a provision stating
16 that in the event of a budget shortfall, the public body shall
17 have the right to require the modification of the economic terms
18 of any labor agreement. Every labor agreement shall also state
19 that if the public body deems it necessary to modify, upon good
20 cause, the economic terms of any labor agreement, the public body
21 shall so notify the labor organization and shall provide a period
22 of thirty days during which the public body and the labor
23 organization shall bargain over any necessary adjustments to the
24 economic terms of the agreement. The labor agreement shall state
25 that if, at the end of the thirty-day period, the parties have
26 been unable to agree upon modifications that meet the public
27 body's requirements, the public body shall have the right, upon
28 good cause, to make necessary adjustments on its own authority.

1 105.590. The secretary or corresponding principal officer
2 of each labor organization shall forward a complete copy of each
3 agreement made by such labor organization with any public body to
4 any public employee who requests such a copy and whose rights as
5 such public employee are directly affected by such agreement.

6 105.595. Whenever it shall appear that any labor
7 organization or representative of any labor organization or any
8 public body or representative of a public body has violated or is
9 about to violate any of the provisions of sections 105.570 to
10 105.590, the department, a public body, or any citizen of the
11 state of Missouri may bring a civil action for such relief,
12 including injunctive relief, as may be appropriate. Any such
13 action may be brought in the county where the violation occurred,
14 or is about to occur, and damages and attorney's fees shall be
15 awarded for the enforcement of the provisions of sections 105.570
16 to 105.590.

17 105.598. The board may promulgate rules necessary to
18 implement the provisions of sections 105.500 to 105.595. Any
19 rule or portion of a rule, as that term is defined in section
20 536.010 that is created under the authority delegated in this
21 section shall become effective only if it complies with and is
22 subject to all of the provisions of chapter 536, and, if
23 applicable, section 536.028. This section and chapter 536 are
24 nonseverable and if any of the powers vested with the general
25 assembly under chapter 536, to review, to delay the effective
26 date, or to disapprove and annul a rule are subsequently held
27 unconstitutional, then the grant of rulemaking authority and any
28 rule proposed or adopted after August 28, 2018, shall be invalid

1 and void.

2 208.862. [Consumer rights and employment relations.]

3 1. Consumers shall retain the right to hire, fire,
4 supervise, and train personal care attendants.

5 2. Vendors shall continue to perform the functions provided
6 in sections 208.900 to 208.930. In addition to having a
7 philosophy that promotes the consumer's ability to live
8 independently in the most integrated setting or the maximum
9 community inclusion of persons with physical disabilities, as
10 required by subsection 1 of section 208.918, vendors shall
11 provide to consumers advocacy, independent living skills
12 training, peer counseling, and information and referral services,
13 as those terms are used in subsection 3 of section 178.656.

14 3. The council shall be a public body as that term is
15 [used] defined in section 105.500, and personal care attendants
16 shall be employees of the council solely for purposes of
17 [section] sections 105.500[, et seq] to 105.598.

18 4. The sole [appropriate] bargaining unit of personal care
19 attendants, as that term is [used in subdivision (1) of] defined
20 in section 105.500, shall be a statewide unit. Personal care
21 attendants who are related to or members of the family of the
22 consumer to whom they provide services shall not for that reason
23 be excluded from the unit. The state board of mediation shall
24 conduct an election, by mail ballot, to determine whether an
25 organization shall be designated the exclusive bargaining
26 representative as defined in [subdivision (2) of] section 105.500
27 for the statewide unit of personal care attendants under section
28 105.525 upon a showing that ten percent of the personal care

1 attendants in said unit want to be represented by a
2 representative. The Missouri office of administration shall
3 represent the council in any collective bargaining with a
4 representative of personal care attendants. Upon completion of
5 bargaining, any agreements shall be reduced to writing and
6 presented to the council for adoption, modification or rejection
7 [in accordance with section 105.520].

8 5. The state of Missouri and all vendors shall cooperate in
9 the implementation of any agreements reached by the council and
10 any representative of personal care attendants, including making
11 any payroll deductions authorized by the agreements which can
12 lawfully be made pursuant to agreements entered into under
13 sections 105.500 to [105.530] 105.598 as currently construed by
14 the Missouri appellate courts.

15 6. Personal care attendants shall not have the right to
16 strike and breach of this prohibition will result in
17 disqualification from participation in the consumer directed
18 services program.

19 7. Personal care attendants shall not be considered
20 employees of the state of Missouri or any vendor for any purpose.

21 8. (1) The provisions of sections 105.500 to 105.598 shall
22 apply to all personal care attendants, organizations elected as
23 the exclusive bargaining representative of the bargaining unit of
24 personal care attendants under this section, and all officers and
25 employees of such organizations. For purposes of this subsection,
26 organizations elected as the exclusive bargaining representative
27 of a bargaining unit under this section shall be considered a
28 labor organization, as that term is defined in section 105.500.

1 (2) If an organization is not recertified or is decertified
2 as the exclusive bargaining representative of a bargaining unit
3 of personal care attendants under section 105.575, any subsequent
4 certification of an organization as exclusive bargaining
5 representative of a bargaining unit of personal care attendants
6 shall be conducted according to the provisions of section
7 105.575, notwithstanding subsection 4 of this section to the
8 contrary.

9 [105.520. Whenever such proposals are presented
10 by the exclusive bargaining representative to a public
11 body, the public body or its designated representative
12 or representatives shall meet, confer and discuss such
13 proposals relative to salaries and other conditions of
14 employment of the employees of the public body with the
15 labor organization which is the exclusive bargaining
16 representative of its employees in a unit appropriate.
17 Upon the completion of discussions, the results shall
18 be reduced to writing and be presented to the
19 appropriate administrative, legislative or other
20 governing body in the form of an ordinance, resolution,
21 bill or other form required for adoption, modification
22 or rejection.]