

SS#2 SCS HB 1413 -- LABOR ORGANIZATIONS

This bill makes various changes to the laws regarding public employees, their labor organizations, and labor agreements between those labor organizations and public bodies. However, public safety labor organizations, and employees of the Department of Corrections are exempted from the bill's provisions (Section 105.503, RSMo).

The bill provides that no sum shall be withheld from a public employee's earnings to pay dues or other fees to a public labor organization without annual authorization. Labor organizations are required to maintain financial records substantially similar to federal law, and must make the records available to employees in a searchable electronic format (Section 105.505).

The bill requires labor organizations to adopt a constitution and bylaws and file a copy with the Department of Labor and Industrial Relations, along with a report containing specified information about the organization. Labor organizations are also required to annually file a report detailing the organization's financial condition and operations. The financial report shall be in an electronic, readily accessible format available to its members (Section 105.533).

This bill requires every officer and employee of a labor organization to annually file a report listing any legal or equitable interest, income, or transaction the person, his or her spouse, or minor child received or derived from a labor organization or public body with employees that the labor organization represents or is seeking to represent (Section 105.535).

The reports and documents filed with the department under the provisions of this bill are public records. The department, as specified in the bill, must allow for the inspection and examination of the reports and documents, and furnish copies upon payment of the service (Section 105.540).

Each person required to file a report shall maintain, for at least five years, sufficient records to verify the information contained in the report. Each labor organization shall file a report within 90 days of becoming subject to the provisions of this bill, and people required to file reports shall file such reports within 90 days after the end of each fiscal year (Sections 105.545 and 105.550).

Any person who knowingly violates certain provisions of the bill related to the required reports or files a false report is subject

to a fine or imprisonment of not more than a year (Section 105.555).

The bill provides that supervisory public employees, as defined in these provisions, shall not be included in the same bargaining unit as the public employees they supervise and that the same labor organization shall not represent both non-supervisory and supervisory public employees (Section 105.570).

Recognition may only be obtained by a labor organization through an election before the State Board of Mediation. Voluntary recognition by a public body is prohibited. An election by secret ballot will be held after the board is presented with cards containing signatures of at least 30% of the employees in the bargaining unit.

The bill specifies the ballot language to be used for the selection of a labor organization as the exclusive representative for the bargaining unit. More than 50% of all public employees within the bargaining unit must vote positively to certify the labor organization as the exclusive representative. However, public employees of the bargaining unit may seek to decertify the labor organization at any time with a subsequent election provided that the board is presented with signed cards representing at least 30% of the employees in the bargaining unit. If more than 50% of the bargaining unit votes to decertify the labor organization then it shall no longer be recognized as the exclusive representative.

Labor organizations must be recertified every three years. No more than one election shall take place in any bargaining unit within a 12-month period. The board shall collect a fee from each labor organization participating in an election (Section 105.575).

Within eight weeks of a certification election, the labor organization shall meet and begin bargaining with representatives of the public body. No labor organization shall refuse to meet with the representatives of the public body.

Bargaining for renewal agreements shall take place triennially, provided that those labor agreements must be subject to certain limitations. Such limitations include management reserving the right to hire, discipline and discharge employees, reserving the right to make and amend reasonable work rules, prohibiting all strikes and picketing, extending the duty of fair representation to all employees of the bargaining unit, prohibiting labor organization employees from accepting paid time by a public body for conducting labor organization business with certain exceptions, and providing for the modification of the agreement in the event of a budget shortfall (Sections 105.580 and 105.585).

A labor organization or associated representative, or public body or associated representative, that violates the provisions of this bill is subject to a civil action for appropriate relief, including injunctive relief. Attorneys' fees shall be awarded for the enforcement of the provisions of this bill (Section 105.595).

The provisions of the bill explicitly apply to personal care attendants and their unions (Section 208.862).