

FIRST REGULAR SESSION

SENATE BILL NO. 549

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR ONDER.

Read 1st time February 26, 2015, and ordered printed.

ADRIANE D. CROUSE, Secretary.

2211S.06I

AN ACT

To amend chapter 105, RSMo, by adding thereto six new sections relating to public employee labor organizations.

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

Section A. Chapter 105, RSMo, is amended by adding thereto six new sections, to be known as sections 105.550, 105.560, 105.570, 105.580, 105.590, and 1, to read as follows:

105.550. For purposes of sections 105.560 to 105.590, the following words and phrases mean:

(1) "Bargaining unit", a group of employees represented by an exclusive representative;

(2) "Board", the state board of mediation;

(3) "Employee association", an organization representing employees of a public body. An employee association shall include organizations representing employees of public bodies whether or not those employees are included in section 105.510;

(4) "Exclusive representative", an employee association which has been designated or selected to be the only representative of employees of a public body for purposes of collective bargaining, whether or not collective bargaining is conducted under sections 105.500 to 105.530;

(5) "Labor agreement", any document arising from discussions or negotiations between a public body and an employee association concerning the conditions of employment. A labor agreement shall include, but not limited to, a collective bargaining agreement, a meet and confer agreement, a memorandum of understanding, and a salary schedule. A labor agreement shall not include any document resulting from grievance, mediation, or arbitration proceedings;

21 (6) "Public body", the state of Missouri, or any officer, agency,
22 department, bureau, division, board or commission of the state, or any
23 other political subdivision of or within the state including school
24 boards;

25 (7) "Searchable format", a text format in which text can be
26 searched and recognized by commonly available software.

 105.560. 1. The board shall conduct an election to certify the
2 exclusive representative of a bargaining unit represented by an
3 exclusive representative on the first Tuesday after the first Monday in
4 November of even-numbered years.

5 2. The election shall be conducted in a manner such that votes
6 are anonymous.

7 3. The board shall permit an employee association that is not the
8 exclusive representative of a bargaining unit to seek election as the
9 exclusive representative.

10 4. The board shall provide each member of a bargaining unit
11 with the option of voting for one of the following:

12 (1) The employee association serving as the exclusive
13 representative at the time of the election;

14 (2) Any employee association not serving as the exclusive
15 representative at the time of the election if such association seeks to
16 represent the bargaining unit; or

17 (3) Voting not to be represented by an exclusive representative.

18 5. If an employee association seeking election receives votes
19 from a majority of the members of a bargaining unit in favor of
20 certification, then the board shall certify that employee association as
21 the exclusive representative. If no employee association receives votes
22 in favor of certification from a majority members of a bargaining unit,
23 then the board shall decertify the employee association serving as the
24 exclusive representative at the time of the election. If an exclusive
25 representative is decertified under this section, the affected employees
26 shall not be included in a substantially similar bargaining unit for
27 twelve months from the date of decertification.

 105.570. 1. A meeting concerning a labor agreement between a
2 public body or its agent and an employee association or its agent shall
3 be considered a "public meeting" as that term is defined in section
4 610.010 and shall not be closed pursuant to section 610.021. This

5 applies whether or not such meeting is conducted under sections
6 105.500 to 105.530.

7 2. Any document presented by a public body during a meeting
8 concerning a labor agreement, or that the public body receives from an
9 employee association, shall be considered a "public record" as that term
10 is defined in section 610.010 and shall not be closed pursuant to section
11 610.021.

12 3. This section shall not apply to any part of a meeting during
13 which a public body or its agent is planning or adopting the strategy
14 or position to be taken during the course of a collective bargaining
15 session.

105.580. 1. Any employee association that represents employees
2 in a meeting concerning a labor agreement and collects money from an
3 employee it represents shall annually file a report with the board
4 containing the following information relating to the employee
5 association's financial condition and operations for the preceding fiscal
6 year:

7 (1) All assets and liabilities at the beginning and end of the fiscal
8 year;

9 (2) The salary, cost of fringe benefits, allowances and other
10 direct or indirect disbursements made to each officer and support staff
11 of the bargaining representative, as well as all contributions to state or
12 national affiliates and any official or employee thereof;

13 (3) All income received or the value of services furnished to an
14 employee association by either a parent affiliated labor organization
15 or by any other labor organization on behalf of the employee
16 association;

17 (4) An itemization of the total amount spent by the employee
18 association for:

19 (a) Contract negotiation and administration;

20 (b) Organizing activities;

21 (c) Litigation, specifying the matters and cases involved;

22 (d) Public relations activities;

23 (e) Political activities;

24 (f) Activities attempting to influence the passage or defeat of
25 federal, state or local legislation or the content or enforcement of
26 federal, state, or local regulations or policies;

- 27 **(g) Voter education and issue advocacy activities;**
- 28 **(h) Training activities for each officer of the local bargaining**
29 **representative or union support staff;**
- 30 **(i) Conference, convention, and travel activities engaged in by**
31 **the employee association;**
- 32 **(5) The percentage of the employee association's total**
33 **expenditures that were spent for each of the activities described in**
34 **paragraphs (a) to (i) of subdivision (4) of this subsection;**
- 35 **(6) The names, addresses, and activities of any law firms, public**
36 **relations firms, or lobbyists whose services are used by the employee**
37 **association for any activity described in paragraphs (a) to (i) of**
38 **subdivision (4) of this subsection;**
- 39 **(7) A list of political candidates, political organizations,**
40 **charitable organizations, non-profit organizations and community**
41 **organizations to which the employee association contributed financial**
42 **or in-kind assistance and the dollar amount of such assistance;**
- 43 **(8) The name and address of any political action committees with**
44 **which the employee association is affiliated or to whom it provides**
45 **contributions, the total amount of contributions to such committees, the**
46 **candidates or causes to which such committees provided any financial**
47 **assistance, and the amount provided to each such candidate or cause.**
- 48 **2. The report required by subsection 1 of this section shall be**
49 **prepared by an auditing organization, independent of the employee**
50 **association, using generally accepted auditing standards, and generally**
51 **accepted accounting principles, which shall ensure the accuracy and**
52 **veracity of the information provided by employee association.**
- 53 **3. An employee association shall file a report no later than**
54 **ninety days after the end of its fiscal year.**
- 55 **4. The board shall make each report filed under this section**
56 **publicly available in a searchable electronic format.**
- 57 **5. The employee association shall make its filing available to**
58 **every employee it represents.**
- 59 **6. In the event that an employee association fails to comply with**
60 **any of the provisions of this section:**
- 61 **(1) Such employee association shall refund all monies collected**
62 **from employees for the period covered by the report;**
- 63 **(2) If the employee association represents employees as the**

64 exclusive representative, such representative shall be immediately
65 decertified as the exclusive representative; and

66 (3) Any labor agreements between the employee association and
67 a public body shall be immediately rescinded and invalidated.

105.590. The term of any labor agreement, provision of a labor
2 agreement, or extension of a labor agreement after the effective date
3 of this act shall not exceed a period of two years. Rollover clauses,
4 automatic renewal clauses, or other terms and provisions of existing
5 labor agreements that provide that contract provisions remain in effect
6 until a new labor agreement is signed shall be unenforceable after
7 August 28, 2017.

Section 1. If any provision of sections 105.550 to 105.580 or the
2 application thereof to anyone or to any circumstance is held invalid,
3 the remainder of those sections and the application of such provisions
4 to others or other circumstances shall not be affected thereby.

✓

Bill

Copy