

SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 251

AN ACT

To repeal sections 105.500 and 105.520, RSMo, and to enact in lieu thereof eighteen 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1 Section A. Sections 105.500 and 105.520, RSMo, are repealed
2 and eighteen new sections enacted in lieu thereof, to be known as
3 sections 105.500, 105.504, 105.515, 105.520, 105.533, 105.535,
4 105.537, 105.540, 105.545, 105.550, 105.555, 105.570, 105.575,
5 105.580, 105.583, 105.585, 105.590, and 105.595, to read as
6 follows:

7 105.500. For purposes of sections 105.500 to 105.595,
8 unless the context otherwise requires, the following words and
9 phrases mean:

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

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

16 (3) "Department", the department of labor and industrial

1 relations established under section 286.010;

2 (4) "Exclusive bargaining representative" [means], an
3 organization which has been designated or selected by a majority
4 of the employees in [an appropriate] a bargaining unit as the
5 representative of such employees in such unit for purposes of
6 collective bargaining;

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

13 [(3)] (6) "Public body" [means], the state of Missouri, or
14 any officer, agency, department, bureau, division, board or
15 commission of the state, or any other political subdivision of or
16 within the state.

17 105.504. 1. No sum shall be withheld from the earnings of
18 any employee for the purpose of paying any portion of dues,
19 agency shop fees, or any other fees paid by members of a labor
20 organization or employees who are nonmembers except upon the
21 annual written or electronic authorization of the member or
22 nonmember. The receipt of such authorization shall not obligate
23 any public body to withhold dues or fees if the public body does
24 not choose to do so.

25 2. No labor organization shall use or obtain any portion of
26 dues, agency shop fees, or any other fees paid by members of the
27 labor organization or employees who are nonmembers to make
28 contributions, as defined in section 130.011, or expenditures, as

1 defined in section 130.011, except with the informed, written or
2 electronic authorization of such member or nonmember received
3 within the previous twelve months.

4 3. Employees who do not authorize contributions or
5 expenditures under subsection 2 of this section shall not have
6 their dues, agency shop fees, or other fees increased in lieu of
7 payments for contributions or expenditures.

8 4. The requirements of this section shall not be waived by
9 any member or nonmember of a labor organization, and waiver of
10 the requirements shall not be made a condition of employment or
11 continued employment.

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

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

19 7. Every labor organization shall provide the records
20 required under subsection 6 of this section in a searchable
21 electronic format to every employee it represents. If any labor
22 organization fails to make such records available to the
23 employees represented by such organization, any such employee
24 shall have a cause of action against the labor organization for
25 enforcement of this subsection. The court in such action may, in
26 its discretion, in addition to any judgment awarded to the
27 plaintiff or plaintiffs, require reasonable attorney's fees and
28 court costs to be paid by the labor organization.

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

6 9. For purposes of this section, the term "agency shop"
7 shall mean an arrangement that requires an employee, as a
8 condition of employment or continued employment, either to join a
9 recognized labor organization or to pay such organization a
10 service fee.

11 105.515. The provisions of sections 105.504 to 105.595
12 shall apply to all public employees, labor organizations, and
13 labor agreements between a labor organization and a public body,
14 whether collective bargaining rights are granted to such entities
15 in section 105.510 or by judicial decision.

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

28 105.533. 1. Every labor organization shall adopt a

1 constitution and bylaws and shall file a copy thereof with the
2 department, together with a report, signed by its president and
3 secretary or corresponding principal officers, containing the
4 following information:

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

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

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

13 (4) The regular dues or fees or other periodic payments
14 required to remain a member of the labor organization, as well as
15 agency fees or any other fees required for nonmembers, if any;
16 and

17 (5) Detailed statements, or references to specific
18 provisions of documents filed under this subsection which contain
19 such statements, showing the provisions made and procedures
20 followed with respect to each of the following:

21 (a) Qualifications for or restrictions on membership;

22 (b) Levying of assessments;

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

24 (d) Authorization for disbursement of funds of the labor
25 organization;

26 (e) Audit of financial transactions of the labor
27 organization;

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

1 (g) The selection of officers and stewards and of any
2 representatives to other bodies composed of labor organizations'
3 representatives, with a specific statement of the manner in which
4 each officer was elected, appointed, or otherwise selected;

5 (h) Discipline or removal of officers or agents for
6 breaches of their trust;

7 (i) Imposition of fines, suspensions, and expulsions of
8 members, including the grounds for such action and any provision
9 made for notice, hearing, judgment on the evidence, and appeal
10 procedures;

11 (j) Authorization for bargaining demands;

12 (k) Ratification of contract terms; and

13 (l) Issuance of work permits.

14
15 Any change in the information required by this subsection shall
16 be reported to the department at the time the reporting labor
17 organization files with the department the annual financial
18 report required by subsection 2 of this section.

19 2. Every labor organization shall file annually with the
20 department a financial report signed by its president and
21 treasurer or corresponding principal officers containing the
22 following information in such detail as may be necessary to
23 accurately disclose its financial condition and operations for
24 its preceding fiscal year:

25 (1) Assets and liabilities at the beginning and end of the
26 fiscal year;

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

28 (3) Salary, allowances, and other direct or indirect

1 disbursements, including reimbursed expenses, to each officer and
2 employee who, during such fiscal year, received more than ten
3 thousand dollars in the aggregate from such labor organization
4 and any other labor organization affiliated with it or with which
5 it is affiliated, or which is affiliated with the same national
6 or international labor organization;

7 (4) Direct and indirect loans made to any officer,
8 employee, or member, which aggregated more than two hundred fifty
9 dollars during the fiscal year, together with a statement of the
10 purpose, security, if any, and arrangements for repayment;

11 (5) Direct and indirect loans to any business enterprise,
12 together with a statement of the purpose, security, if any, and
13 arrangements for repayment;

14 (6) An itemization schedule that discloses the name and
15 address, purpose, date, amount, and type or classification of the
16 total amount spent by the labor organization for:

17 (a) Contract negotiation and administration;

18 (b) Organizing activities;

19 (c) Litigation;

20 (d) Public relations activities;

21 (e) Political activities;

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

25 (g) Voter education and issue advocacy activities;

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

28 (i) Conference, convention, and travel activities engaged

1 in by the labor organization; and

2 (j) Labor organization administration;

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

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

11 (9) A list of political candidates, political
12 organizations, charitable organizations, non-profit organizations
13 and community organizations to which the labor organization
14 contributed financial or in-kind assistance and the dollar amount
15 of such assistance;

16 (10) The name and address of any political action
17 committees with which the labor organization is affiliated or to
18 whom it provides contributions, the total amount of contributions
19 to such committees, the candidates or causes to which such
20 committees provided any financial assistance, and the amount
21 provided to each such candidate or cause; and

22 (11) Other disbursements made by it including the purposes
23 thereof, all in such categories as the department may prescribe.

24 3. Every labor organization shall submit the report
25 required by subsection 2 of this section in an electronic,
26 readily and easily accessible format and shall make available the
27 information required to be contained in such report to all of its
28 members. Every such labor organization and its officers shall be

1 under a duty enforceable at the suit of any member of such
2 organization in the county where the violation occurred to permit
3 such member for just cause to examine any books, records, and
4 accounts necessary to verify such report. The court in such
5 action may, in its discretion, in addition to any judgment
6 awarded to the plaintiff or plaintiffs, allow a reasonable
7 attorney's fee to be paid by the defendant, and costs of the
8 action.

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

11 105.535. 1. Every officer of a labor organization and
12 every employee of a labor organization, other than an employee
13 performing exclusively clerical or custodial services, shall file
14 with the department a signed report listing and describing for
15 his or her preceding fiscal year:

16 (1) Any stock, bond, security, or other interest, legal or
17 equitable, which such person or his or her spouse or minor child
18 directly or indirectly held in, and any income or any other
19 benefit with monetary value, including reimbursed expenses, which
20 such person or his or her spouse or minor child derived directly
21 or indirectly from, any public body whose employees such labor
22 organization represents or is actively seeking to represent,
23 except payments and other benefits received as a bona fide
24 employee of such public body;

25 (2) Any transaction in which such person or his or her
26 spouse or minor child engaged, directly or indirectly, involving
27 any stock, bond, security, or loan to or from, or other legal or
28 equitable interest in the business of a public body whose

1 employees such labor organization represents or is actively
2 seeking to represent;

3 (3) Any stock, bond, security, or other interest, legal or
4 equitable, which such person or his or her spouse or minor child
5 directly or indirectly held in, and any income or any other
6 benefit with monetary value, including reimbursed expenses, which
7 such person or his or her spouse or minor child derived directly
8 or indirectly from, any business a substantial part of which
9 consists of buying from, selling or leasing to, or otherwise
10 dealing with, the business of a public body whose employees such
11 labor organization represents or is actively seeking to
12 represent;

13 (4) Any stock, bond, security, or other interest, legal or
14 equitable, which such person or his or her spouse or minor child
15 directly or indirectly held in, and any income or any other
16 benefit with monetary value, including reimbursed expenses, which
17 such person or his or her spouse or minor child derived directly
18 or indirectly from, a business any part of which consists of
19 buying from, or selling or leasing directly or indirectly to, or
20 otherwise dealing with such labor organization;

21 (5) Any direct or indirect business transaction or
22 arrangement between such person or his or her spouse or minor
23 child and any public body whose employees his or her organization
24 represents or is actively seeking to represent, except work
25 performed and payments and benefits received as a bona fide
26 employee of such public body and except purchases and sales of
27 goods or services in the regular course of business at prices
28 generally available to any employee of such public body; and

1 (6) Any payment of money or other thing of value, including
2 reimbursed expenses, which such person or his or her spouse or
3 minor child received directly or indirectly from any public body
4 or any person who acts as a labor relations consultant to any
5 public body.

6 2. The provisions of subdivisions (1), (2), (3), (4), and
7 (5) of subsection 1 of this section shall not be construed to
8 require any such officer or employee to report his or her bona
9 fide investments in securities traded on a securities exchange
10 registered as a national securities exchange under the Securities
11 Exchange Act of 1934, in shares in an investment company
12 registered under the Investment Company Act or in securities of a
13 public utility holding company registered under the Public
14 Utility Holding Company Act of 1935, or to report any income
15 derived therefrom.

16 3. Nothing contained in this section shall be construed to
17 require any officer or employee of a labor organization to file a
18 report under subdivision (1) of subsection 1 of this section
19 unless such person or his or her spouse or minor child holds or
20 has held an interest, has received income or any other benefit
21 with monetary value or a loan, or has engaged in a transaction
22 described therein.

23 105.537. Nothing contained in the provisions of sections
24 105.533 to 105.555 shall be construed to require an attorney who
25 is a member in good standing of the bar of any state, to include
26 in any report required to be filed under the provisions of
27 sections 105.533 to 105.555 any information which was lawfully
28 communicated to such attorney by any of his or her clients in the

1 course of a legitimate attorney-client relationship.

2 105.540. 1. The contents of the reports and documents
3 filed with the department under the provisions of sections
4 105.533 and 105.535 shall be considered a "public record" as that
5 term is defined in section 610.010 and shall not be closed
6 pursuant to section 610.021. The department may publish any
7 information and data obtained under such sections. The
8 department may use the information and data for statistical and
9 research purposes, and compile and publish such studies,
10 analyses, reports, and surveys based thereon as it may deem
11 appropriate.

12 2. The department shall by regulation make reasonable
13 provision for the inspection and examination, on the request of
14 any person, of the information and data contained in any report
15 or other document filed pursuant to section 105.533 or 105.535.

16 3. (1) The department shall by regulation provide for the
17 furnishing of reports or other documents filed with the
18 department under the provisions of sections 105.533 to 105.555,
19 upon payment of a charge based upon the cost of the service.

20 (2) The department shall make available without payment of
21 a charge, or require any person to furnish, to such state agency
22 as is designated by law or by the governor of the state in which
23 such person has his principal place of business or headquarters,
24 upon request of the governor of such state, copies of any reports
25 and documents filed by such person with the department under the
26 provisions of sections 105.533 or 105.535, or of information and
27 data contained therein.

28 (3) All moneys received in payment of such charges fixed by

1 the department pursuant to this subsection shall be deposited in
2 the general revenue fund of the state.

3 105.545. Every person required to file any report under the
4 provisions of sections 105.533 to 105.555 shall maintain records
5 on the matters required to be reported which will provide in
6 sufficient detail the necessary basic information and data from
7 which the documents filed with the department may be verified,
8 explained or clarified, and checked for accuracy and
9 completeness, and shall include vouchers, worksheets, receipts,
10 and applicable resolutions. Such records shall be kept available
11 for examination for a period of not less than five years after
12 the filing of the documents based on the information which they
13 contain.

14 105.550. 1. Each labor organization shall file the initial
15 report required under subsection 1 of section 105.533 within
16 ninety days after the date on which it first becomes subject to
17 the provisions of sections 105.533 to 105.555.

18 2. Each person required to file a report under the
19 provisions of sections 105.533 to 105.555 shall file such report
20 within ninety days after the end of each of its fiscal years,
21 except that where such person is subject for only a portion of
22 such a fiscal year, whether because the date of enactment of the
23 provisions of sections 105.533 to 105.555 occurs during such
24 person's fiscal year or such person becomes subject to the
25 provisions of sections 105.533 to 105.555 during its fiscal year,
26 such person may consider that portion as the entire fiscal year
27 in making such report.

28 105.555. 1. Any person who makes a false statement or

1 representation of a material fact, knowing it to be false, or who
2 knowingly fails to disclose a material fact, in any document,
3 report, or other information required under the provisions of
4 sections 105.533 to 105.555 shall be fined not more than ten
5 thousand dollars or imprisoned for not more than one year, or
6 both.

7 2. Any person who knowingly makes a false entry in or
8 knowingly conceals, withholds, or destroys any books, records,
9 reports, or statements required to be kept by any provision of
10 sections 105.533 to 105.555 shall be fined not more than ten
11 thousand dollars or imprisoned for not more than one year, or
12 both.

13 3. Each person required to sign reports under section
14 105.533 shall be personally responsible for the filing of such
15 reports and for any statement contained therein which he or she
16 knows to be false.

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

21 105.570. 1. Supervisory employees shall not be included
22 within the same bargaining unit as employees they supervise.

23 2. The same labor organization shall not represent both
24 non-supervisory and supervisory employees.

25 3. For the purposes of this section, the term "supervisory
26 employee" means anyone with supervisory status, managerial
27 status, confidential status, or any other status that would be a
28 conflict of interest with the purpose of sections 105.570 to

1 105.595.

2 105.575. 1. Any labor organization wishing to represent
3 employees shall present to the board cards containing the
4 signatures of at least thirty percent of the employees in the
5 bargaining unit, indicating that they wish to select the labor
6 organization in question as their exclusive bargaining
7 representative for the purpose of collective bargaining.

8 Voluntary recognition by any public body shall be prohibited.

9 Recognition may only be obtained by a labor organization through
10 an election before the board.

11 2. Upon receiving such cards, the board shall validate the
12 signatures on the cards, and confirm that at least thirty percent
13 of the employees in the bargaining unit have signed the cards.

14 If the board determines that at least thirty percent of the
15 employees in the bargaining unit have signed valid cards, the
16 board shall consult with the public body and the representative
17 of the labor organization that has presented the cards, and
18 together they shall select a mutually agreeable date for a secret
19 ballot election to take place. The election shall be held at the
20 public body's place of business, and shall be set for a date
21 falling no less than four and no more than eight weeks after the
22 day upon which the board determines the bargaining unit for
23 election and has resolved any other bargaining unit issues.

24 3. Once an election date has been set, the public body
25 shall issue a notice informing all eligible voters of the date,
26 time, and place of the election. Such notice shall be
27 distributed to all employees and shall be posted within the
28 public body's place of business.

1 4. All employees shall have the right to freely express
2 their opinions about whether or not the labor organization should
3 be selected as the exclusive bargaining representative of the
4 employees in the bargaining unit. However, no employee and no
5 representative of the labor organization shall attempt to
6 threaten, intimidate, coerce, or otherwise restrain any eligible
7 voter in the free exercise of his or her individual choice to
8 support or oppose the selection of the labor organization in
9 question as the exclusive bargaining representative of the
10 employees in the bargaining unit.

11 5. Elections shall be conducted by secret ballot, using
12 such procedures as the board shall determine are appropriate for
13 ensuring the privacy and security of each employee's vote. Once
14 the poll is closed, the board shall oversee the counting of the
15 ballots. One representative of the public body's management team
16 and one representative of the labor organization shall have the
17 right to be present during the counting of the ballots.

18 6. The ballots shall read "Do you wish to select (labor
19 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 "yes" or "no" in response to this question.

23 7. In the event that more than one labor organization seeks
24 to represent employees in the unit, and in the event both labor
25 organizations have obtained signatures from at least thirty
26 percent of the employees in the unit stating that they wish to
27 designate the labor organization as their exclusive bargaining
28 representative, then the ballot shall read "Do you wish to select

1 (labor organization A), (labor organization B), or no labor
2 organization as the exclusive bargaining representative for
3 (description of bargaining unit) employed within the (description
4 of public body)?" The ballot shall then include check boxes for
5 marking "I wish to select (labor organization A) as my exclusive
6 bargaining representative," "I wish to select (labor organization
7 B) as my exclusive bargaining representative," and "I do not wish
8 to select any labor organization as my exclusive bargaining
9 representative."

10 8. Any labor organization receiving the votes of more than
11 fifty percent of all employees in the bargaining unit shall be
12 designated and recognized by the public body as the exclusive
13 bargaining representative for all employees in the bargaining
14 unit.

15 9. Employees within the bargaining unit shall have the
16 right to seek to decertify the labor organization as their
17 exclusive bargaining representative at any time. If any employee
18 within the bargaining unit presents to the board cards bearing
19 the signatures of at least thirty percent of the employees within
20 the bargaining unit stating that those employees no longer wish
21 to be represented by the labor organization in question, the
22 board shall first validate the signatures on the cards.

23 10. If the board confirms that at least thirty percent of
24 the employees in the bargaining unit have signed decertification
25 cards, the board shall consult with the public body and the
26 designated representative of the labor organization to select a
27 date for a decertification election. Such election shall take
28 place at least four weeks, but no later than six weeks, after the

1 board receives the decertification cards. Notice of such
2 election shall be distributed to all employees within the
3 bargaining unit and posted within the public body's place of
4 business.

5 11. If more than fifty percent of the employees in the
6 bargaining unit cast votes to terminate the labor organization's
7 representation of the employees in the bargaining unit, the labor
8 organization shall immediately cease to represent the employees
9 in the bargaining unit.

10 12. Labor organizations shall be recertified every two
11 years. To meet the biennial recertification requirement,
12 continuation of the labor organization's status as the exclusive
13 representative shall be favored in a secret ballot election
14 conducted by the board by more than fifty percent of the
15 employees in the bargaining unit. Employees shall vote by
16 telephone or online every two years during a two-week period
17 beginning on the anniversary of initial certification.

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

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

1 another election for one full calendar year after the date of the
2 election.

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

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

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

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

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

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

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

19 105.580. 1. Within eight weeks after a labor organization
20 is certified as the exclusive bargaining representative for the
21 employees in a bargaining unit as set out in section 105.575,
22 representatives of the public body, designated by the public
23 body, and representatives of the labor organization, selected by
24 the labor organization, shall meet and begin bargaining for an
25 agreement covering the wages, benefits, and other terms and
26 conditions of employment for the employees within the bargaining
27 unit.

28 2. No labor organization may refuse to meet with designated

1 representatives of any public body or engage in conduct intended
2 to cause the removal or replacement of any designated
3 representative by the public body.

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

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

15 5. Before any proposed agreement or memorandum of
16 understanding is presented to a public body, the labor
17 organization, as a condition of its presentation, shall establish
18 that it has been ratified by a majority of its members. The
19 public body may approve the entire agreement or any part thereof.
20 If the public body rejects any portion of the agreement, the
21 public body may return any rejected portion of the agreement to
22 the parties for further bargaining, or the public body may adopt
23 a replacement provision of its own design, or the public body may
24 state that no provision covering the topic in question shall be
25 adopted. Any tentative agreement reached between the parties'
26 representatives shall not be binding on the public body or labor
27 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 biennially. Such bargaining shall be
7 completed by July thirty-first of the renewal calendar year. The
8 parties may elect to bargain non-economic terms for longer
9 periods but all economic provisions of the agreement shall be
10 adopted on a biennial 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 105.515 to 105.595 shall not
14 exceed a period of two years. Any modification, extension,
15 renewal, or any change whatsoever to a labor agreement in effect
16 as of the effective date of sections 105.515 to 105.595 shall be
17 continued as a new labor agreement for purposes of this
18 subsection.

19 105.583. 1. A meeting concerning a labor agreement between
20 a public body or its agent and an exclusive bargaining
21 representative or its agent shall be considered a "public
22 meeting" as that term is defined in section 610.010 and shall not
23 be closed pursuant to section 610.021. The provisions of this
24 subsection apply whether or not such meeting is conducted under
25 sections 105.500 to 105.530.

26 2. Any document presented by a public body during a meeting
27 concerning a labor agreement, or that the public body receives
28 from an exclusive bargaining representative, shall be considered

1 a "public record" as that term is defined in section 610.010 and
2 shall not be closed pursuant to section 610.021.

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

7 105.585. Labor agreements negotiated between a public body
8 and labor organization may cover wages, benefits, and all other
9 terms and conditions of employment for employees within the
10 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 employees.
15 Every labor agreement shall also include a provision reserving to
16 management the right to make, amend, and rescind reasonable work
17 rules and standard operating procedures;

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

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

28 (4) Every labor agreement shall expressly prohibit labor

1 organization representatives and employees from accepting paid
2 time, other than unused paid time off that was accrued by such
3 employees, by a public body for the purposes of conducting labor
4 organization-related business, including, but not limited to,
5 grievance handling, negotiations, meetings, meet and confer
6 sessions, time off to attend labor organization meetings, or any
7 other labor organization-related activity;

8 (5) Every labor agreement shall inform employees their
9 right to refrain from engaging in and supporting labor
10 organization activity as well as their right to oppose labor
11 organization activity;

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

26 105.590. The secretary or corresponding principal officer
27 of each labor organization shall forward a complete copy of each
28 agreement made by such labor organization with any public body to

1 any employee who requests such a copy and whose rights as such
2 employee are directly affected by such agreement.

3 105.595. Whenever it shall appear that any labor
4 organization or representative of any labor organization has
5 violated or is about to violate any of the provisions of sections
6 105.515 to 105.595, the department, a public body, or any citizen
7 of the state of Missouri may bring a civil action for such
8 relief, including injunctive relief, as may be appropriate. Any
9 such action may be brought in the county where the violation
10 occurred and damages and attorneys' fees shall be awarded for the
11 enforcement of the provisions of sections 105.515 to 105.595.