

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.

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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2 208.862, RSMo, are repealed and twenty-one new sections enacted  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 employees at any plant or installation or in a craft or in a  
13 function of a public body **[which]** that establishes a clear and  
14 identifiable community of interest among the employees concerned;

15           (2) "Board", the state board of mediation established under

1 section 295.030;

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

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

9 (5) "Firefighter", any person employed by a public body or  
10 otherwise serving as a member or officer of a fire department  
11 either for the purpose of the prevention or control of fire or  
12 the underwater recovery of drowning victims;

13 (6) "Labor organization", any organization, agency, or  
14 employee representation committee or plan, in which employees  
15 participate and that exists for the purpose, in whole or in part,  
16 of dealing with a public body or public bodies concerning  
17 collective bargaining, grievances, labor disputes, wages, rates  
18 of pay, hours of employment, or conditions of work. "Labor  
19 organization" shall not include an entity that exists for the  
20 purpose of dealing with a public body or public bodies concerning  
21 collective bargaining, grievances, labor disputes, wages, rates  
22 of pay, hours of employment, or conditions of work on behalf of a  
23 bargaining unit made up solely of firefighters or a bargaining  
24 unit made up solely of law enforcement officers;

25 (7) "Law enforcement officer", any police officer, sheriff,  
26 or deputy sheriff employed by a public body;

27 [(3)] (8) "Public body" [means], the state of Missouri, or  
28 any officer, agency, department, bureau, division, board or

1 commission of the state, or any other political subdivision or  
2 special district of or within the state.

3 105.503. The provisions of sections 105.500 to 105.598  
4 shall apply to all employees of a public body that are not  
5 firefighters or law enforcement officers, all labor  
6 organizations, and all labor agreements between such a labor  
7 organization and a public body, whether collective bargaining  
8 rights are granted to such entities in section 105.510 or by  
9 judicial decision.

10 105.505. 1. No sum shall be withheld from the earnings of  
11 any employee for the purpose of paying any portion of dues,  
12 agency shop fees, or any other fees paid by members of a labor  
13 organization or employees who are nonmembers except upon the  
14 annual written or electronic authorization of the member or  
15 nonmember.

16 2. No labor organization shall use or obtain any portion of  
17 dues, agency shop fees, or any other fees paid by members of the  
18 labor organization or employees who are nonmembers to make  
19 contributions, as defined in section 130.011, or expenditures, as  
20 defined in section 130.011, except with the informed, written or  
21 electronic authorization of such member or nonmember received  
22 within the previous twelve months.

23 3. Employees who do not authorize contributions or  
24 expenditures under subsection 2 of this section shall not have  
25 their dues, agency shop fees, or other fees increased in lieu of  
26 payments for contributions or expenditures.

27 4. The requirements of this section shall not be waived by  
28 any member or nonmember of a labor organization, and waiver of

1 the requirements shall not be made a condition of employment or  
2 continued employment.

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

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

10 7. Every labor organization shall provide the records  
11 required under subsection 6 of this section in a searchable  
12 electronic format to every employee it represents. If any labor  
13 organization fails to make such records available to the  
14 employees represented by such organization, any such employee  
15 shall have a cause of action against the labor organization for  
16 enforcement of this subsection. The court in such action may, in  
17 its discretion, in addition to any judgment awarded to the  
18 plaintiff or plaintiffs, require reasonable attorney's fees and  
19 court costs to be paid by the labor organization.

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

25 9. For purposes of this section, the term "agency shop"  
26 shall mean an arrangement that requires an employee, as a  
27 condition of employment or continued employment, either to join a  
28 recognized labor organization or to pay such organization a

1 service fee.

2 105.525. Issues with respect to appropriateness of  
3 bargaining units and majority representative status, as  
4 determined under section 105.575, shall be resolved by the  
5 [state] board [of mediation]. In the event that the appropriate  
6 administrative body or any of the bargaining units shall be  
7 aggrieved by the decision of the [state] board [of mediation], an  
8 appeal may be had to the circuit court of the county where the  
9 administrative body is located or in the circuit court of Cole  
10 County. [The state board of mediation shall use the services of  
11 the state hearing officer in all contested cases.]

12 105.530. Nothing contained in sections 105.500 to [105.530]  
13 105.598 shall be construed as granting a right to employees  
14 covered in sections 105.500 to [105.530] 105.598 to strike.

15 105.533. 1. Every labor organization shall adopt a  
16 constitution and bylaws and shall file a copy thereof with the  
17 department, together with a report, signed by its president and  
18 secretary or corresponding principal officers, containing the  
19 following information:

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

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

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

28 (4) The regular dues or fees or other periodic payments

1 required to remain a member of the labor organization, as well as  
2 agency fees or any other fees required for nonmembers, if any;  
3 and

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

8 (a) Qualifications for or restrictions on membership;

9 (b) Levying of assessments;

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

11 (d) Authorization for disbursement of funds of the labor  
12 organization;

13 (e) Audits of financial transactions of the labor  
14 organization;

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

16 (g) The selection of officers and stewards and of any  
17 representatives to other bodies composed of the labor  
18 organization's representatives, with a specific statement of the  
19 manner in which each officer was elected, appointed, or otherwise  
20 selected;

21 (h) Discipline or removal of officers or agents for their  
22 breaches of trust;

23 (i) Imposition of fines, suspensions, and expulsions of  
24 members, including the grounds for such actions and any provision  
25 made for notice, hearing, judgment on the evidence, and appeal  
26 procedures;

27 (j) Authorization for bargaining demands;

28 (k) Ratification of contract terms; and

1           (1) Issuance of work permits.

2  
3           Any change in the information required by this subsection shall  
4           be reported to the department at the time the reporting labor  
5           organization files with the department the annual financial  
6           report required by subsection 2 of this section.

7           2. Every labor organization shall file annually with the  
8           department a financial report signed by its president and  
9           treasurer or corresponding principal officers containing the  
10           following information in such detail as may be necessary to  
11           accurately disclose its financial condition and operations for  
12           its preceding fiscal year:

13           (1) All assets and liabilities at the beginning and end of  
14           the fiscal year;

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

16           (3) Salaries, allowances, and other direct or indirect  
17           disbursements, including reimbursed expenses, to each officer and  
18           employee who, during such fiscal year, received more than ten  
19           thousand dollars in the aggregate from such labor organization or  
20           any affiliated labor organization;

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

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

28           (6) An itemization schedule that discloses the purpose,

1 date, total amount, and type or classification of each  
2 disbursement made by the labor organization for the following  
3 services and activities, along with the name and address of the  
4 entity receiving the expenditure:

5 (a) Contract negotiation and administration;

6 (b) Organizing activities;

7 (c) Litigation;

8 (d) Public relations activities;

9 (e) Political activities;

10 (f) Activities attempting to influence the passage or  
11 defeat of federal, state, or local legislation or the content or  
12 enforcement of federal, state, or local regulations or policies;

13 (g) Voter education and issue advocacy activities;

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

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

18 (j) Labor organization administration;

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

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

26 (9) A list of candidates, continuing committees, federal  
27 political action committees, nonprofit organizations, and  
28 community organizations to which the labor organization



1 contributed financial or in-kind assistance and the dollar amount  
2 of such assistance;

3 (10) The names and addresses of any continuing committees  
4 or federal political action committees with which the labor  
5 organization is affiliated or to which it provides contributions,  
6 the total amount of contributions to such committees, the  
7 candidates or causes to which such committees provided any  
8 financial assistance, and the amount provided to each such  
9 candidate or cause; and

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

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

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

26 5. For purposes of this section, the terms "candidate",  
27 "continuing committee", and "contribution" shall have the same  
28 meanings as in section 130.011, and the term "lobbyist" shall

1 have the same meaning as in section 105.470.

2 105.535. 1. Every officer of a labor organization and  
3 every employee of a labor organization, other than an employee  
4 performing exclusively clerical or custodial services, shall file  
5 with the department a signed report listing and describing for  
6 his or her preceding fiscal year:

7 (1) Any stock, bond, security, or other interest, legal or  
8 equitable, that such person or his or her spouse or minor child  
9 directly or indirectly held in, and any income or any other  
10 benefit with monetary value, including reimbursed expenses, that  
11 such person or his or her spouse or minor child derived directly  
12 or indirectly from, any public body whose employees such labor  
13 organization represents or is actively seeking to represent,  
14 except payments and other benefits received as a bona fide  
15 employee of such public body;

16 (2) Any transaction in which such person or his or her  
17 spouse or minor child engaged, directly or indirectly, involving  
18 any stock, bond, security, or loan to or from, or other legal or  
19 equitable interest in the business of a public body whose  
20 employees such labor organization represents or is actively  
21 seeking to represent;

22 (3) 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, any business a substantial part of which  
28 consists of buying from, selling or leasing to, or otherwise

1 dealing with the business of a public body whose employees such  
2 labor organization represents or is actively seeking to  
3 represent;

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

12 (5) Any direct or indirect business transaction or  
13 arrangement between such person or his or her spouse or minor  
14 child and any public body whose employees his or her labor  
15 organization represents or is actively seeking to represent,  
16 except work performed and payments and benefits received as a  
17 bona fide employee of such public body and purchases and sales of  
18 goods or services in the regular course of business at prices  
19 generally available to any employee of such public body; and

20 (6) Any payment of money or other thing of value, including  
21 reimbursed expenses, that such person or his or her spouse or  
22 minor child received directly or indirectly from any public body  
23 or any person who acts as a labor relations consultant to any  
24 public body.

25 2. The provisions of subdivisions (1) to (5) of subsection  
26 1 of this section shall not be construed to require any such  
27 officer or employee to report his or her bona fide investments in  
28 securities traded on a securities exchange registered as a

1 national securities exchange under the Securities Exchange Act of  
2 1934, in shares in an investment company registered under the  
3 Investment Company Act, or in securities of a public utility  
4 holding company registered under the Public Utility Holding  
5 Company Act of 1935, or to report any income derived therefrom.

6 3. Nothing contained in this section shall be construed to  
7 require any officer or employee of a labor organization to file a  
8 report under subdivision (1) of subsection 1 of this section  
9 unless such person or his or her spouse or minor child holds or  
10 has held an interest, has received income or any other benefit  
11 with monetary value or a loan, or has engaged in a transaction  
12 described therein.

13 105.537. Nothing contained in the provisions of sections  
14 105.533 to 105.555 shall be construed to require an attorney who  
15 is a member in good standing of the bar of any state to include  
16 in any report required to be filed under the provisions of  
17 sections 105.533 to 105.555 any information that was lawfully  
18 communicated to such attorney by any of his or her clients in the  
19 course of a legitimate attorney-client relationship.

20 105.540. 1. The contents of the reports and documents  
21 filed with the department under the provisions of sections  
22 105.533 and 105.535 shall be considered a public record, as that  
23 term is defined in section 610.010, and shall not be closed under  
24 section 610.021. The department may publish any information and  
25 data obtained under sections 105.533 and 105.535. The department  
26 may use the information and data for statistical and research  
27 purposes and compile and publish such studies, analyses, reports,  
28 and surveys based thereon as it may deem appropriate.

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

5           3. (1) The department shall, by regulation, provide for  
6 the furnishing of reports or other documents filed with the  
7 department under the provisions of sections 105.533 to 105.555,  
8 upon payment of a charge based upon the cost of the service.

9           (2) The department shall make available without payment of  
10 a charge, or require any person to furnish, to such state agency  
11 as is designated by law or by the governor of the state in which  
12 such person has his or her principal place of business or  
13 headquarters, upon request of the governor of such state, copies  
14 of any reports and documents filed by such person with the  
15 department under the provisions of sections 105.533 or 105.535,  
16 or of information and data contained therein.

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

20           105.545. Every person required to file any report under the  
21 provisions of sections 105.533 to 105.555 shall maintain records  
22 on the matters required to be reported that will provide in  
23 sufficient detail the necessary basic information and data from  
24 which the documents filed with the department may be verified,  
25 explained or clarified, and checked for accuracy and  
26 completeness, and shall include vouchers, worksheets, receipts,  
27 and applicable resolutions. Such records shall be kept available  
28 for examination for a period of not less than five years after

1 the filing of the documents based on the information that they  
2 contain.

3 105.550. 1. Each labor organization shall file the initial  
4 report required under subsection 1 of section 105.533 within  
5 ninety days after the date on which it first becomes subject to  
6 the provisions of sections 105.533 to 105.555.

7 2. Each person required to file a report under the  
8 provisions of sections 105.533 to 105.555 shall file such report  
9 within ninety days after the end of each of its fiscal years,  
10 except that where such person is subject for only a portion of  
11 such a fiscal year, whether because the date of enactment of the  
12 provisions of sections 105.533 to 105.555 occurs during such  
13 person's fiscal year or because such person becomes subject to  
14 the provisions of sections 105.533 to 105.555 during its fiscal  
15 year, such person may consider that portion as the entire fiscal  
16 year in making such report.

17 105.555. 1. Any person who makes a false statement or  
18 representation of a material fact, knowing it to be false, or who  
19 knowingly fails to disclose a material fact, in any document,  
20 report, or other information required under the provisions of  
21 sections 105.533 to 105.555 shall be fined not more than ten  
22 thousand dollars or imprisoned for not more than one year, or  
23 both.

24 2. Any person who knowingly makes a false entry in or  
25 knowingly conceals, withholds, or destroys any books, records,  
26 reports, or statements required to be kept by any provision of  
27 sections 105.533 to 105.555 shall be fined not more than ten  
28 thousand dollars or imprisoned for not more than one year, or

1 both.

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

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

10 105.570. 1. Supervisory employees shall not be included  
11 within the same bargaining unit as the employees they supervise.

12 2. The same labor organization shall not represent both  
13 non-supervisory and supervisory employees.

14 3. For the purposes of this section, the term "supervisory  
15 employee" means anyone with supervisory status, managerial  
16 status, confidential status, or any other status that would be a  
17 conflict of interest with the purpose of sections 105.570 to  
18 105.595.

19 105.575. 1. Any labor organization wishing to represent a  
20 bargaining unit as an exclusive bargaining representative shall  
21 present to the board cards containing the signatures of at least  
22 thirty percent of the employees in the bargaining unit indicating  
23 that they wish to select the labor organization in question as  
24 their exclusive bargaining representative for the purpose of  
25 collective bargaining. Voluntary recognition by any public body  
26 of a labor organization as an exclusive bargaining representative  
27 shall be prohibited. Recognition as an exclusive bargaining  
28 representative may only be obtained by a labor organization

1 through an election conducted under this section.

2 2. Upon receiving such cards, the board shall request from  
3 the public body a list of all employees within the bargaining  
4 unit and the public body shall provide to the board such list no  
5 later than ten business days following receipt of such request.  
6 The board shall validate the signatures on the cards and confirm  
7 that at least thirty percent of the employees in the bargaining  
8 unit have signed the cards. If the board determines that at  
9 least thirty percent of the employees in the bargaining unit have  
10 signed valid cards, the board shall consult with the public body  
11 and the representative of the labor organization that has  
12 presented the cards, and together they shall select a mutually  
13 agreeable date for a secret ballot election to take place. The  
14 election shall be conducted at the public body's place of  
15 business or by mail-in ballot, in whole or in part, at the  
16 discretion of the chairman of the board, and shall be set for a  
17 date falling no less than four weeks, and no more than eight  
18 weeks, after the day upon which the board determines the  
19 bargaining unit for election and has resolved any other  
20 bargaining unit issues.

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

26 4. All employees shall have the right to freely express  
27 their opinions about whether the labor organization should be  
28 selected as the exclusive bargaining representative of the



1 employees in the bargaining unit. However, no employee and no  
2 representative of the labor organization shall attempt to  
3 threaten, intimidate, coerce, or otherwise restrain any eligible  
4 voter in the free exercise of his or her individual choice to  
5 support or oppose the selection of the labor organization in  
6 question as the exclusive bargaining representative of the  
7 employees in the bargaining unit.

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

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

20 7. If more than one labor organization seeks to represent  
21 employees in the bargaining unit, and if both labor organizations  
22 have obtained signatures from at least thirty percent of the  
23 employees in the unit stating that they wish to designate the  
24 labor organization as their exclusive bargaining representative,  
25 the ballot shall read: "Do you wish to select (labor  
26 organization A), (labor organization B), or no labor organization  
27 as the exclusive bargaining representative for (description of  
28 bargaining unit) employed within (description of public body)?".

1 The ballot shall include check boxes for marking "I wish to  
2 select (labor organization A) as my exclusive bargaining  
3 representative.", "I wish to select (labor organization B) as my  
4 exclusive bargaining representative.", and "I do not wish to  
5 select any labor organization as my exclusive bargaining  
6 representative.".

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

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

24 10. If the board confirms that at least thirty percent of  
25 the employees in the bargaining unit have signed decertification  
26 cards, the board shall consult with the public body and the  
27 designated representative of the labor organization to select a  
28 date for a decertification election. Such election shall take

1 place at least four weeks, but no later than six weeks, after the  
2 board receives the decertification cards. Notice of such  
3 election shall be distributed to all employees within the  
4 bargaining unit and posted within the public body's place of  
5 business. The election shall be conducted at the public body's  
6 place of business or by mail-in ballot, in whole or in part, at  
7 the discretion of the chairman of the board.

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

13 12. Labor organizations shall be recertified every two  
14 years. To meet the biennial recertification requirement,  
15 continuation of the labor organization's status as the exclusive  
16 bargaining representative shall be favored in a secret ballot  
17 election conducted by the board by more than fifty percent of the  
18 employees in the bargaining unit. Employees shall vote by  
19 telephone or online every two years during a two-week period  
20 beginning on the anniversary of initial certification. Failure  
21 to schedule an election within the prescribed time period on the  
22 part of the labor organization shall result in immediate  
23 decertification as the exclusive bargaining representative.

24 13. In the event of the decertification of a labor  
25 organization as the exclusive bargaining representative of the  
26 employees in any bargaining unit or failure to recertify a labor  
27 organization, all terms and conditions of employment existing at  
28 the time of decertification or failure to recertify shall remain

1 in place until such time as those terms or conditions of  
2 employment are altered by the public body.

3 14. No more than one election shall take place in any  
4 bargaining unit within the same twelve-month period. Once an  
5 election takes place, the board shall not accept cards from labor  
6 organizations or employees within the bargaining unit seeking  
7 another election for one full calendar year after the date of the  
8 election.

9 15. The board shall assess and collect a fee from each  
10 labor organization participating in an election conducted under  
11 this section for the purpose of paying for such election as  
12 follows:

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

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

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

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

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

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

25 105.580. 1. Within eight weeks after a labor organization  
26 is certified as the exclusive bargaining representative for the  
27 employees in a bargaining unit as described in section 105.575,  
28 representatives of the public body, designated by the public

1 body, and representatives of the labor organization, selected by  
2 the labor organization, shall meet and begin bargaining for an  
3 agreement covering the wages, benefits, and other terms and  
4 conditions of employment for the employees within the bargaining  
5 unit.

6 2. No labor organization may refuse to meet with designated  
7 representatives of any public body or engage in conduct intended  
8 to cause the removal or replacement of any designated  
9 representative by the public body.

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

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

21 5. Before any proposed agreement or memorandum of  
22 understanding is presented to a public body, the labor  
23 organization, as a condition of its presentation, shall establish  
24 that it has been ratified by a majority of its members. The  
25 public body may approve the entire agreement or any part thereof.  
26 If the public body rejects any portion of the agreement, the  
27 public body may return any rejected portion of the agreement to  
28 the parties for further bargaining, adopt a replacement provision

1 of its own design, or state that no provision covering the topic  
2 in question shall be adopted. Any tentative agreement reached  
3 between the parties' representatives shall not be binding on the  
4 public body or labor organization.

5 6. A public body and a labor organization shall not be  
6 subject to binding mediation, binding interest arbitration, or  
7 interest arbitration in the event the parties are unable to reach  
8 an agreement.

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

16 8. The term of any labor agreement, provision of a labor  
17 agreement, or extension of a labor agreement entered into after  
18 the effective date of sections 105.500 to 105.598 shall not  
19 exceed a period of two years. Any modification, extension,  
20 renewal, or any change whatsoever to a labor agreement in effect  
21 as of the effective date of sections 105.500 to 105.598 shall be  
22 considered a new labor agreement for purposes of this section.

23 105.583. 1. A meeting concerning a labor agreement between  
24 a public body or its agent and an exclusive bargaining  
25 representative or its agent shall be considered a public meeting,  
26 as that term is defined in section 610.010, and shall not be  
27 closed under section 610.021. The provisions of this subsection  
28 apply regardless of whether such meeting is conducted under

1 sections 105.500 to 105.598.

2 2. Any document presented by a public body during a meeting  
3 concerning a labor agreement, or that the public body receives  
4 from an exclusive bargaining representative, shall be considered  
5 a public record, as that term is defined in section 610.010, and  
6 shall not be closed under section 610.021.

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

12 105.585. Labor agreements negotiated between a public body  
13 and a labor organization may cover wages, benefits, and all other  
14 terms and conditions of employment for employees within the  
15 bargaining unit and shall be subject to the following  
16 limitations:

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

23 (2) Every labor agreement shall expressly prohibit all  
24 strikes and picketing of any kind. A strike shall include any  
25 refusal to perform services, walkout, sick-out, sit-in, or any  
26 other form of interference with the operations of any public  
27 body. Every labor agreement shall include a provision  
28 acknowledging that any employee who engages in any strike or

1 concerted refusal to work, or who pickets over any personnel  
2 matter, shall be subject to immediate termination of employment;

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

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

14 (5) Every labor agreement shall inform employees of their  
15 right to refrain from engaging in and supporting labor  
16 organization activity as well as their right to oppose labor  
17 organization activity; and

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



1 agree upon modifications that meet the public body's  
2 requirements, the public body shall have the right to make  
3 necessary adjustments on its own authority.

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

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

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

1 unconstitutional, then the grant of rulemaking authority and any  
2 rule proposed or adopted after August 28, 2018, shall be invalid  
3 and void.

4 208.862. [Consumer rights and employment relations.]

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

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

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

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

1 for the statewide unit of personal care attendants under section  
2 105.525 upon a showing that ten percent of the personal care  
3 attendants in said unit want to be represented by a  
4 representative. The Missouri office of administration shall  
5 represent the council in any collective bargaining with a  
6 representative of personal care attendants. Upon completion of  
7 bargaining, any agreements shall be reduced to writing and  
8 presented to the council for adoption, modification or rejection  
9 [in accordance with section 105.520].

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

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

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

23 8. (1) The provisions of sections 105.500 to 105.598 shall  
24 apply to all personal care attendants, organizations elected as  
25 the exclusive bargaining representative of the bargaining unit of  
26 personal care attendants under this section, and all officers and  
27 employees of such organizations. For purposes of this subsection,  
28 organizations elected as the exclusive bargaining representative

1 of a bargaining unit under this section shall be considered a  
2 labor organization, as that term is defined in section 105.500.

3 (2) If an organization is not recertified or is decertified  
4 as the exclusive bargaining representative of a bargaining unit  
5 of personal care attendants under section 105.575, any subsequent  
6 certification of an organization as exclusive bargaining  
7 representative of a bargaining unit of personal care attendants  
8 shall be conducted according to the provisions of section  
9 105.575, notwithstanding subsection 4 of this section to the  
10 contrary.

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