

SECOND REGULAR SESSION

SENATE BILL NO. 1529

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR WEBBER.

5046S.02I

KRISTINA MARTIN, Secretary

AN ACT

To amend chapter 105, RSMo, by adding thereto one new section relating to public 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
2 one new section, to be known as section 105.515, to read as
3 follows:

105.515. 1. Within thirty days after a labor
2 organization has been designated as the exclusive bargaining
3 representative for the public employees in a bargaining
4 unit, representatives of the public body, designated by the
5 public body, and representatives of the labor organization,
6 selected by the labor organization, shall meet and begin
7 bargaining in good faith for an agreement covering the
8 wages, benefits, and other terms and conditions of
9 employment for the public employees within the bargaining
10 unit.

11 2. The labor organization and the public body shall
12 engage in good faith bargaining with each other's designated
13 representatives.

14 3. (1) In the event that an agreement cannot be
15 reached within one hundred eighty days after a labor
16 organization is designated as exclusive bargaining
17 representative for the public employees in a bargaining

18 unit, the dispute shall be referred to mediation pursuant to
19 this subsection.

20 (2) Within fourteen days after the period in
21 subdivision (1) of this subsection has expired, the parties
22 shall mutually agree on a neutral mediator selected from a
23 panel of neutrals from United States District Courts of
24 either the Western or Eastern District of Missouri. If the
25 parties cannot agree on a neutral mediator within fourteen
26 days, the matter shall be referred to the board and the
27 board shall assign a mediator.

28 (3) If, after the dispute has been referred to a
29 mediator, whether the neutral mediator or the state board of
30 mediation, the dispute has not been resolved within ninety
31 days, the dispute shall be referred to arbitration through
32 an arbitrator as selected pursuant to subsection 4 of this
33 section.

34 (4) Upon mutual agreement of the parties, the
35 obligation to submit the matter to mediation pursuant to
36 this subsection may be waived and the matter may be
37 immediately submitted to interest arbitration in accordance
38 with subsection 4 of this section.

39 4. (1) At any time during the bargaining process, if
40 either the labor organization or the public body determines
41 an impasse has been reached over wages, benefits, hours, or
42 other terms and conditions of employment, the party may
43 submit the matter to interest arbitration.

44 (2) If the parties agree that an impasse has been
45 reached, within seven days of such decision the public body
46 and labor organization shall attempt to agree upon an
47 impartial arbitrator to resolve the impasse.

48 (3) If an arbitrator cannot be agreed upon within such
49 time period, then the party that made the initial

50 determination of impasse shall request a panel of seven
51 arbitrators from the Federal Mediation and Conciliation
52 Services. The parties shall alternate striking from the
53 panel one arbitrator at a time until a single arbitrator is
54 left, with the party that made the initial determination of
55 impasse pursuant to subdivision (1) of this subsection
56 striking first. The party making the initial determination
57 of impasse shall have an affirmative duty to notify the
58 board that the matter has been referred to interest
59 arbitration pursuant to this subsection.

60 (4) Once an arbitrator has been selected pursuant to
61 subdivision (2) or (3) of this subsection, the parties shall
62 proceed to resolve whether the matter will be presented to
63 the arbitrator as a total package, issue by issue, or a
64 combination of both. Should the parties fail to agree upon
65 a method of presentation to the arbitrator, a prehearing
66 conference shall be held at which each party shall present
67 its position to the arbitrator and the arbitrator shall then
68 determine the method of presentation. If the parties cannot
69 mutually agree upon a date to present their respective
70 arguments, the arbitrator shall set a hearing date at which
71 the labor organization and public body shall each be
72 afforded the opportunity to present its respective case,
73 including a presentation of evidence, data, and testimony,
74 in support of its proposal. The arbitrator shall consider
75 the evidence and render a decision within forty-five days.
76 If the parties do not agree an impasse has been reached, in
77 a singular hearing, the arbitrator shall hear both the
78 procedural and substantive arguments of the parties. Before
79 the arbitrator can render a decision on the parties'
80 substantive arguments, the arbitrator shall first determine
81 an impasse has been reached. The decision of the arbitrator

82 shall be binding upon the parties, provided that any
83 provision that would require the enactment of law for its
84 implementation shall not be binding until such time as the
85 law is enacted.

86 (5) All proceedings before the board and the
87 arbitrator shall be recorded with a written transcript being
88 available to each party. The cost of the arbitrator and
89 court reporter shall be borne by both parties equally. Any
90 attorneys fees accrued by any party shall be the
91 responsibility of the party accruing the same.

92 5. For all successor collective bargaining agreements,
93 or existing collective bargaining agreements, if at any time
94 during the bargaining process either the labor organization
95 or the public body determines an impasse has been reached
96 over wages, benefits, hours, or other terms and conditions
97 of employment, the party may submit the matter to interest
98 arbitration in accordance with subdivision (1) of subsection
99 4 of this section. Upon submission to interest arbitration
100 the arbitrator shall be selected and the matter shall be
101 handled pursuant to subdivisions (2), (3), and (4) of
102 subsection 4 of this section.

103 6. For purposes of this section, the term "good faith"
104 includes, but is not limited to, approaching negotiations
105 with a sincere intention to reach an agreement, meeting at
106 reasonable times, dealing with the respective parties in an
107 honest and open manner, and matching unacceptable proposals
108 with sincere counter-proposals with the sincere intent to
109 reach an agreement. Acting in good faith includes more than
110 a perfunctory performance of an obligation to meet and
111 confer with the requisite parties.

112 7. If, at any time during the bargaining process for
113 an initial contract as set forth in subsections 1 and 3 of

114 this section or for successor contracts as set forth in
115 subsection 5 of this section, either the labor organization
116 or public body believes the opposing party has engaged in
117 bad faith bargaining in violation of subsection 2 of this
118 section it may submit the matter to the board for
119 determination. If the board determines a party has engaged
120 in bad faith bargaining in violation of subsection 2 of this
121 section it shall refer the matter to interest arbitration in
122 accordance with the provisions of subdivisions (3) to (5) of
123 subsection 4 of this section.

124 8. The board may promulgate rules necessary to
125 implement the provisions of this section. Any rule or
126 portion of a rule, as that term is defined in section
127 536.010, that is created under the authority delegated in
128 this section shall become effective only if it complies with
129 and is subject to all of the provisions of chapter 536 and,
130 if applicable, section 536.028. This section and chapter
131 536 are nonseverable and if any of the powers vested with
132 the general assembly pursuant to chapter 536 to review, to
133 delay the effective date, or to disapprove and annul a rule
134 are subsequently held unconstitutional, then the grant of
135 rulemaking authority and any rule proposed or adopted after
136 August 28, 2026, shall be invalid and void.

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