

# 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

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

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

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

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

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

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

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

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

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