

SENATE BILL NO. 1667

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR GREGORY (21).

7193S.011

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 one new section, to be known as section 105.515, to read as follows:

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

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

3. (1) In the event that an agreement cannot be reached within one hundred eighty days after a labor organization is designated as exclusive bargaining 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 or the American Arbitration Association in the
53 event that Federal Mediation and Conciliation Services
54 cannot produce a panel of seven arbitrators. The parties
55 shall alternate striking from the panel one arbitrator at a
56 time until a single arbitrator is left, with the party that
57 made the initial determination of impasse pursuant to
58 subdivision (1) of this subsection striking first. The
59 party striking first shall have an affirmative duty to
60 notify the board that the matter has been referred to
61 interest arbitration pursuant to this subsection.

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

82 substantive arguments, the arbitrator shall first determine
83 whether an impasse has been reached. The decision of the
84 arbitrator shall be binding upon the parties, provided that
85 any provision that would require the enactment of law for
86 its implementation shall not be binding until such time as
87 the law is enacted.

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

94 5. For all successor collective bargaining agreements,
95 or in the event a successor agreement is not achieved within
96 one hundred eighty days after the expiration of the
97 predecessor collective bargaining agreement, if at any time
98 during the bargaining process either the labor organization
99 or the public body determines an impasse has been reached
100 over wages, benefits, hours, or other terms and conditions
101 of employment, the party may submit the matter to interest
102 arbitration in accordance with subdivision (1) of subsection
103 4 of this section. Upon submission to interest arbitration
104 the arbitrator shall be selected and the matter shall be
105 handled pursuant to subdivisions (2), (3), and (4) of
106 subsection 4 of this section.

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

114 a perfunctory performance of an obligation to meet and
115 confer with the requisite parties.

116 7. If, at any time during the bargaining process for
117 an initial contract as set forth in subsections 1 and 3 of
118 this section or for successor contracts as set forth in
119 subsection 5 of this section, either the labor organization
120 or public body believes the opposing party has engaged in
121 bad faith bargaining in violation of subsection 2 of this
122 section it may submit the matter to the board for
123 determination. If the board determines a party has engaged
124 in bad faith bargaining in violation of subsection 2 of this
125 section it shall refer the matter to interest arbitration in
126 accordance with the provisions of subdivisions (3) to (5) of
127 subsection 4 of this section.

128 8. At no time after a labor organization has been
129 designated as the exclusive bargaining representative for
130 the public employees in a bargaining unit or after an
131 agreement covering the wages, benefits, and other terms and
132 conditions of employment for public employees within a
133 bargaining unit has expired shall the public body make any
134 unilateral changes to wages, benefits, or other terms and
135 conditions of employment subject to mandatory bargaining.
136 Any such unilateral changes shall be considered a failure to
137 bargain in good faith. In the event that the labor
138 organization believes that the public body has made
139 unilateral changes to wages, benefits, or other terms and
140 conditions of employment subject to mandatory bargaining,
141 the labor organization may seek declaratory relief,
142 injunctive relief, and monetary damages arising from the
143 unlawful unilateral change in an appropriate state or
144 federal court.

145 9. The board may promulgate rules necessary to
146 implement the provisions of this section. Any rule or
147 portion of a rule, as that term is defined in section
148 536.010, that is created under the authority delegated in
149 this section shall become effective only if it complies with
150 and is subject to all of the provisions of chapter 536 and,
151 if applicable, section 536.028. This section and chapter
152 536 are nonseverable and if any of the powers vested with
153 the general assembly pursuant to chapter 536 to review, to
154 delay the effective date, or to disapprove and annul a rule
155 are subsequently held unconstitutional, then the grant of
156 rulemaking authority and any rule proposed or adopted after
157 August 28, 2026, shall be invalid and void.

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