

# SENATE AMENDMENT NO. \_\_\_\_\_

Offered by \_\_\_\_\_ of \_\_\_\_\_

Amend SCS/HCS/House Bill No. 2474, Page 18, Section 67.5060, Line 516,

2 by inserting after all of said line the following:

3 "105.510. Employees, except [police,] deputy sheriffs,  
 4 Missouri state highway patrolmen, Missouri National Guard,  
 5 all teachers of all Missouri schools, colleges and  
 6 universities, of any public body shall have the right to  
 7 form and join labor organizations and to present proposals  
 8 to any public body relative to salaries and other conditions  
 9 of employment through the representative of their own  
 10 choosing. No such employee shall be discharged or  
 11 discriminated against because of his exercise of such right,  
 12 nor shall any person or group of persons, directly or  
 13 indirectly, by intimidation or coercion, compel or attempt  
 14 to compel any such employee to join or refrain from joining  
 15 a labor organization, except that the above excepted  
 16 employees have the right to form benevolent, social, or  
 17 fraternal associations. Membership in such associations may  
 18 not be restricted on the basis of race, creed, color,  
 19 religion or ancestry.

20 105.515. 1. For purposes of this section, the term  
 21 "first responder" means any firefighter, emergency medical  
 22 technician, advanced emergency medical technician,  
 23 telecommunicator first responder, police dispatcher, and  
 24 police officer.

25           2. Within thirty days after a labor organization has  
26 been designated as the exclusive bargaining representative  
27 for the first responders in a bargaining unit,  
28 representatives of the public body, designated by the public  
29 body, and representatives of the labor organization,  
30 selected by the labor organization, shall meet and begin  
31 bargaining in good faith for an agreement covering the  
32 wages, benefits, and other terms and conditions of  
33 employment for the first responders within the bargaining  
34 unit.

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

38           4. (1) In the event that an agreement cannot be  
39 reached within one hundred eighty days after a labor  
40 organization is designated as the exclusive bargaining  
41 representative for the first responders in a bargaining  
42 unit, the dispute shall be referred to mediation pursuant to  
43 this subsection.

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

52           (3) If, after the dispute has been referred to a  
53 mediator, whether the neutral mediator or the state board of  
54 mediation, the dispute has not been resolved within ninety  
55 days, the dispute shall be referred to arbitration through  
56 an arbitrator as selected pursuant to subsection 5 of this  
57 section.

58           (4) Upon mutual agreement of the parties, the  
59 obligation to submit the matter to mediation pursuant to  
60 this subsection may be waived and the matter may be  
61 immediately submitted to interest arbitration in accordance  
62 with subsection 5 of this section.

63           5. (1) At any time during the bargaining process, if  
64 either the labor organization or the public body determines  
65 an impasse has been reached over wages, benefits, hours, or  
66 other terms and conditions of employment, the party may  
67 submit the matter to interest arbitration.

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

72           (3) If an arbitrator cannot be agreed upon within such  
73 time period, the party that made the initial determination  
74 of impasse or, if agreement was not reached and mediation  
75 was unsuccessful or waived, the labor organization, shall  
76 request a panel of seven arbitrators from the Federal  
77 Mediation and Conciliation Service (FMCS) or, if the FMCS  
78 cannot produce a panel of seven arbitrators, the American  
79 Arbitration Association (AAA). The parties shall alternate  
80 striking from the panel one arbitrator at a time until a  
81 single arbitrator is left, with the party that requested the  
82 panel striking first. The party striking first shall have  
83 an affirmative duty to notify the board that the matter has  
84 been referred to interest arbitration pursuant to this  
85 subsection.

86           (4) Once an arbitrator has been selected pursuant to  
87 subdivision (2) or (3) of this subsection, the parties shall  
88 proceed to resolve whether the matter will be presented to  
89 the arbitrator as a total package, issue by issue, or a  
90 combination of both. If the parties fail to agree upon a

91 method of presentation to the arbitrator, a prehearing  
92 conference shall be held at which each party shall present  
93 its position to the arbitrator and the arbitrator shall then  
94 determine the method of presentation. If the parties cannot  
95 mutually agree upon a date to present their respective  
96 arguments, the arbitrator shall set a hearing date at which  
97 the labor organization and public body shall each be  
98 afforded the opportunity to present its respective case,  
99 including a presentation of evidence, data, and testimony,  
100 in support of its proposal. The arbitrator shall consider  
101 the evidence and render a decision within forty-five days.  
102 If the parties do not agree an impasse has been reached, in  
103 a singular hearing, the arbitrator shall hear both the  
104 procedural and substantive arguments of the parties. Before  
105 the arbitrator can render a decision on the parties'  
106 substantive arguments, the arbitrator shall first determine  
107 whether an impasse has been reached. The decision of the  
108 arbitrator shall be binding upon the parties, provided that  
109 any provision that would require the enactment of law for  
110 its implementation shall not be binding until such time as  
111 the law is enacted.

112 (5) All proceedings before the board and the  
113 arbitrator shall be recorded with a written transcript being  
114 available to each party. The costs of the arbitrator and  
115 court reporter shall be borne by both parties equally. Any  
116 attorney's fees accrued by any party shall be the  
117 responsibility of the party accruing the same.

118 6. For all successor collective bargaining agreements,  
119 if at any time during the bargaining process either the  
120 labor organization or the public body determines an impasse  
121 has been reached over wages, benefits, hours, or other terms  
122 and conditions of employment or a successor agreement is not  
123 achieved within one hundred eighty days after the expiration

124 of the predecessor collective bargaining agreement, either  
125 party may submit the matter to interest arbitration in  
126 accordance with subdivision (1) of subsection 5 of this  
127 section. Upon submission to interest arbitration, the  
128 arbitrator shall be selected and the matter shall be handled  
129 pursuant to subdivisions (2), (3), and (4) of subsection 5  
130 of this section.

131 7. For purposes of this section, the term "good faith"  
132 includes, but is not limited to, approaching negotiations  
133 with a sincere intention to reach an agreement, meeting at  
134 reasonable times, dealing with the respective parties in an  
135 honest and open manner, and matching unacceptable proposals  
136 with sincere counter-proposals with the sincere intent to  
137 reach an agreement. Acting in good faith includes more than  
138 a perfunctory performance of an obligation to meet and  
139 confer with the requisite parties.

140 8. If, at any time during the bargaining process for  
141 an initial contract as set forth in subsections 2 and 4 of  
142 this section or for successor contracts as set forth in  
143 subsection 6 of this section, either the labor organization  
144 or public body believes the opposing party has engaged in  
145 bad faith bargaining in violation of subsection 3 of this  
146 section, it may submit the matter to the board for  
147 determination. If the board determines a party has engaged  
148 in bad faith bargaining in violation of subsection 3 of this  
149 section, it shall refer the matter to interest arbitration  
150 in accordance with the provisions of subdivisions (3) to (5)  
151 of subsection 5 of this section.

152 9. At no time after a labor organization has been  
153 designated as the exclusive bargaining representative for  
154 the first responders in a bargaining unit, or after an  
155 agreement covering the wages, benefits, and other terms and  
156 conditions of employment for first responders within a

157 bargaining unit has expired, shall the public body make any  
158 unilateral changes to wages, benefits, or other terms and  
159 conditions of employment subject to mandatory bargaining.  
160 Any such unilateral changes shall be considered a failure to  
161 bargain in good faith. If the labor organization believes  
162 that the public body has made unilateral changes to wages,  
163 benefits, or other terms and conditions of employment  
164 subject to mandatory bargaining, the labor organization may  
165 seek declaratory relief, injunctive relief, and monetary  
166 damages arising from the unlawful unilateral change in an  
167 appropriate state or federal court."; and

168 Further amend the title and enacting clause accordingly.