

HB 1722 -- PUBLIC EMPLOYEE LABOR ORGANIZATIONS

SPONSOR: Wiemann

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on Workforce Standards and Development by a vote of 9 to 3. Voted "Do Pass" by the Select Committee on Labor and Industrial Relations by a vote of 6 to 3.

This bill requires the State Board of Mediation within the Department of Labor and Industrial Relations to conduct an election by secret ballot to certify the exclusive bargaining representatives of an appropriate collective bargaining unit for certain public employees every two years. Each association participating in the election shall be assessed a fee, determined by the size of the bargaining unit. If no representative receives at least 51% of the vote in favor of certification or recertification, the board will decertify the current representative, if any. If a representative is decertified the affected employees may not be included in a substantially similar collective bargaining agreement for 12 months from the date of decertification.

Labor agreement meetings between a public body and an employee association will be considered a public meeting, and any document presented during such meeting will be considered public record, as specified in the bill. This provision does not apply to meetings during which a public body is planning or adopting strategies.

Any employee association that represents employees in a labor agreement meeting and collects money from employees must adopt and file with the State Board of Mediation a constitution, bylaws, and a report containing certain specified information explained in this bill. For new employee associations the adopting and filing must take place within 90 days of the formation of the association. For existing employee associations, the adopting and filing must take place no later than November 27, 2016. An annual report, prepared by an independent auditing organization, must also be filed with the State Board of Mediation containing certain specified information explained in this bill no later than 90 days after the end of the association's fiscal year. Failure to comply with the provisions of this bill will result in various specified penalties including, but not limited to, refunding all money collected from represented employees and invalidating any labor agreement between a public body and the employee association.

This bill is similar to SB 806 (2016).

PROPONENTS: Supporters say that this addresses transparency and

accountability with public labor unions, and employees should have a say in who represents them, as well as in how their tax dollars are spent. Supporters also say that making collective bargaining meetings public records helps employees know how their dues are spent. Furthermore, employees are sometimes punished for attempting to decertify boards, and this bill helps address that issue by conducting secret ballot elections. Supporters addressed concerns that this would increase costs significantly by discussing how these secret elections can be done through email or over the phone. That way, unions would not be burdened. Because there is not any current federal law that covers state public unions, this bill is necessary.

Testifying for the bill were Representative Wiemann; Christopher D. Estes; John Wright, Show-Me Institute; Missouri Alliance For Freedom; Carl Bearden; Americans For Prosperity; and Missouri Century Foundation.

OPPONENTS: Those who oppose the bill say that there is good law that covers the issues addressed in the bill. This bill would impose many unnecessary burdens and requirements, and it will leave both employers and employees in an unfavorable bargaining position. Opponents also say that this bill has broad and overreaching reform. We have a duty to support public workers, but this bill provides more stress for them. Finally, opponents say that adding these new requirements would reduce resources for other things.

Testifying against the bill were Missouri National Education Association; SEIU (Service Employees International Union) MO/KS State Council; Andrea Flinders, Kansas City Federation of Teachers of School Related Personnel; AFT Missouri; Missouri Fraternal Order of Police; Rev. Dr. Martin J. Rafanan; Susan Barkulis, AFSCME Council 72; Kenneth R. Menges, AFL-CIO; Plumbers & Pipefitters Local #562; Michael Louis, Missouri AFL-CIO; Missouri State Council of Fire Fighters; and Empower Missouri.