

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 251
99TH GENERAL ASSEMBLY

Reported from the Committee on General Laws, February 23, 2017, with recommendation that the Senate Committee Substitute do pass.

0642S.02C

ADRIANE D. CROUSE, Secretary.

AN ACT

To repeal sections 105.500 and 105.520, RSMo, and to enact in lieu thereof eighteen new sections relating to public labor organizations, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 105.500 and 105.520, RSMo, are repealed and eighteen
2 new sections enacted in lieu thereof, to be known as sections 105.500, 105.504,
3 105.515, 105.520, 105.533, 105.535, 105.537, 105.540, 105.545, 105.550, 105.555,
4 105.570, 105.575, 105.580, 105.583, 105.585, 105.590, and 105.595, to read as
5 follows:

105.500. **For purposes of sections 105.500 to 105.595**, unless the
2 context otherwise requires, the following words and phrases mean:

3 (1) ["Appropriate unit" means] **"Bargaining unit"**, a unit of employees
4 at any plant or installation or in a craft or in a function of a public body which
5 establishes a clear and identifiable community of interest among the employees
6 concerned;

7 (2) **"Board", the state board of mediation established under**
8 **section 295.030;**

9 (3) **"Department", the department of labor and industrial**
10 **relations established under section 286.010;**

11 (4) "Exclusive bargaining representative" [means], an organization which
12 has been designated or selected by a majority of **the** employees in [an
13 appropriate] **a bargaining** unit as the representative of such employees in such
14 unit for purposes of collective bargaining;

15 (5) **"Labor organization", any organization, agency, or employee**

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

16 representation committee or plan, in which employees participate and
17 which exists for the purpose, in whole or in part, of dealing with a
18 public body or public bodies concerning collective bargaining,
19 grievances, labor disputes, wages, rates of pay, hour of employment, or
20 conditions of work;

21 [(3)] (6) "Public body" [means], the state of Missouri, or any officer,
22 agency, department, bureau, division, board or commission of the state, or any
23 other political subdivision of or within the state.

105.504. 1. No sum shall be withheld from the earnings of any
2 employee for the purpose of paying any portion of dues, agency shop
3 fees, or any other fees paid by members of a labor organization or
4 employees who are nonmembers except upon the annual written or
5 electronic authorization of the member or nonmember.

6 2. No labor organization shall use or obtain any portion of dues,
7 agency shop fees, or any other fees paid by members of the labor
8 organization or employees who are nonmembers to make contributions,
9 as defined in section 130.011, or expenditures, as defined in section
10 130.011, except with the informed, written or electronic authorization
11 of such member or nonmember received within the previous twelve
12 months.

13 3. Employees who do not authorize contributions or expenditures
14 under subsection 2 of this section shall not have their dues, agency
15 shop fees, or other fees increased in lieu of payments for contributions
16 or expenditures.

17 4. The requirements of this section shall not be waived by any
18 member or nonmember of a labor organization, and waiver of the
19 requirements shall not be made a condition of employment or
20 continued employment.

21 5. Signing or refraining from signing any authorization
22 described under subsection 1 or 2 of this section shall not be made a
23 condition of employment or continued employment.

24 6. A labor organization shall maintain financial records
25 substantially similar to and no less comprehensive than the records
26 that are required to be maintained in accordance with 29 U.S.C. Section
27 431(b), or any successor statute.

28 7. Every labor organization shall provide the records required
29 under subsection 6 of this section in a searchable electronic format to

30 every employee it represents. If any labor organization fails to make
31 such records available to the employees represented by such
32 organization, any such employee shall have a cause of action against
33 the labor organization for enforcement of this subsection. The court in
34 such action may, in its discretion, in addition to any judgment awarded
35 to the plaintiff or plaintiffs, require reasonable attorney's fees and
36 court costs to be paid by the labor organization.

37 8. Every labor organization required to prepare any record
38 under this section shall maintain such records and any additional data
39 or summary by which the records may be verified, explained, or
40 clarified for a period of not less than five years immediately following
41 the preparation of such record.

42 9. For purposes of this section, the term "agency shop" shall mean
43 an arrangement that requires an employee, as a condition of
44 employment or continued employment, either to join a recognized labor
45 organization or to pay such organization a service fee.

105.515. The provisions of sections 105.504 to 105.595 shall apply
2 to all public employees, labor organizations, and labor agreements
3 between a labor organization and a public body, whether collective
4 bargaining rights are granted to such entities in section 105.510 or by
5 judicial decision.

105.520. Whenever such proposals are presented by the exclusive
2 bargaining representative to a public body, the public body or its designated
3 representative or representatives shall meet, confer and discuss such proposals
4 relative to salaries and other conditions of employment of the employees of the
5 public body with the labor organization which is the exclusive bargaining
6 representative of its employees in a **bargaining** unit appropriate. Upon the
7 completion of discussions, the results shall be reduced to writing and be
8 presented to the appropriate administrative, legislative or other governing body
9 in the form of an ordinance, resolution, bill or other form required for adoption,
10 modification or rejection.

105.533. 1. Every labor organization shall adopt a constitution
2 and bylaws and shall file a copy thereof with the department, together
3 with a report, signed by its president and secretary or corresponding
4 principal officers, containing the following information:

5 (1) The name of the labor organization, its mailing address, and
6 any other address at which it maintains its principal office or at which

7 it keeps the records referred to in sections 105.533 to 105.555;

8 (2) The name and title of each of its officers;

9 (3) The initiation fee or fees required from a new or transferred
10 member and fees for work permits required by the reporting labor
11 organization;

12 (4) The regular dues or fees or other periodic payments required
13 to remain a member of the labor organization, as well as agency fees or
14 any other fees required for nonmembers, if any; and

15 (5) Detailed statements, or references to specific provisions of
16 documents filed under this subsection which contain such statements,
17 showing the provisions made and procedures followed with respect to
18 each of the following:

19 (a) Qualifications for or restrictions on membership;

20 (b) Levying of assessments;

21 (c) Participation in insurance or other benefit plans;

22 (d) Authorization for disbursement of funds of the labor
23 organization;

24 (e) Audit of financial transactions of the labor organization;

25 (f) The calling of regular and special meetings;

26 (g) The selection of officers and stewards and of any
27 representatives to other bodies composed of labor organizations'
28 representatives, with a specific statement of the manner in which each
29 officer was elected, appointed, or otherwise selected;

30 (h) Discipline or removal of officers or agents for breaches of
31 their trust;

32 (i) Imposition of fines, suspensions, and expulsions of members,
33 including the grounds for such action and any provision made for
34 notice, hearing, judgment on the evidence, and appeal procedures;

35 (j) Authorization for bargaining demands;

36 (k) Ratification of contract terms; and

37 (l) Issuance of work permits.

38 Any change in the information required by this subsection shall be
39 reported to the department at the time the reporting labor organization
40 files with the department the annual financial report required by
41 subsection 2 of this section.

42 2. Every labor organization shall file annually with the
43 department a financial report signed by its president and treasurer or

44 corresponding principal officers containing the following information
45 in such detail as may be necessary to accurately disclose its financial
46 condition and operations for its preceding fiscal year:

47 (1) Assets and liabilities at the beginning and end of the fiscal
48 year;

49 (2) Receipts of any kind and the sources thereof;

50 (3) Salary, allowances, and other direct or indirect
51 disbursements, including reimbursed expenses, to each officer and
52 employee who, during such fiscal year, received more than ten
53 thousand dollars in the aggregate from such labor organization and any
54 other labor organization affiliated with it or with which it is affiliated,
55 or which is affiliated with the same national or international labor
56 organization;

57 (4) Direct and indirect loans made to any officer, employee, or
58 member, which aggregated more than two hundred fifty dollars during
59 the fiscal year, together with a statement of the purpose, security, if
60 any, and arrangements for repayment;

61 (5) Direct and indirect loans to any business enterprise, together
62 with a statement of the purpose, security, if any, and arrangements for
63 repayment;

64 (6) An itemization schedule that discloses the name and address,
65 purpose, date, amount, and type or classification of the total amount
66 spent by the labor organization for:

67 (a) Contract negotiation and administration;

68 (b) Organizing activities;

69 (c) Litigation, specifying the matters and cases involved;

70 (d) Public relations activities;

71 (e) Political activities;

72 (f) Activities attempting to influence the passage or defeat of
73 federal, state, or local legislation or the content or enforcement of
74 federal, state, or local regulations or policies;

75 (g) Voter education and issue advocacy activities;

76 (h) Training activities for each officer of the local bargaining
77 representative or labor organization support staff;

78 (i) Conference, convention, and travel activities engaged in by
79 the labor organization; and

80 (j) Labor organization administration;

81 **(7) The percentage of the employee labor organization's total**
82 **expenditures that were spent for each of the activities described in**
83 **paragraphs (a) to (j) of subdivision (6) of this subsection;**

84 **(8) The names, addresses, and activities of any law firms, public**
85 **relations firms, or lobbyists whose services are used by the labor**
86 **organization for any activity described in paragraphs (a) to (j) of**
87 **subdivision (6) of this subsection;**

88 **(9) A list of political candidates, political organizations,**
89 **charitable organizations, non-profit organizations and community**
90 **organizations to which the labor organization contributed financial or**
91 **in-kind assistance and the dollar amount of such assistance;**

92 **(10) The name and address of any political action committees**
93 **with which the labor organization is affiliated or to whom it provides**
94 **contributions, the total amount of contributions to such committees, the**
95 **candidates or causes to which such committees provided any financial**
96 **assistance, and the amount provided to each such candidate or cause;**

97 **(11) Other disbursements made by it including the purposes**
98 **thereof, all in such categories as the department may prescribe.**

99 **3. Every labor organization shall submit the report required by**
100 **subsection 2 of this section in an electronic, readily and easily**
101 **accessible format and shall make available the information required to**
102 **be contained in such report to all of its members. Every such labor**
103 **organization and its officers shall be under a duty enforceable at the**
104 **suit of any member of such organization in the county where the**
105 **violation occurred to permit such member for just cause to examine**
106 **any books, records, and accounts necessary to verify such report. The**
107 **court in such action may, in its discretion, in addition to any judgment**
108 **awarded to the plaintiff or plaintiffs, allow a reasonable attorney's fee**
109 **to be paid by the defendant, and costs of the action.**

110 **4. The department shall make each report filed under this**
111 **section publicly available, online, in an electronic format.**

105.535. 1. Every officer of a labor organization and every
2 **employee of a labor organization, other than an employee performing**
3 **exclusively clerical or custodial services, shall file with the department**
4 **a signed report listing and describing for his or her preceding fiscal**
5 **year:**

6 **(1) Any stock, bond, security, or other interest, legal or equitable,**

7 which such person or his or her spouse or minor child directly or
8 indirectly held in, and any income or any other benefit with monetary
9 value, including reimbursed expenses, which such person or his or her
10 spouse or minor child derived directly or indirectly from, any public
11 body whose employees such labor organization represents or is actively
12 seeking to represent, except payments and other benefits received as
13 a bona fide employee of such public body;

14 (2) Any transaction in which such person or his or her spouse or
15 minor child engaged, directly or indirectly, involving any stock, bond,
16 security, or loan to or from, or other legal or equitable interest in the
17 business of a public body whose employees such labor organization
18 represents or is actively seeking to represent;

19 (3) Any stock, bond, security, or other interest, legal or equitable,
20 which such person or his or her spouse or minor child directly or
21 indirectly held in, and any income or any other benefit with monetary
22 value, including reimbursed expenses, which such person or his or her
23 spouse or minor child derived directly or indirectly from, any business
24 a substantial part of which consists of buying from, selling or leasing
25 to, or otherwise dealing with, the business of a public body whose
26 employees such labor organization represents or is actively seeking to
27 represent;

28 (4) Any stock, bond, security, or other interest, legal or equitable,
29 which such person or his or her spouse or minor child directly or
30 indirectly held in, and any income or any other benefit with monetary
31 value, including reimbursed expenses, which such person or his or her
32 spouse or minor child derived directly or indirectly from, a business
33 any part of which consists of buying from, or selling or leasing directly
34 or indirectly to, or otherwise dealing with such labor organization;

35 (5) Any direct or indirect business transaction or arrangement
36 between such person or his or her spouse or minor child and any public
37 body whose employees his or her organization represents or is actively
38 seeking to represent, except work performed and payments and
39 benefits received as a bona fide employee of such public body and
40 except purchases and sales of goods or services in the regular course
41 of business at prices generally available to any employee of such public
42 body; and

43 (6) Any payment of money or other thing of value, including

44 reimbursed expenses, which such person or his or her spouse or minor
45 child received directly or indirectly from any public body or any
46 person who acts as a labor relations consultant to any public body.

47 2. The provisions of subdivisions (1), (2), (3), (4), and (5) of
48 subsection 1 of this section shall not be construed to require any such
49 officer or employee to report his or her bona fide investments in
50 securities traded on a securities exchange registered as a national
51 securities exchange under the Securities Exchange Act of 1934, in
52 shares in an investment company registered under the Investment
53 Company Act or in securities of a public utility holding company
54 registered under the Public Utility Holding Company Act of 1935, or to
55 report any income derived therefrom.

56 3. Nothing contained in this section shall be construed to require
57 any officer or employee of a labor organization to file a report under
58 subdivision (1) of subsection 1 of this section unless such person or his
59 or her spouse or minor child holds or has held an interest, has received
60 income or any other benefit with monetary value or a loan, or has
61 engaged in a transaction described therein.

105.537. Nothing contained in the provisions of sections 105.533
2 to 105.555 shall be construed to require an attorney who is a member
3 in good standing of the bar of any state, to include in any report
4 required to be filed under the provisions of sections 105.533 to 105.555
5 any information which was lawfully communicated to such attorney by
6 any of his or her clients in the course of a legitimate attorney-client
7 relationship.

105.540. 1. The contents of the reports and documents filed with
2 the department under the provisions of sections 105.533 and 105.535
3 shall be considered a "public record" as that term is defined in section
4 610.010 and shall not be closed pursuant to section 610.021. The
5 department may publish any information and data obtained under such
6 sections. The department may use the information and data for
7 statistical and research purposes, and compile and publish such
8 studies, analyses, reports, and surveys based thereon as it may deem
9 appropriate.

10 2. The department shall by regulation make reasonable provision
11 for the inspection and examination, on the request of any person, of the
12 information and data contained in any report or other document filed

13 with him or her pursuant to section 105.533 or 105.535.

14 3. (1) The department shall by regulation provide for the
15 furnishing of reports or other documents filed with the department
16 under the provisions of sections 105.533 to 105.555, upon payment of a
17 charge based upon the cost of the service.

18 (2) The department shall make available without payment of a
19 charge, or require any person to furnish, to such state agency as is
20 designated by law or by the governor of the state in which such person
21 has his principal place of business or headquarters, upon request of the
22 governor of such state, copies of any reports and documents filed by
23 such person with the department under the provisions of sections
24 105.533 or 105.535, or of information and data contained therein.

25 (3) All moneys received in payment of such charges fixed by the
26 department pursuant to this subsection shall be deposited in the
27 general revenue fund of the state.

 105.545. Every person required to file any report under the
2 provisions of sections 105.533 to 105.555 shall maintain records on the
3 matters required to be reported which will provide in sufficient detail
4 the necessary basic information and data from which the documents
5 filed with the department may be verified, explained or clarified, and
6 checked for accuracy and completeness, and shall include vouchers,
7 worksheets, receipts, and applicable resolutions. Such records shall be
8 kept available for examination for a period of not less than five years
9 after the filing of the documents based on the information which they
10 contain.

 105.550. 1. Each labor organization shall file the initial report
2 required under subsection 1 of section 105.533 within ninety days after
3 the date on which it first becomes subject to the provisions of sections
4 105.533 to 105.555.

5 2. Each person required to file a report under the provisions of
6 sections 105.533 to 105.555 shall file such report within ninety days
7 after the end of each of its fiscal years, except that where such person
8 is subject for only a portion of such a fiscal year, whether because the
9 date of enactment of the provisions of sections 105.533 to 105.555 occurs
10 during such person's fiscal year or such person becomes subject to the
11 provisions of sections 105.533 to 105.555 during its fiscal year, such
12 person may consider that portion as the entire fiscal year in making

13 such report.

105.555. 1. Any person who makes a false statement or
2 representation of a material fact, knowing it to be false, or who
3 knowingly fails to disclose a material fact, in any document, report, or
4 other information required under the provisions of sections 105.533 to
5 105.555 shall be fined not more than ten thousand dollars or imprisoned
6 for not more than one year, or both.

7 2. Any person who knowingly makes a false entry in or
8 knowingly conceals, withholds, or destroys any books, records, reports,
9 or statements required to be kept by any provision of sections 105.533
10 to 105.555 shall be fined not more than ten thousand dollars or
11 imprisoned for not more than one year, or both.

12 3. Each person required to sign reports under section 105.533
13 shall be personally responsible for the filing of such reports and for any
14 statement contained therein which he or she knows to be false.

15 4. Any person who fails to file a report required by sections
16 105.533 to 105.555, or files a report late, shall be subject to a fine of one
17 hundred dollars for every day the report is late.

105.570. 1. Supervisory employees shall not be included within
2 the same bargaining unit as employees they supervise.

3 2. The same labor organization shall not represent both non-
4 supervisory and supervisory employees.

5 3. For the purposes of this section, the term "supervisory
6 employee" means anyone with supervisory status, managerial status,
7 confidential status, or any other status that would be a conflict of
8 interest with the purpose of sections 105.570 to 105.595.

105.575. 1. Any labor organization wishing to represent
2 employees shall present to the board cards containing the signatures
3 of at least thirty percent of the employees in the bargaining unit,
4 indicating that they wish to select the labor organization in question
5 as their exclusive bargaining representative for the purpose of
6 collective bargaining. Voluntary recognition by any public body shall
7 be prohibited. Recognition may only be obtained by a labor
8 organization through an election before the board.

9 2. Upon receiving such cards, the board shall validate the
10 signatures on the cards, and confirm that at least thirty percent of the
11 employees in the bargaining unit have signed the cards. If the board

12 determines that at least thirty percent of the employees in the
13 bargaining unit have signed valid cards, the board shall consult with
14 the public body and the representative of the labor organization that
15 has presented the cards, and together they shall select a mutually
16 agreeable date for a secret ballot election to take place. The election
17 shall be held at the public body's place of business, and shall be set for
18 a date falling no less than four and no more than eight weeks after the
19 day upon which the board determines the bargaining unit for election
20 and has resolved any other bargaining unit issues.

21 3. Once an election date has been set, the public body shall issue
22 a notice informing all eligible voters of the date, time, and place of the
23 election. Such notice shall be distributed to all employees and shall be
24 posted within the public body's place of business.

25 4. All employees shall have the right to freely express their
26 opinions about whether or not the labor organization should be
27 selected as the exclusive bargaining representative of the employees in
28 the bargaining unit. However, no employee and no representative of
29 the labor organization shall attempt to threaten, intimidate, coerce, or
30 otherwise restrain any eligible voter in the free exercise of his or her
31 individual choice to support or oppose the selection of the labor
32 organization in question as the exclusive bargaining representative of
33 the employees in the bargaining unit.

34 5. Elections shall be conducted by secret ballot, using such
35 procedures as the board shall determine are appropriate for ensuring
36 the privacy and security of each employee's vote. Once the poll is
37 closed, the board shall oversee the counting of the ballots. One
38 representative of the public body's management team and one
39 representative of the labor organization shall have the right to be
40 present during the counting of the ballots.

41 6. The ballots shall read "Do you wish to select (labor
42 organization) as the exclusive bargaining representative for
43 (description of bargaining unit) employed within (description of public
44 body)?" The ballot shall include check boxes for marking "yes" or "no"
45 in response to this question.

46 7. In the event that more than one labor organization seeks to
47 represent employees in the unit, and in the event both labor
48 organizations have obtained signatures from at least thirty percent of

49 the employees in the unit stating that they wish to designate the labor
50 organization as their exclusive bargaining representative, then the
51 ballot shall read "Do you wish to select (labor organization A), (labor
52 organization B), or no labor organization as the exclusive bargaining
53 representative for (description of bargaining unit) employed within the
54 (description of public body)?" The ballot shall then include check boxes
55 for marking "I wish to select (labor organization A) as my exclusive
56 bargaining representative," "I wish to select (labor organization B) as
57 my exclusive bargaining representative," and "I do not wish to select
58 any labor organization as my exclusive bargaining representative."

59 8. Any labor organization receiving the votes of more than fifty
60 percent of all employees in the bargaining unit shall be designated and
61 recognized by the public body as the exclusive bargaining
62 representative for all employees in the bargaining unit.

63 9. Employees within the bargaining unit shall have the right to
64 seek to decertify the labor organization as their exclusive bargaining
65 representative at any time. If any employee within the bargaining unit
66 presents to the board cards bearing the signatures of at least thirty
67 percent of the employees within the bargaining unit stating that those
68 employees no longer wish to be represented by the labor organization
69 in question, the board shall first validate the signatures on the cards.

70 10. If the board confirms that at least thirty percent of the
71 employees in the bargaining unit have signed decertification cards, the
72 board shall consult with the public body and the designated
73 representative of the labor organization to select a date for a
74 decertification election. Such election shall take place at least four
75 weeks, but no later than six weeks, after the board receives the
76 decertification cards. Notice of such election shall be distributed to all
77 employees within the bargaining unit and posted within the public
78 body's place of business.

79 11. If more than fifty percent of the employees in the bargaining
80 unit cast votes to terminate the labor organization's representation of
81 the employees in the bargaining unit, the labor organization shall
82 immediately cease to represent the employees in the bargaining unit.

83 12. Labor organizations shall be recertified every two years. To
84 meet the biennial recertification requirement, continuation of the labor
85 organization's status as the exclusive representative shall be favored

86 in a secret ballot election conducted by the board by more than fifty
87 percent of the employees in the bargaining unit. Employees shall vote
88 by telephone or online every two years during a two-week period
89 beginning on the anniversary of initial certification.

90 13. In the event of the decertification of the exclusive bargaining
91 representative of the employees in any bargaining unit or failure to
92 recertify a labor organization, all terms and conditions of employment
93 existing at the time of decertification or failure to recertify shall
94 remain in place until such time as those terms or conditions of
95 employment are altered by the public body.

96 14. No more than one election shall take place in any bargaining
97 unit within the same twelve-month period. Once an election takes
98 place, the board shall not accept cards from labor organizations or
99 employees within the bargaining unit seeking another election for one
100 full calendar year after the date of the election.

101 15. The board shall assess and collect a fee from each labor
102 organization participating in an election conducted under this section
103 for the purpose of paying for such election as follows:

104 (1) For a bargaining unit of one to one hundred members, a fee
105 of two hundred dollars;

106 (2) For a bargaining unit of one hundred one to two hundred
107 fifty members, a fee of three hundred fifty dollars;

108 (3) For a bargaining unit of two hundred fifty-one to five
109 hundred members, a fee of five hundred dollars;

110 (4) For a bargaining unit of five hundred one to one thousand
111 members, a fee of seven hundred fifty dollars;

112 (5) For a bargaining unit of one thousand one to three thousand
113 members, a fee of one thousand five hundred dollars;

114 (6) For a bargaining unit of more than three thousand members,
115 a fee of two thousand dollars.

105.580. 1. Within eight weeks after a labor organization is
2 certified as the exclusive bargaining representative for the employees
3 in a bargaining unit as set out in section 105.575, representatives of the
4 public body, designated by the public body, and representatives of the
5 labor organization, selected by the labor organization, shall meet and
6 begin bargaining for an agreement covering the wages, benefits, and
7 other terms and conditions of employment for the employees within the

8 **bargaining unit.**

9 **2. No labor organization may refuse to meet with designated**
10 **representatives of any public body or engage in conduct intended to**
11 **cause the removal or replacement of any designated representative by**
12 **the public body.**

13 **3. The labor organization and the public body shall engage in**
14 **bargaining with each other's designated representatives, but neither**
15 **side shall be required to offer any particular concession or withdraw**
16 **any particular proposal.**

17 **4. The public body shall not pay any labor organization**
18 **representative or employee for time spent participating in collective**
19 **bargaining or preparing for collective bargaining on behalf of a labor**
20 **organization, except to the extent the person in question is an employee**
21 **of the public body and elects to use accrued paid time off that was**
22 **personally accrued by such person to cover the time so spent.**

23 **5. Before any proposed agreement or memorandum of**
24 **understanding is presented to a public body, the labor organization, as**
25 **a condition of its presentation, shall establish that it has been ratified**
26 **by a majority of its members. The public body may approve the entire**
27 **agreement or any part thereof. If the public body rejects any portion**
28 **of the agreement, the public body may return any rejected portion of**
29 **the agreement to the parties for further bargaining, or the public body**
30 **may adopt a replacement provision of its own design, or the public**
31 **body may state that no provision covering the topic in question shall**
32 **be adopted. Any tentative agreement reached between the parties'**
33 **representatives shall not be binding on the public body or labor**
34 **organization.**

35 **6. A public body and a labor organization shall not be subject to**
36 **binding mediation, binding interest arbitration, or interest arbitration**
37 **in the event the parties are unable to reach an agreement.**

38 **7. After the first agreement between the public body and the**
39 **labor organization is adopted, bargaining for renewal agreements shall**
40 **take place biennially. Such bargaining shall be completed by July**
41 **thirty-first of the renewal calendar year. The parties may elect to**
42 **bargain non-economic terms for longer periods but all economic**
43 **provisions of the agreement shall be adopted on a biennial basis only.**

44 **8. The term of any labor agreement, provision of a labor**

45 agreement, or extension of a labor agreement entered into after the
46 effective date of sections 105.515 to 105.595 shall not exceed a period of
47 two years. Any modification, extension, renewal, or any change
48 whatsoever to a labor agreement in effect as of the effective date of
49 sections 105.515 to 105.595 shall be continued as a new labor agreement
50 for purposes of this subsection.

105.583. 1. A meeting concerning a labor agreement between a
2 public body or its agent and an exclusive bargaining representative or
3 its agent shall be considered a "public meeting" as that term is defined
4 in section 610.010 and shall not be closed pursuant to section
5 610.021. The provisions of this subsection apply whether or not such
6 meeting is conducted under sections 105.500 to 105.530.

7 2. Any document presented by a public body during a meeting
8 concerning a labor agreement, or that the public body receives from an
9 exclusive bargaining representative, shall be considered a "public
10 record" as that term is defined in section 610.010 and shall not be closed
11 pursuant to section 610.021.

12 3. This section shall not apply to any part of a meeting during
13 which a public body or its agent is planning or adopting the strategy
14 or position to be taken during the course of a collective bargaining
15 session.

105.585. Labor agreements negotiated between a public body and
2 labor organization may cover wages, benefits, and all other terms and
3 conditions of employment for employees within the bargaining unit,
4 and shall be subject to the following limitations:

5 (1) Every labor agreement shall include a provision reserving to
6 the public body the right to hire, promote, assign, direct, transfer,
7 schedule, discipline, and discharge employees. Every labor agreement
8 shall also include a provision reserving to management the right to
9 make, amend, and rescind reasonable work rules and standard
10 operating procedures;

11 (2) Every labor agreement shall expressly prohibit all strikes and
12 picketing of any kind. A strike shall include any refusal to perform
13 services, walkout, sick-out, sit-in, or any other form of interference
14 with the operations of any public body. Every labor agreement shall
15 include a provision acknowledging that any employee who engages in
16 any strike or concerted refusal to work, or who pickets over any

17 personnel matter, shall be subject to immediate termination of
18 employment;

19 (3) Every labor agreement shall include a provision extending
20 the duty of fair representation by the labor organization to employees
21 in any bargaining unit;

22 (4) Every labor agreement shall expressly prohibit labor
23 organization representatives and employees from accepting paid time,
24 other than unused paid time off that was accrued by such employees,
25 by a public body for the purposes of conducting labor organization-
26 related business, including, but not limited to, grievance handling,
27 negotiations, meetings, meet and confer sessions, time off to attend
28 labor organization meetings, or any other labor organization-related
29 activity;

30 (5) Every labor agreement shall inform employees their right to
31 refrain from engaging in and supporting labor organization activity as
32 well as their right to oppose labor organization activity;

33 (6) Every labor agreement shall include a provision stating that
34 in the event of a budget shortfall, the public body shall have the right
35 to require the modification of the economic terms of any labor
36 agreement. Every labor agreement shall also state that if the public
37 body deems it necessary to modify the economic terms of any labor
38 agreement, the public body shall so notify the relevant labor
39 organization, and shall provide a period of thirty days during which
40 the public body and the labor organization shall bargain over any
41 necessary adjustments to the economic terms of the agreement, and if,
42 at the end of the thirty-day period, the parties have been unable to
43 agree upon modifications that meet the public body's requirements, the
44 public body shall have the right to make necessary adjustments on its
45 own authority.

105.590. The secretary or corresponding principal officer of each
2 labor organization shall forward a complete copy of each agreement
3 made by such labor organization with any public body to any employee
4 who requests such a copy and whose rights as such employee are
5 directly affected by such agreement.

105.595. Whenever it shall appear that any labor organization or
2 representative of any labor organization has violated or is about to
3 violate any of the provisions of sections 105.515 to 105.595, the

4 department, a public body, or any citizen of the state of Missouri may
5 bring a civil action for such relief, including injunctive relief, as may
6 be appropriate. Any such action may be brought in the county where
7 the violation occurred and damages and attorneys' fees shall be
8 awarded for the enforcement of the provisions of sections 105.515 to
9 105.595.

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