

SECOND REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR

# SENATE BILL NO. 602

99TH GENERAL ASSEMBLY

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Reported from the Committee on General Laws, January 25, 2018, with recommendation that the Senate Committee Substitute do pass.

4253S.03C

ADRIANE D. CROUSE, Secretary.

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## AN ACT

To repeal sections 105.500, 105.520, 105.525, 105.530, and 208.862, RSMo, and to enact in lieu thereof twenty-one new sections relating to public labor organizations, with penalty provisions.

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

Section A. Sections 105.500, 105.520, 105.525, 105.530, and 208.862, RSMo, are repealed and twenty-one new sections enacted in lieu thereof, to be known as sections 105.500, 105.503, 105.505, 105.525, 105.530, 105.533, 105.535, 105.537, 105.540, 105.545, 105.550, 105.555, 105.570, 105.575, 105.580, 105.583, 105.585, 105.590, 105.595, 105.598, and 208.862, to read as follows:

105.500. **For purposes of sections 105.500 to 105.598**, unless the context otherwise requires, the following words and phrases mean:

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

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

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

(4) **"Exclusive bargaining representative" [means], an organization [which] that** has been designated or selected, **as provided in section 105.575**, by a majority of **the** employees in **[an appropriate] a bargaining** unit as the representative of such employees in such unit for purposes of collective

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

15 bargaining;

16           **(5) "Labor organization", any organization, agency, or employee**  
17 **representation committee or plan, in which employees participate and**  
18 **that exists for the purpose, in whole or in part, of dealing with a public**  
19 **body or public bodies concerning collective bargaining, grievances,**  
20 **labor disputes, wages, rates of pay, hours of employment, or conditions**  
21 **of work;**

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

**105.503. The provisions of sections 105.500 to 105.598 shall apply**  
2 **to all employees of a public body, all labor organizations, and all labor**  
3 **agreements between a labor organization and a public body, whether**  
4 **collective bargaining rights are granted to such entities in section**  
5 **105.510 or by judicial decision.**

**105.505. 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.**

105.525. Issues with respect to appropriateness of bargaining units and  
2 majority representative status, **as determined under section 105.575**, shall  
3 be resolved by the [state] board [of mediation]. In the event that the appropriate  
4 administrative body or any of the bargaining units shall be aggrieved by the  
5 decision of the [state] board [of mediation], an appeal may be had to the circuit  
6 court of the county where the administrative body is located or in the circuit court  
7 of Cole County. [The state board of mediation shall use the services of the state  
8 hearing officer in all contested cases.]

105.530. Nothing contained in sections 105.500 to [105.530] **105.598** shall  
2 be construed as granting a right to employees covered in sections 105.500 to  
3 [105.530] **105.598** to strike.

**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 that 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) Audits 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 the labor organization's**  
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 their breaches**  
31 **of trust;**

32 **(i) Imposition of fines, suspensions, and expulsions of members,**  
33 **including the grounds for such actions 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) All 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) Salaries, 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 or any  
54 affiliated labor organization;

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

59 (5) All direct and indirect loans made to any business enterprise,  
60 together with a statement of the purpose, security, if any, and  
61 arrangements for repayment;

62 (6) An itemization schedule that discloses the purpose, date, total  
63 amount, and type or classification of each disbursement made by the  
64 labor organization for the following services and activities, along with  
65 the name and address of the entity receiving the expenditure:

66 (a) Contract negotiation and administration;

67 (b) Organizing activities;

68 (c) Litigation;

69 (d) Public relations activities;

70 (e) Political activities;

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

74 (g) Voter education and issue advocacy activities;

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

77 (i) Conference, convention, and travel activities engaged in by

78 the labor organization; and

79 (j) Labor organization administration;

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

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

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

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

97 (11) Other disbursements made, including the purposes thereof,  
98 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 format that is readily and  
101 easily accessible 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 members 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 costs of the action and a  
109 reasonable attorney's fee to be paid by the defendant.

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

112 5. For purposes of this section, the terms "candidate", "continuing  
113 committee", and "contribution" shall have the same meanings as in  
114 section 130.011, and the term "lobbyist" shall have the same meaning as

115 in section 105.470.

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 that 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, that 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 that 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, that 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 that 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, that 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 labor organization represents or is**  
38 **actively seeking to represent, except work performed and payments**  
39 **and benefits received as a bona fide employee of such public body and**  
40 **purchases and sales of goods or services in the regular course of**  
41 **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, that 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) to (5) of subsection 1 of this**  
48 **section shall not be construed to require any such officer or employee**  
49 **to report his or her bona fide investments in securities traded on a**  
50 **securities exchange registered as a national securities exchange under**  
51 **the Securities Exchange Act of 1934, in shares in an investment**  
52 **company registered under the Investment Company Act, or in securities**  
53 **of a public utility holding company registered under the Public Utility**  
54 **Holding Company Act of 1935, or to report any income derived**  
55 **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 that 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 under section 610.021. The department**  
5 **may publish any information and data obtained under sections 105.533**



6 and 105.535. The department may use the information and data for  
7 statistical and research purposes and compile and publish such studies,  
8 analyses, reports, and surveys based thereon as it may deem  
9 appropriate.

10 2. The department shall, by regulation, make reasonable  
11 provision for the inspection and examination, on the request of any  
12 person, of the information and data contained in any report or other  
13 document filed under 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 or her principal place of business or headquarters, upon  
22 request of the governor of such state, copies of any reports and  
23 documents filed by such person with the department under the  
24 provisions of sections 105.533 or 105.535, or of information and data  
25 contained therein.

26 (3) All moneys received in payment of such charges fixed by the  
27 department under this subsection shall be deposited in the general  
28 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 that 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 that 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 because such person becomes  
11 subject to the provisions of sections 105.533 to 105.555 during its fiscal  
12 year, such person may consider that portion as the entire fiscal year in  
13 making 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 that 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 the 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 a  
2 bargaining unit as an exclusive bargaining representative shall present  
3 to the board cards containing the signatures of at least thirty percent

4 of the employees in the bargaining unit indicating that they wish to  
5 select the labor organization in question as their exclusive bargaining  
6 representative for the purpose of collective bargaining. Voluntary  
7 recognition by any public body of a labor organization as an exclusive  
8 bargaining representative shall be prohibited. Recognition as an  
9 exclusive bargaining representative may only be obtained by a labor  
10 organization through an election conducted under this section.

11       2. Upon receiving such cards, the board shall request from the  
12 public body a list of all employees within the bargaining unit and the  
13 public body shall provide to the board such list no later than ten  
14 business days following receipt of such request. The board shall  
15 validate the signatures on the cards and confirm that at least thirty  
16 percent of the employees in the bargaining unit have signed the cards.  
17 If the board determines that at least thirty percent of the employees in  
18 the bargaining unit have signed valid cards, the board shall consult  
19 with the public body and the representative of the labor organization  
20 that has presented the cards, and together they shall select a mutually  
21 agreeable date for a secret ballot election to take place. The election  
22 shall be conducted at the public body's place of business or by mail-in  
23 ballot, in whole or in part, at the discretion of the chairman of the  
24 board, and shall be set for a date falling no less than four weeks, and  
25 no more than eight weeks, after the day upon which the board  
26 determines the bargaining unit for election and has resolved any other  
27 bargaining unit issues.

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

32       4. All employees shall have the right to freely express their  
33 opinions about whether the labor organization should be selected as  
34 the exclusive bargaining representative of the employees in the  
35 bargaining unit. However, no employee and no representative of the  
36 labor organization shall attempt to threaten, intimidate, coerce, or  
37 otherwise restrain any eligible voter in the free exercise of his or her  
38 individual choice to support or oppose the selection of the labor  
39 organization in question as the exclusive bargaining representative of  
40 the employees in the bargaining unit.

41           5. Elections shall be conducted by secret ballot, using such  
42 procedures as the board shall determine are appropriate for ensuring  
43 the privacy and security of each employee's vote. Once the poll is  
44 closed, the board shall oversee the counting of the ballots. One  
45 representative of the public body's management team and one  
46 representative of the labor organization shall have the right to be  
47 present during the counting of the ballots.

48           6. The ballots shall read: "Do you wish to select (labor  
49 organization) as the exclusive bargaining representative for  
50 (description of bargaining unit) employed within (description of public  
51 body)?" The ballot shall include check boxes for marking "yes" or "no"  
52 in response to this question.

53           7. If more than one labor organization seeks to represent  
54 employees in the bargaining unit, and if both labor organizations have  
55 obtained signatures from at least thirty percent of the employees in the  
56 unit stating that they wish to designate the labor organization as their  
57 exclusive bargaining representative, the ballot shall read: "Do you wish  
58 to select (labor organization A), (labor organization B), or no labor  
59 organization as the exclusive bargaining representative for (description  
60 of bargaining unit) employed within (description of public body)?" The  
61 ballot shall include check boxes for marking "I wish to select (labor  
62 organization A) as my exclusive bargaining representative.", "I wish to  
63 select (labor organization B) as my exclusive bargaining  
64 representative.", and "I do not wish to select any labor organization as  
65 my exclusive bargaining representative."

66           8. Any labor organization receiving the votes of more than fifty  
67 percent of all employees in the bargaining unit shall be designated and  
68 recognized by the public body as the exclusive bargaining  
69 representative for all employees in the bargaining unit.

70           9. Employees within the bargaining unit shall have the right to  
71 seek to decertify the labor organization as their exclusive bargaining  
72 representative at any time. If any employee within the bargaining unit  
73 presents to the board cards bearing the signatures of at least thirty  
74 percent of the employees within the bargaining unit stating that those  
75 employees no longer wish to be represented by the labor organization  
76 in question, the board shall confirm the signatures on the cards. The  
77 board shall request from the public body a list of all employees within

78 the bargaining unit and the public body shall provide such list no later  
79 than ten business days following the receipt of such request.

80 10. If the board confirms that at least thirty percent of the  
81 employees in the bargaining unit have signed decertification cards, the  
82 board shall consult with the public body and the designated  
83 representative of the labor organization to select a date for a  
84 decertification election. Such election shall take place at least four  
85 weeks, but no later than six weeks, after the board receives the  
86 decertification cards. Notice of such election shall be distributed to all  
87 employees within the bargaining unit and posted within the public  
88 body's place of business. The election shall be conducted at the public  
89 body's place of business or by mail-in ballot, in whole or in part, at the  
90 discretion of the chairman of the board.

91 11. If more than fifty percent of the employees in the bargaining  
92 unit cast votes to terminate the labor organization's representation of  
93 the employees in the bargaining unit, the labor organization shall  
94 immediately cease to represent the employees in the bargaining unit.

95 12. Labor organizations shall be recertified every two years. To  
96 meet the biennial recertification requirement, continuation of the labor  
97 organization's status as the exclusive bargaining representative shall  
98 be favored in a secret ballot election conducted by the board by more  
99 than fifty percent of the employees in the bargaining unit. Employees  
100 shall vote by telephone or online every two years during a two-week  
101 period beginning on the anniversary of initial certification. Failure to  
102 schedule an election within the prescribed time period on the part of  
103 the labor organization shall result in immediate decertification as the  
104 exclusive bargaining representative.

105 13. In the event of the decertification of a labor organization as  
106 the exclusive bargaining representative of the employees in any  
107 bargaining unit or failure to recertify a labor organization, all terms  
108 and conditions of employment existing at the time of decertification or  
109 failure to recertify shall remain in place until such time as those terms  
110 or conditions of employment are altered by the public body.

111 14. No more than one election shall take place in any bargaining  
112 unit within the same twelve-month period. Once an election takes  
113 place, the board shall not accept cards from labor organizations or  
114 employees within the bargaining unit seeking another election for one

115 full calendar year after the date of the election.

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

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

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

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

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

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

129           (6) For a bargaining unit of more than three thousand members,  
130 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 described in section 105.575, representatives of  
4 the public body, designated by the public body, and representatives of  
5 the labor organization, selected by the labor organization, shall meet  
6 and begin bargaining for an agreement covering the wages, benefits,  
7 and other terms and conditions of employment for the employees  
8 within the 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, adopt a  
30 replacement provision of its own design, or state that no provision  
31 covering the topic in question shall be adopted. Any tentative  
32 agreement reached between the parties' representatives shall not be  
33 binding on the public body or labor organization.

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

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

43 8. The term of any labor agreement, provision of a labor  
44 agreement, or extension of a labor agreement entered into after the  
45 effective date of sections 105.500 to 105.598 shall not exceed a period of  
46 two years. Any modification, extension, renewal, or any change  
47 whatsoever to a labor agreement in effect as of the effective date of  
48 sections 105.500 to 105.598 shall be considered a new labor agreement  
49 for purposes of this section.

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 under section 610.021. The  
5 provisions of this subsection apply regardless of whether such meeting  
6 is conducted under sections 105.500 to 105.598.

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  
11 closed under 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 or to any documents or records containing employee-specific  
16 information.

          105.585. Labor agreements negotiated between a public body and  
2 a labor organization may cover wages, benefits, and all other terms and  
3 conditions of employment for employees within the bargaining unit and  
4 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 a 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 of their right



31 to refrain from engaging in and supporting labor organization activity  
32 as well as their right to oppose labor organization activity; and

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 labor organization and  
39 shall provide a period of thirty days during which the public body and  
40 the labor organization shall bargain over any necessary adjustments to  
41 the economic terms of the agreement. The labor agreement shall state  
42 that if, at the end of the thirty-day period, the parties have been unable  
43 to agree upon modifications that meet the public body's requirements,  
44 the public body shall have the right to make necessary adjustments on  
45 its 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 105.570 to 105.590, 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, or is about to occur, and damages and attorney's  
8 fees shall be awarded for the enforcement of the provisions of sections  
9 105.570 to 105.590.

105.598. The board may promulgate rules necessary to implement  
2 the provisions of sections 105.500 to 105.595. Any rule or portion of a  
3 rule, as that term is defined in section 536.010 that is created under the  
4 authority delegated in this section shall become effective only if it  
5 complies with and is subject to all of the provisions of chapter 536, and,  
6 if applicable, section 536.028. This section and chapter 536 are  
7 nonseverable and if any of the powers vested with the general assembly  
8 under chapter 536, to review, to delay the effective date, or to

9 **disapprove and annul a rule are subsequently held unconstitutional,**  
10 **then the grant of rulemaking authority and any rule proposed or**  
11 **adopted after August 28, 2018, shall be invalid and void.**

208.862. [Consumer rights and employment relations.]

2 1. Consumers shall retain the right to hire, fire, supervise, and train  
3 personal care attendants.

4 2. Vendors shall continue to perform the functions provided in sections  
5 208.900 to 208.930. In addition to having a philosophy that promotes the  
6 consumer's ability to live independently in the most integrated setting or the  
7 maximum community inclusion of persons with physical disabilities, as required  
8 by subsection 1 of section 208.918, vendors shall provide to consumers advocacy,  
9 independent living skills training, peer counseling, and information and referral  
10 services, as those terms are used in subsection 3 of section 178.656.

11 3. The council shall be a public body as that term is [used] **defined** in  
12 section 105.500, and personal care attendants shall be employees of the council  
13 solely for purposes of [section] **sections** 105.500[, et seq] **to 105.598.**

14 4. The sole [appropriate] **bargaining** unit of personal care attendants,  
15 as that term is [used in subdivision (1) of] **defined in** section 105.500, shall be  
16 a statewide unit. Personal care attendants who are related to or members of the  
17 family of the consumer to whom they provide services shall not for that reason  
18 be excluded from the unit. The state board of mediation shall conduct an  
19 election, by mail ballot, to determine whether an organization shall be designated  
20 the exclusive bargaining representative as defined in [subdivision (2) of] section  
21 105.500 for the statewide unit of personal care attendants under section 105.525  
22 upon a showing that ten percent of the personal care attendants in said unit want  
23 to be represented by a representative. The Missouri office of administration shall  
24 represent the council in any collective bargaining with a representative of  
25 personal care attendants. Upon completion of bargaining, any agreements shall  
26 be reduced to writing and presented to the council for adoption, modification or  
27 rejection [in accordance with section 105.520].

28 5. The state of Missouri and all vendors shall cooperate in the  
29 implementation of any agreements reached by the council and any representative  
30 of personal care attendants, including making any payroll deductions authorized  
31 by the agreements which can lawfully be made pursuant to agreements entered  
32 into under sections 105.500 to [105.530] **105.598** as currently construed by the  
33 Missouri appellate courts.

34           6. Personal care attendants shall not have the right to strike and breach  
35 of this prohibition will result in disqualification from participation in the  
36 consumer directed services program.

37           7. Personal care attendants shall not be considered employees of the state  
38 of Missouri or any vendor for any purpose.

39           **8. (1) The provisions of sections 105.500 to 105.598 shall apply to**  
40 **all personal care attendants, organizations elected as the exclusive**  
41 **bargaining representative of the bargaining unit of personal care**  
42 **attendants under this section, and all officers and employees of such**  
43 **organizations. For purposes of this subsection, organizations elected**  
44 **as the exclusive bargaining representative of a bargaining unit under**  
45 **this section shall be considered a labor organization, as that term is**  
46 **defined in section 105.500.**

47           **(2) If an organization is not recertified or is decertified as the**  
48 **exclusive bargaining representative of a bargaining unit of personal**  
49 **care attendants under section 105.575, any subsequent certification of**  
50 **an organization as exclusive bargaining representative of a bargaining**  
51 **unit of personal care attendants shall be conducted according to the**  
52 **provisions of section 105.575, notwithstanding subsection 4 of this**  
53 **section to the contrary.**

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

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