

SECOND REGULAR SESSION

HOUSE BILL NO. 2030

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES LOWE (44) (Sponsor), CHAPPELLE-NADAL, BURNETT, LIESE, SCHIEFFER, YOUNG, FRAME, VOGT, CORCORAN, McGHEE, MEINERS, HUGHES, RUCKER, CURLS, SPRENG, NORR, TALBOY, OXFORD, AVERY, MEADOWS, ZWEIFEL, WILDBERGER, WALSH, SCAVUZZO, GEORGE, HODGES, SCHOEMEHL, FUNDERBURK, SKAGGS, YAEGER, HARRIS (110), ROORDA, LeVOTA, PAGE, BRINGER, WITTE AND ZIMMERMAN (Co-sponsors).

Read 1st time February 6, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

3760L.011

AN ACT

To repeal sections 105.500, 105.510, 105.520, 105.525 and 105.530, RSMo, and to enact in lieu thereof ten new sections relating to good faith employee negotiations.

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

Section A. Sections 105.500, 105.510, 105.520, 105.525 and 105.530, RSMo, are
2 repealed and ten new sections enacted in lieu thereof, to be known as sections 37.041, 105.500,
3 105.510, 105.520, 105.525, 105.526, 105.527, 105.529, 105.530, and 105.540, to read as
4 follows:

**37.041. 1. Within thirty days of the effective date of this section, the commissioner
2 of administration shall appoint a chief negotiator to serve within the office of
3 administration to represent the state in any negotiations and the administration of all labor
4 contracts entered into by the state under the provisions of sections 105.500 to 105.540. The
5 commissioner of the office of administration may employ personnel to assist the chief
6 negotiator.**

7 2. The chief negotiator shall:

- 8 (1) Negotiate or supervise the negotiations of labor contracts on a statewide basis;**
9 (2) Be responsible for administration of all collective bargaining agreements;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

10 (3) Be vested with authority on all mandatory topics of bargaining to negotiate the
11 contracts; and

12 (4) Prepare an annual report, including recommendations, to the governor and
13 general assembly regarding wages, hours, and conditions of employment.

 105.500. 1. Sections 105.500 to 105.540 shall be known and may be cited as the
2 "Public Employment Relations Act". Nothing in sections 105.500 to 105.540 shall be
3 construed to permit any public employee to engage in or support a strike, nor to prohibit
4 any public employee from joining or participating in any employee organization.

5 2. As used in sections 105.500 to 105.540 unless the context otherwise requires, the
6 following words and phrases mean:

7 (1) "Appropriate unit" means a unit of employees at any plant or installation or in a craft
8 or in a function of a public body which establishes a clear and identifiable community of interest
9 among the employees concerned;

10 (2) "Arbitration", the procedure whereby the parties involved in an impasse or
11 grievance dispute submit their differences to a third party for a final and determinative
12 decision;

13 (3) "Collective bargaining", "to negotiate in good faith", or "good faith
14 negotiations", to perform the mutual obligation of the public body, by its representatives,
15 and the representatives of its employees to negotiate in good faith at reasonable times and
16 places with respect to wages, hours, and other terms and conditions of employment and the
17 continuation, modification, or deletion of an existing provision of a collective bargaining
18 agreement, with the intention of reaching an agreement, or to resolve questions arising
19 under the agreement. This includes executing a written contract incorporating the terms
20 of any agreement reached. The obligation to bargain collectively shall not mean that either
21 party is compelled to agree to a proposal nor shall it require the making of a concession;

22 (4) "Confidential employee", any public employee who works in the personnel
23 offices of a public body and deals with information to be used by the public body in
24 collective bargaining, or any employee who works in a close, continuing relationship with
25 public officers or representatives personally participating in employee negotiations on
26 behalf of the employer, including their personal secretaries;

27 [(2)] (5) "Employee organization", an organization of any kind in which public
28 employees participate and which exists for the primary purpose of representing public
29 employees in their employment relations;

30 (6) "Exclusive bargaining representative" means an organization which has been
31 designated or selected by a majority of employees in an appropriate unit as the representative of
32 such employees in such unit for purposes of collective bargaining;

33 (7) **"Governing body", the board, council, or commission, whether elected or**
34 **appointed, of a political subdivision of this state, including school districts and other**
35 **special purpose districts, which determines the policies for the operation of the political**
36 **subdivision;**

37 (8) **"Impasse", the failure of a public body and the exclusive bargaining**
38 **representative to reach agreement in the course of negotiations;**

39 (9) **"Mediation", assistance by an impartial third party to reconcile an impasse**
40 **between the public body and the exclusive bargaining representative regarding good faith**
41 **negotiations;**

42 (10) **"Professional employee", any employee engaged in work predominantly**
43 **intellectual and varied in character rather than routine mental, manual, mechanical, or**
44 **physical work; involving the consistent exercise of discretion and judgment in its**
45 **performance; of such a character that the output produced or the result accomplished**
46 **cannot be standardized in relation to a given period of time; and requiring knowledge of**
47 **an advanced type in a field of science or learning customarily acquired by a prolonged**
48 **course of specialized intellectual instruction and study in an institution of higher learning**
49 **or a hospital, as distinguished from a general academic education or from an**
50 **apprenticeship or from training in the performance of routine mental, manual, or physical**
51 **processes; or any employee who has completed the course of specialized intellectual**
52 **instruction and study described above and is performing related work under the**
53 **supervision of a professional person to qualify to become a professional employee as**
54 **defined above;**

55 [(3)] (11) **"Public body" or "public employer" means the state of Missouri, or any**
56 **officer, agency, department, bureau, division, board or commission of the state, or any other**
57 **political subdivision of or within the state[.] , including school districts and public higher**
58 **educational institutions;**

59 (12) **"Public employee", any individual employed by a public employer, except**
60 **individuals exempted under the provisions of section 105.510;**

61 (13) **"Strike", a public employee's refusal in concerted action with others, to report**
62 **to duty, or the willful absence from one's position, the stoppage of work or the abstinence**
63 **in whole or in part from the full, faithful and proper performance of the duties of**
64 **employment, for the purpose of inducing, influencing, or coercing a change in the**
65 **conditions or compensations or the rights, privileges, or obligations of public employment.**
66 **Nothing contained in sections 105.500 to 105.540 shall be construed to limit, impair, or**
67 **affect the right of any public employee to the expression or communication of a view,**
68 **grievance, complaint, or opinion on any matter related to the conditions or compensation**

69 of public employment or their betterment, so long as the same is not designed to and does
70 not interfere with the full, faithful and proper performance of the duties of employment;
71 (14) "Supervisor", an employee who devotes a substantial amount of work time to
72 supervisory duties, who customarily and regularly directs the work of two or more other
73 employees, and who has the authority in the interest of the employer to hire, promote, or
74 discipline other employees or to recommend such actions effectively but shall not include
75 individuals who perform merely routine, incidental or clerical duties or who occasionally
76 assume supervisory or directory roles or whose duties are substantially similar to those of
77 their subordinates and shall not include lead employees, charge nurses, professional nurses
78 required by state licensure to provide care and to direct the care provided to patients or
79 clients, or employees who participate in peer review, employee involvement programs or
80 occasional employee evaluation programs.

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

12 2. (1) **Public employees may refuse to join or participate in the activities of an**
13 **employee organization, including the payment of any dues, fees, or assessments or service**
14 **fees of any type, except to the extent that agreements between the public body and the**
15 **representative require, as a condition of employment, the payment of a service fee in lieu**
16 **of, and in an amount not greater than, dues which are payable by members of the employee**
17 **organization to cover the cost of negotiation, contract administration, and other activities**
18 **of the employee organization which are germane to its functions as the representative. The**
19 **representative shall, as a condition of receiving such service fees, provide the following**
20 **protections to persons required to pay such fees who object to paying all or a portion**
21 **thereof:**

22 (a) Notice, in writing, of the fee which will be payable, which may be expressed in
23 a dollar amount or a percentage of the dues payable by members, and the basis upon which
24 the representative has determined such fee;

- 25 (b) An opportunity to challenge such determination; and
- 26 (c) Escrowing of any portion of the service fee paid by a challenging employee
- 27 which is reasonably in dispute pending the determination.
- 28 (2) An agreement may require the payment of a service fee commencing thirty days
- 29 after the beginning of employment or the effective date of such agreement, whichever is
- 30 later.
- 31 (3) The agreement entered into between the employer and the representative shall
- 32 include a provision for the checkoff of initiation fees and dues to the representative or the
- 33 payment of a service fee in lieu thereof as authorized by this section.
- 34 3. The following public employees shall be excluded from the provisions of sections
- 35 105.500 to 105.540:
- 36 (1) Elected officials and persons appointed to fill vacancies in elected offices, and
- 37 members of any board or commission with respect to service on such board or commission;
- 38 (2) Representatives of a public body, including the administrative officer, director
- 39 or chief executive officer of a public body, or major division thereof as well as his or her
- 40 deputy, first assistant, and any supervisory employees;
- 41 (3) Confidential employees;
- 42 (4) Temporary public employees employed for a fixed period of four months or
- 43 less;
- 44 (5) Judges of the supreme court, judges of the court of appeals, circuit judges, and
- 45 associate circuit judges;
- 46 (6) Employees of any legislative body of the public employer whose principal duties
- 47 are directly related to the legislative functions of the body;
- 48 (7) Patients and inmates employed, sentenced, or committed to any state or local
- 49 institution.

105.520. 1. Whenever such proposals are presented by the exclusive bargaining

2 representative to a public body, the public body or its designated representative or representatives

3 shall meet, confer [and] , discuss **and negotiate in good faith** such proposals relative to salaries

4 and other conditions of employment of the employees of the public body with the labor

5 organization which is the exclusive bargaining representative of its employees in a unit

6 appropriate. Upon the completion of [discussions] **good faith negotiations**, the results shall be

7 reduced to writing and be presented to the [appropriate] **executive branch of the state or the**

8 administrative[, legislative] or [other] governing body **of a political subdivision for adoption**

9 **or rejection** in the form of [an] **a contract**, ordinance, resolution, [bill] or other form **as required**

10 for adoption[, modification] or rejection.

11 **2. Any bargaining unit or exclusive representative of an appropriate unit of a**
12 **public body other than the state recognized prior to May 29, 2007, shall continue to be**
13 **recognized as appropriate for purposes of sections 105.500 to 105.540. Bargaining units**
14 **of public bodies other than the state established between May 29, 2007, and the effective**
15 **date of the rules of the board of mediation shall continue to be recognized only if the**
16 **exclusive representative was voluntarily recognized through a bargaining agreement or**
17 **recognized through a union representation election conducted by the board of mediation.**
18 **Exclusive representatives of state bargaining units certified prior to the effective date of**
19 **the rules of the board shall continue to be recognized until board certification of an**
20 **employee organization as the exclusive representative of a majority of employees in the**
21 **preexisting bargaining unit in accordance with the procedures of sections 105.500 to**
22 **105.540. A state employee included in a bargaining unit established under this section shall**
23 **no longer be in an appropriate preexisting bargaining unit upon the certification of an**
24 **election by the board in accordance with section 105.525.**

25 **3. Nothing in sections 105.500 to 105.540 shall be construed to annul or modify any**
26 **collective bargaining agreement entered into between a public body other than the state**
27 **and the exclusive representative of an appropriate unit of that public body prior to the**
28 **effective date of sections 105.500 to 105.540. Collective bargaining agreements entered into**
29 **between the state and exclusive representative shall continue to apply to an employee until**
30 **the employee is no longer in a preexisting bargaining unit represented by the exclusive**
31 **representative.**

32 **4. The board determination of an appropriate bargaining unit of a public body**
33 **other than the state shall be upon petition filed by an employee organization.**

34 **5. Within thirty days of receipt of a petition, the board shall conduct a public**
35 **hearing, receive written or oral testimony, and promptly thereafter file an order defining**
36 **the appropriate bargaining unit. Any bargaining unit of a public body other than the state**
37 **consisting solely of uniformed firefighters or uniformed police officers shall be**
38 **presumptively appropriate. The board determination of an appropriate unit shall not be**
39 **subject to judicial review.**

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

7 **2. When a petition is filed by an employee or employee organization containing the**
8 **signatures of at least thirty percent of the employees in an appropriate unit, the board shall**
9 **conduct a secret ballot representation election. The ballot shall contain the name of any**
10 **employee organization proposed in the petition containing signatures of at least thirty**
11 **percent of the public employees within the appropriate unit and a choice of no**
12 **representation.**

13 **3. If none of the choices receive a majority of the employees voting, the board shall**
14 **conduct a runoff election among the two choices receiving the greatest number of votes**
15 **within fifteen days unless objections are timely filed in accordance with this section in**
16 **which case the runoff election shall be conducted within fifteen days of the board's**
17 **determination of the validity of such objections.**

18 **4. Upon written objections filed by any party within ten days after notice of the**
19 **results of the election, the board may invalidate the election and hold a subsequent election**
20 **if the board finds that misconduct or other circumstances prevented the employees from**
21 **freely expressing their preferences.**

22 **5. Upon completion of a valid election, the board shall certify an exclusive**
23 **bargaining representative which is the majority choice of the employees voting and give**
24 **notice to all interested parties.**

25 **6. A petition for decertification or certification of an exclusive bargaining**
26 **representative shall not be considered by the board for a period of one year from the date**
27 **of the certification or noncertification of an exclusive bargaining representative or during**
28 **the duration of a collective bargaining agreement unless the collective bargaining**
29 **agreement has been in effect for more than three years or the petition for decertification**
30 **is filed not more than two hundred ten days and not less than one hundred eighty days**
31 **prior to the expiration of the collective bargaining agreement.**

32 **7. When a petition of a public employee is filed containing at least thirty percent**
33 **of the signatures that allege that a certified or recognized employee organization does not**
34 **represent a majority of such public employees, and that the petitioners do not want to be**
35 **represented by any employee organization, or seek certification of a different employee**
36 **organization, the board shall give notice to interested parties and call an election within**
37 **thirty days of receipt of a petition unless it finds that less than thirty percent of the public**
38 **employees in the appropriate unit support the petition for decertification.**

39 **8. The board of mediation shall adopt rules and regulations pertaining to the**
40 **following:**

- 41 **(1) The certification and decertification of exclusive bargaining representatives;**
42 **(2) Impasse procedures as provided in section 105.527;**

43 (3) Grievance procedures regarding actions and decisions of the board of
44 mediation;

45 (4) The payment of fees and assessments;

46 (5) The holding of hearings, administering of oaths, receiving of evidence, and
47 examining of witnesses;

48 (6) The collection of data relating to wages, hours, and benefits of public employees;

49 (7) The maintenance of a list of qualified mediators and arbitrators and respective
50 compensation rates of such persons;

51 (8) The enforcement of good faith negotiation rights as provided under sections
52 105.500 to 105.540; and

53 (9) Such other matters necessary to implement the provisions of sections 105.500
54 to 105.540.

55 9. (1) Any rule or portion of a rule, as that term is defined in section 536.010,
56 RSMo, that is promulgated under the authority delegated in this chapter shall become
57 effective only if it complies with and is subject to all of the provisions of chapter 536,
58 RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are
59 nonseverable and if any of the powers vested with the general assembly under chapter 536,
60 RSMo, to review, to delay the effective date or to disapprove and annul a rule are
61 subsequently held unconstitutional, then the grant of rulemaking authority and any rule
62 proposed or adopted after the effective date of this section shall be invalid and void.

63 (2) If any agreement or decision made under sections 105.500 to 105.540, requires
64 a change in any rule applicable to an agency, such agency shall promptly initiate
65 procedures necessary to modify such rule in compliance with the provisions of this
66 subsection.

 105.526. 1. Upon the receipt by a public employer of a request from an employee
2 organization to bargain on behalf of public employees, the duty to engage in collective
3 bargaining shall arise if the employee organization has been certified by the board as the
4 exclusive bargaining representative for the public employees in that bargaining unit.

5 2. The employee organization certified as the bargaining representative shall be the
6 exclusive representative of all public employees in the bargaining unit and shall represent
7 all public employees fairly. However, any public employee may meet and adjust individual
8 complaints with a public employer. To sustain a claim that a certified employee
9 organization has committed a prohibited practice by breaching its duty of fair
10 representation, a public employee shall establish by a preponderance of the evidence action
11 or inaction by the organization which was arbitrary, discriminatory, or in bad faith.

12 **3. The employee organization and the public employer may designate any**
13 **individual as its representative to engage in collective bargaining negotiations.**

14 **4. Negotiating sessions, strategy meetings of public employers or employee**
15 **organizations, mediation, and the deliberative process of arbitrators shall be exempt from**
16 **the provisions of chapter 610, RSMo. However, the employee organization shall present**
17 **its initial bargaining position to the public employer at the first bargaining session. The**
18 **public employer shall present its initial bargaining position to the employee organization**
19 **at the second bargaining session, which shall be held no later than two weeks following the**
20 **first bargaining session. Both sessions shall be open to the public and subject to the**
21 **provisions of chapter 610, RSMo. Hearings conducted by arbitrators shall be open to the**
22 **public.**

23 **5. The terms of a proposed collective bargaining agreement shall be made available**
24 **to the public by the public employer and reasonable notice shall be given to the public**
25 **employees by the employee organization prior to a ratification election. The collective**
26 **bargaining agreement shall become effective only if ratified by a majority of those voting**
27 **by secret ballot.**

28 **6. Terms of any collective bargaining agreement may be enforced by a civil action**
29 **in the circuit court of the county in which the agreement was made upon the initiative of**
30 **either party.**

31 **7. No collective bargaining agreement or arbitrators' decision shall be construed**
32 **to require a public employer to violate any statutory or constitutional limitation on the**
33 **public employer's funds, spending, or budget. A collective bargaining agreement or**
34 **arbitrators' award may provide for benefits conditional upon specified funds to be**
35 **obtained by the public employer, but the agreement shall provide either for automatic**
36 **reduction of such conditional benefits or for additional bargaining if the funds are not**
37 **obtained or if a lesser amount is obtained.**

38 **8. If agreed to by the parties, nothing in sections 105.500 to 105.540 shall be**
39 **construed to prohibit supplementary bargaining on behalf of public employees in a part**
40 **of the bargaining unit concerning matters uniquely affecting those public employees or**
41 **cooperation and coordination of bargaining between two or more bargaining units.**

42 **9. A public employee or any employee organization shall not negotiate or attempt**
43 **to negotiate directly with a member of the governing board of a public employer if the**
44 **public employer has appointed or authorized a bargaining representative for the purpose**
45 **of bargaining with the public employees or their representative, unless the member of the**
46 **governing board is the designated bargaining representative of the public employer.**

105.527. 1. A request for negotiations shall be filed in writing by an exclusive bargaining representative. The public employer and the employee organization shall meet at reasonable times, including meetings reasonably in advance of the public employer's budget making process, to negotiate in good faith with respect to wages, hours of employment, other working conditions, and other matters mutually agreed upon. Such obligation to negotiate in good faith does not compel either party to agree to a proposal or make a concession.

2. As the first step in the performance of their duty to bargain, the public employer and the employee organization shall endeavor to agree upon impasse procedures. Such agreement shall provide for implementation of these impasse procedures not later than one hundred twenty days prior to the certified budget submission date of the public employer. In the absence of a negotiated impasse agreement, if an impasse occurs during negotiations, and if no agreement is reached by the date specified in this subsection, either party may submit a request for mediation to the state board of mediation. The parties involved shall mutually agree upon a mediator or request the board to appoint an impartial mediator and such appointment shall occur within ten days of such request.

3. The mediator shall provide services to the parties until the parties reach agreement, the mediator believes that mediation services are no longer helpful, or after the passage of thirty days, whichever occurs first. If the mediator determines that mediation services are no longer helpful or if the thirty-day deadline occurs, either party may submit the unresolved issues to arbitration by an arbitrator. The board shall provide the parties with a list of seven qualified arbitrators. Each party shall alternately strike one name from the list with the party submitting the impasse to arbitration making the first strike until one name remains who shall be the arbitrator for the parties involved in the dispute.

4. Each party shall submit a final offer on each separate item remaining at impasse to the arbitrator and the other party. The arbitrator shall determine that either the final offer of the employer or the final offer of the exclusive representative on each separate issue shall be incorporated into the agreement, provided that the arbitrator shall not amend the offer of either party on any issue.

5. The arbitrator shall begin his or her hearings no later than thirty days after the request for arbitration in accordance with procedures prescribed by the board and the provisions of sections 435.350 to 435.470, RSMo, except section 435.460, RSMo, shall be applicable to the proceedings of the arbitrator. The arbitrator shall render a decision in writing no later than sixty days after initiation of arbitration. The costs of such arbitrations shall be borne equally by the parties. All time limits in this section may be extended by mutual agreement of the parties.

37 **6. The procedures set forth in this section for collective bargaining and the**
38 **resolutions of impasses reached in collective bargaining shall be followed by state and local**
39 **public bodies and exclusive bargaining representatives of employees of state and local**
40 **government bodies provided that local public bodies and such exclusive bargaining**
41 **representatives shall determine collective bargaining time tables by mutual agreement of**
42 **the parties, depending upon the fiscal year of the local public body.**

105.529. 1. Any portion of a final agreement which requires the public body to
2 **appropriate funds shall be subject to constitutional and statutory law and in the case of the**
3 **state, be addressed in the budget submitted by the governor to the general assembly where**
4 **it shall proceed through the formal appropriations process. Any political subdivision may**
5 **adopt reasonable procedures which reflect the nature of such political subdivision's budget**
6 **process and fiscal year.**

7 **2. In case of any conflict between the provisions of sections 105.500 to 105.540 and**
8 **any other law, the particular provisions of sections 105.500 to 105.540 in conflict which**
9 **cannot be harmonized shall prevail over general provisions in any other law, and where**
10 **those particular provisions of sections 105.500 to 105.540 are in conflict with the particular**
11 **provisions in any other law, the law later enacted shall prevail.**

12 **3. The agreement shall remain in effect for the term specified therein. Upon the**
13 **expiration of an agreement, the terms of such agreement shall remain in effect until**
14 **superseded by a new agreement.**

15 **4. The provisions of sections 105.500 to 105.540 are hereby declared to be severable.**
16 **Should any of the provisions of sections 105.500 to 105.540 be declared unconstitutional**
17 **or in conflict with some other provision of law, the remaining provisions of sections 105.500**
18 **to 105.540 shall continue to be the law of the state relative to public employment relations.**

19 **5. Any employee organization and public employer may sue or be sued as an entity**
20 **under the provisions of sections 105.500 to 105.540. Service upon the public employer or**
21 **upon the exclusive bargaining representative shall be in accordance with law or the rules**
22 **of civil procedure, except that for purposes of actions and proceedings by or against**
23 **exclusive bargaining representatives under sections 105.500 to 105.540 the circuit courts**
24 **shall be deemed to have jurisdiction of an exclusive bargaining representative in the circuit**
25 **in which such organization maintains its principal office, or in any circuit in which its duly**
26 **authorized officers or agents are engaged in representing or acting for employee members.**
27 **Nothing in sections 105.500 to 105.540 shall be construed to make any individual or his**
28 **assets liable for any judgment against a public employer or an exclusive bargaining**
29 **representative.**

105.530. [Nothing contained in sections 105.500 to 105.530 shall be construed as granting a right to employees covered in sections 105.500 to 105.530 to strike.] **1. It shall be unlawful for public employees to strike. If a strike occurs, the public body may initiate in the circuit court of jurisdiction where the strike occurs, an action for injunctive relief.**

2. It shall be unlawful for any public body to authorize, consent to or condone an illegal strike.

3. It shall be a prohibited practice for any public employer, public employee, or employee organization to willfully refuse to negotiate in good faith with respect to the scope of negotiations as defined in section 105.527.

4. It shall be a prohibited practice for a public employer or the employer's designated representative to willfully:

(1) Interfere with, restrain, or coerce public employees in the exercise of rights granted by sections 105.500 to 105.540;

(2) Dominate or interfere in the administration of any employee organization;

(3) Encourage or discourage membership in any employee organization, committee, or association by discrimination in hiring, tenure, or other terms or conditions of employment;

(4) Discharge or discriminate against a public employee because the employee has filed an affidavit, petition, or complaint or given any information or testimony under sections 105.500 to 105.540, or because the employee has formed, joined, or chosen to be represented by any employee organization;

(5) Refuse to negotiate collectively with representatives of certified employee organizations as required in sections 105.500 to 105.540;

(6) Deny the rights accompanying certification or exclusive recognition granted in sections 105.500 to 105.540;

(7) Refuse to participate in good faith in any agreed upon impasse procedures or those set forth in sections 105.500 to 105.540;

(8) Engage in a lockout.

3. It shall be a prohibited practice for public employees or an employee organization or for any person, union, or organization or their agents to willfully:

(1) Interfere with, restrain, coerce, or harass any public employee with respect to any of the employee's rights under sections 105.500 to 105.540 or in order to prevent or discourage the employee's exercise of any such right, including, without limitation, all rights under section 105.510;

35 (2) Interfere, restrain, or coerce a public employer with respect to rights granted
36 in sections 105.500 to 105.540 or with respect to selecting a representative for the purposes
37 of negotiating collectively on the adjustment of grievances;

38 (3) Refuse to bargain collectively with a public employer as required in sections
39 105.500 to 105.540;

40 (4) Refuse to participate in good faith in any agreed upon impasse procedures or
41 those set forth in sections 105.500 to 105.540;

42 (5) Picket in a manner which interferes with ingress and egress to the facilities of
43 the public employer;

44 (6) Engage in, initiate, sponsor, or support any picketing that is performed in
45 support of a strike, work stoppage, boycott, or slowdown against a public employer;

46 (7) Picket for any unlawful purpose.

 105.540. 1. Proceedings against a party alleging a violation of section 105.530 shall
2 be commenced by filing a complaint with the state board of mediation within ninety days
3 of the alleged violation causing a copy of the complaint to be served upon the accused party
4 in the manner of an original notice as provided in sections 105.500 to 105.540. The accused
5 party shall have ten days within which to file a written answer to the complaint. However,
6 the board may conduct a preliminary investigation of the alleged violation, and if the board
7 determines that the complaint has no basis in fact, the board may dismiss the complaint.
8 The board shall promptly thereafter set a time and place for hearing in the county where
9 the alleged violation occurred. The parties shall be permitted to be represented by counsel,
10 summon witnesses, and request the board to subpoena witnesses on the requester's behalf.
11 Compliance with the technical rules of pleading and evidence shall not be required.

12 2. The board may designate an administrative law judge to conduct the hearing.
13 The administrative law judge has the powers as may be exercised by the board for
14 conducting the hearing and shall follow the procedures adopted by the board for
15 conducting the hearing. The decision of the administrative law judge may be appealed to
16 the board and the board may hear the case de novo or upon the record as submitted before
17 the administrative law judge, utilizing procedures governing appeals to the circuit court
18 in this section so far as applicable.

19 3. The board shall appoint a court reporter to report the proceedings and the board
20 shall fix the reasonable amount of compensation for such service, which amount shall be
21 taxed as other costs.

22 4. The board shall file its findings of fact and conclusions of law within sixty days
23 of the close of any hearing, receipt of the transcript, or submission of any briefs. If the
24 board finds that the party accused has committed a prohibited practice, the board may,

25 **within thirty days of its decision, enter into a consent order with the party to discontinue**
26 **the practice, or after the thirty days following the decision may petition the circuit court**
27 **for injunctive relief under rules of civil procedure.**

28 **5. The board's review of proposed decisions and the rehearing or judicial review**
29 **of final decisions is governed by the provisions of chapter 536, RSMo.**

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