

SECOND REGULAR SESSION

HOUSE BILL NO. 2349

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES DARROUGH (Sponsor), MEADOWS, KOMO, FRAME, PAGE, DONNELLY, HARRIS (23), ROORDA, WALSH, SCHOEMEHL, YAEGER, GEORGE, BAKER (25), RUCKER, OXFORD, CHAPPELLE-NADAL, DAUS, WILDBERGER, CORCORAN, SALVA, SPRENG, BROWN (50), SCAVUZZO, LIESE, YOUNG, ZWEIFEL, STORCH, FALLERT, LAMPE, HODGES, LeVOTA, TALBOY, LOW (39), ZIMMERMAN, LOWE (44), QUINN (9), CASEY, BLAND, McGHEE, McCLANAHAN AND SCHIEFFER (Co-sponsors).

Read 1st time March 5, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

4471L.011

AN ACT

To repeal section 105.525, RSMo, and to enact in lieu thereof one new section relating to labor organizations.

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

Section A. Section 105.525, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 105.525, to read as follows:

105.525. **1. Issues with respect to appropriateness of bargaining units and majority representative status shall be resolved by the state board of mediation.**

2. The board of mediation shall investigate a petition filed by a labor organization alleging that a majority of employees in a unit appropriate for the purpose of collective bargaining wish to be represented by that labor organization.

3. If the board of mediation finds that a majority of the employees in a unit appropriate for bargaining has signed authorizations, petitions, or other evidence designating a labor organization specified in the petition as their bargaining representative, the board shall certify the labor organization as the representative. As used in this section "authorizations" means evidence signed and dated by employees in the form of authorization cards, petitions, or other such evidence as the board shall find suitable in

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.

12 which a majority of employees in a unit appropriate for collective bargaining designate or
13 select a labor organization as their representative for the purpose of collective bargaining.

14 **4. The board of mediation shall establish rules and procedures for the prompt**
15 **verification of evidence of majority sign-up, which rules shall include safeguards to protect**
16 **the privacy of the submissions and which shall further provide that the verification**
17 **procedure shall be completed in a timely manner but no later than ten days from the date**
18 **the labor organization files its petition.**

19 **5. The board of mediation shall investigate and consider allegations that the**
20 **authorizations, petitions, or other evidence submitted in support of a certification of**
21 **representative were subsequently changed, altered, withdrawn, or withheld as a result of**
22 **employer fraud, coercion, or any other unfair labor practice by the employer.**

23 **6. In the event that the appropriate administrative body or any of the bargaining units**
24 **shall be aggrieved by the decision of the state board of mediation, an appeal may be had to the**
25 **circuit court of the county where the administrative body is located or in the circuit court of Cole**
26 **County. The state board of mediation shall use the services of the state hearing officer in all**
27 **contested cases.**

28 **7. The board of mediation shall promulgate rules to implement the provisions of**
29 **this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,**
30 **that is created under the authority delegated in this section shall become effective only if**
31 **it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**
32 **applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**
33 **and if any of the powers vested with the general assembly under chapter 536, RSMo, to**
34 **review, to delay the effective date, or to disapprove and annul a rule are subsequently held**
35 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**
36 **after August 28, 2008, shall be invalid and void.**

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