

HCS HB 2059 -- PROFESSIONAL RELATIONSHIPS BETWEEN TEACHERS AND SCHOOL DISTRICTS ACT

SPONSOR: Jones, 89 (Wilson, 130)

COMMITTEE ACTION: Voted "do pass" by the Special Committee on General Laws by a vote of 5 to 2.

This substitute establishes the Professional Relationships Between Teachers and School Districts Act. Procedures are specified under which local school boards will meet and negotiate with employee representation councils created from the local membership of employee organizations. The employee organizations must show proof that at least 10% of the employee unit supports their representation.

The substitute specifies what the representation council is authorized to do and cannot do. Judicial review is permitted. Employees have the right to join and to refrain from joining an employee organization, to present their individual grievances without assistance from the organization, and to express opinions if it does not interfere with the employee's duties. Employee organizations have the right to represent employees, to use school facilities in certain circumstances, and to have membership dues deducted from an employee's pay. Representation councils have the right to represent the employees in their unit, communicate with unit members, and use school facilities in certain circumstances. Members of management and those with supervisory or confidential capacities will represent themselves. Employers may not threaten reprisal, deny the employee organization or council any of their rights, refuse to meet in good faith, or interfere with the formation of representation councils. Employee organizations and representation councils may not cause or attempt to cause violations of law, threaten reprisals, or refuse to meet in good faith. Employees may not strike, and employers may not lock out employees. Teachers face dismissal or the loss of tenure and a \$250 fine for each day of an illegal strike, while an employee organization may be fined:

- (1) \$1,000 for a school district with an enrollment of up to but no more than 350 students;
- (2) \$1,500 for a school district with an enrollment of between 351 and 1,000 students;
- (3) \$3,000 for a school district with an enrollment of between 1,001 and 3,500 students;
- (4) \$5,000 for a school district with an enrollment of between 3,501 and 7,500 students; or

(5) \$7,500 for a school district with an enrollment of more than 7,500 students.

Procedures for establishing a representation council, the negotiation process, and the requirements for the written agreement are specified in the substitute. Each member of a representation council is allowed the opportunity for a ratification vote of their organization's members prior to signing off on an agreement. The agreement reached by the representation council will be sent to the local school board to accept or send back to the negotiating team for further negotiating at which time the local school board may enter into impasse procedures or arbitration as allowed by school district policy. Once the agreement reaches the local school board for a second time, it may accept, reject, or modify the agreement. The agreement document is a public document, and the negotiation meetings are covered by the Open Meetings and Records Law, commonly known as the Sunshine Law.

The State Board of Mediation is authorized to investigate alleged violations of the process and bringing action to enforce its orders. The substitute creates the crime of interfering with the state board, a class A misdemeanor, when any person purposely resists, prevents, impedes, or interferes with any member of the board or its agents in the performance of its duties.

FISCAL NOTE: Estimated Cost on General Revenue Fund of \$222,888 in FY 2009, \$266,827 in FY 2010, and \$274,833 in FY 2011. No impact on Other State Funds in FY 2009, FY 2010, and FY 2011.

PROPOSERS: Supporters say that the bill takes collective bargaining back to the "meet and confer" model of negotiation that was used prior to the Missouri court case opinion of Independence-National Education Association, et. al. vs. Independence School District. The bill disallows strikes and lockouts. School districts will be allowed to draft policies that are adaptable to each individual district for negotiating collective bargaining agreements, and the bill will allow all teacher groups to work together toward a common agreement.

Testifying for the bill were Representative Wilson (130); Missouri State Teachers Association; Missouri School Boards Association; Cooperating School Districts of Greater St. Louis; Cooperating School Districts of Greater Kansas City; and Missouri Council of School Administrators.

OPPOSERS: Those who oppose the bill say that it creates issues for local government by restricting local control as it relates to the employees of school districts. Currently, if employees don't seek exclusive representation, school districts can already

establish the representation councils. The bill burdens teachers with an extra layer of bureaucracy by negotiating through the representation council. No state uses this model of collective bargaining. The bill doesn't provide for accountability since there is no ratification of agreements by members of the representatives on the representation councils and doesn't allow for a stalemate in negotiations to be resolved.

Testifying against the bill were Missouri National Education Association; Missouri Federation of Teachers and School Related Personnel; Byron Clemens; and Ray Cummings.