

HCS HB 1905 -- PROFESSIONAL RELATIONSHIPS BETWEEN TEACHERS AND  
SCHOOL DISTRICTS ACT

SPONSOR: Wallace (Wilson, 130)

COMMITTEE ACTION: Voted "do pass" by the Committee on Elementary  
and Secondary Education by a vote of 12 to 1.

This substitute establishes the Professional Relationships  
Between Teachers and School Districts Act which specifies the  
procedures under which local school boards can meet and negotiate  
with employee organizations.

Public school employees have the right to form, join, or refrain  
from joining an employee organization; to present grievances to  
his or her employer without the intervention of the organization;  
and to express opinions if it does not interfere with the  
employee's duties. Employee organizations have the right to  
establish membership criteria, to represent employees and  
communicate with them, to use school facilities in certain  
circumstances, and to have membership dues deducted from an  
employee's pay. They must fairly represent each employee in the  
bargaining unit, and they have standing to sue on behalf of their  
members.

Members of management and those with supervisory or confidential  
capacities may represent themselves or be represented by their  
own employee organization. Employers may not impose or threaten  
to impose reprisals or discriminate or threaten to discriminate,  
deny the employee organization any of its rights, refuse or fail  
to meet and negotiate in good faith, or dominate or interfere  
with the formation of employee organizations. Employee  
organizations may not cause or attempt to cause a public school  
employer or employee organization to violate the provisions of  
the substitute, impose or threaten to impose reprisals,  
discriminate or threaten to discriminate, or refuse or fail to  
cooperate in good faith with an employee or another employee  
organization. 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 each day in an amount of:

- (1) \$1,000 for a school district with an enrollment of up to 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.

Employee organizations sponsoring strikes will be ineligible to represent employees for two years after the violation and to have dues deducted from employee paychecks for one year. School employers will be fined up to \$5,000 a day for an illegal lock out, and each member of the public school employer's governing board and school superintendent will be fined \$250 per day for an illegal lock out.

Every local school board must adopt and publish a policy that establishes a time line to begin negotiations before the adoption of the final budget sufficiently in advance of the adoption to allow adequate time for an agreement to be reached. The scope of negotiation is limited to wages, hours, and other terms of employment as specified in the substitute, but nothing prohibits the parties from mutually agreeing to discuss other terms of employment. All matters not specifically enumerated are reserved to the school board.

Each school district must adopt and publish a policy on the procedures for recognizing organizations of the employees' own choosing for the purpose of meeting and negotiating, but nothing precludes a district from working with more than one employee organization. Each recognized employee organization must develop a protocol for cooperation between and among all employee organizations to allow them to act together on behalf of all employees in the bargaining unit, including a procedure for communications between all groups, as well as protocols to ensure a binding agreement is honored and enforced. Each school district and employee organization must enter into a written agreement covering the matters in the meeting and negotiations which will be sent to the local school board after it is ratified by the employee organization to accept or send back for further negotiations at which time the local school board may enter into impasse procedures as allowed by the school district's policy, which must be developed in consultation with employee representatives. The agreement is binding after ratification by the employee organization and approval by the local school board and is a public document. The negotiation meetings are covered under the Open Meetings and Records Law, commonly known as the Sunshine Law.

FISCAL NOTE: Estimated Cost on General Revenue Fund of Unknown - Not expected to exceed \$100,000 in FY 2011, FY 2012, and FY 2013. No impact on Other State Funds in FY 2011, FY 2012, and FY 2013.

PROPONENTS: Supporters say that since the Missouri Supreme Court's decision allowed teachers to bargain employment agreements, the General Assembly needs to provide a framework for the negotiations between school boards and employee organizations.

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

OPPONENTS: Those who oppose the bill say that it makes more sense for teachers and police to be covered under the existing framework of Chapter 105, RSMo.

Testifying against the bill were Missouri National Education Association; Missouri Federation of Teachers and School Related Personnel; and Missouri AFL-CIO.