

HCS HB 238 -- LABOR ORGANIZATIONS

SPONSOR: Wiemann

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Economic Development by a vote of 8 to 3.

This bill changes the laws relating to public employees, labor organizations, and labor agreements between a labor organization and a public body.

The bill requires labor organizations to adopt a constitution and bylaws and file a copy with the Department of Labor and Industrial Relations, along with a report containing specified information about the organization. Labor organizations are also required to annually file a report detailing the organization's financial condition and operations. The financial report shall be in an electronic, readily accessible format available to its members.

This bill requires every officer and employee of a labor organization to annually file a report listing any legal or equitable interest, income, or transaction the person, his or her spouse, or minor child received or derived from a labor organization or public body with employees that the labor organization represents or is seeking to represent. Excepted from the reporting requirement are employees performing exclusively clerical or custodial services, bona fide payments, and benefits received as an employee, and bona fide investments in securities traded on a national securities exchange.

The bill does not require communications to an attorney as part of an attorney-client relationship to be reported. The reports and documents filed with the department under the provisions of this bill are public record. The department, as specified in the bill, must allow for the inspection and examination of the reports and documents, and furnish copies upon payment of the service.

Each person required to file a report shall maintain for at least five years sufficient records to verify the information contained in the report. Each labor organization shall file a report within 90 days of becoming subject to the provisions of this bill. Each person required to file a report shall file the report within 90 days after the end of each fiscal year.

Any person who violates certain provisions of the bill related to the required reports or files a false report is subject to a fine or imprisonment of not more than a year.

The bill provides that supervisory employees, as defined in these

provisions, shall not be included in the same bargaining unit as the employees they supervise and that the same labor organization shall not represent both non-supervisory and supervisory employees.

Recognition may only be obtained by a labor organization through an election before the State Board of Mediation. Voluntary recognition by a public body is prohibited. An election by secret ballot will be held after the board is presented with cards containing signatures of at least 30% of the employees in the bargaining unit. The bill specifies the ballot language to be used for the selection of a labor organization as the exclusive representative for the bargaining unit.

Employees of the bargaining unit may seek to decertify the labor organization at any time. The board shall schedule a decertification election upon presentation to the board of cards bearing the signatures of at least 30% of the employees in the bargaining unit.

Labor organizations shall be recertified on an annual basis. No more than one election shall take place in any bargaining unit within a 12 month period. The board shall collect a fee from each labor organization participating in an election.

Within four weeks of a certification election, the labor organization shall meet and begin bargaining with representatives of the public body. No labor organization shall refuse to meet with the representatives of the public body, and neither side is required to offer any particular concession or proposal.

The bill provides that a public body and labor organization shall not be subject to binding mediation or arbitration. Bargaining for renewal agreements shall take place annually. Labor agreements negotiated between the labor organization and public body are subject to certain limitations, including that management reserve the right to make and amend reasonable work rules, a prohibition against all strikes and picketing, extending the duty of fair representation to employees of the bargaining unit, prohibiting labor organization employees from accepting paid time by a public body for conducting labor organization business, and providing for the modification of the agreement in the event of a budget shortfall.

A labor organization that violates the provisions of this bill is subject to a civil action for appropriate relief, including injunctive relief. Attorneys' fees shall be awarded for the enforcement of the provisions of this bill.

This bill is similar to SB 210 (2017).

PROPONENTS: Supporters say that the bill creates accountability for public employee unions, and places the same requirements on public sector unions that private sector unions already follow.

Testifying for the bill were Representative Wiemann; F. Vincent Vernuccia, Mackinac Center; Missouri Century Foundation; Jane Cunningham; and Brian C. Hey.

OPPONENTS: Those who oppose the bill say that the requirements therein will severely limit a public employee union's ability to remain organized and advocate for its members, and that it is seen as a legislative attack on police officers.

Testifying against the bill were Jeff Roorda, St. Louis Police Officer's Associations, Fraternal Order of Police Lodge 68; Missouri Fraternal Order of Police; Missouri State Council of Firefighters; Service Employees International Union MO/KS State Council; Missouri National Education Association; and Missouri AFL-CIO.