

HB 2876 -- REPRESENTATION OF PUBLIC EMPLOYEES

SPONSOR: Baker

This bill revises existing law and adds provisions concerning the representation of public employees.

The bill revises current definitions by repealing the definitions of "public safety labor organization", and adding new definitions of "certification", "collective bargaining", "confidential employee", "labor organization activities", "managerial employee", "public safety body", "representational labor organization activities", "strike", and "supervisory employee". The current definition of "bargaining unit" is changed to "appropriate unit"; the definition of "public body" which currently excludes the Department of Corrections, is amended to remove the exclusion; "public employee" is amended to exclude elected officials, persons appointed to boards or commission, and confidential, managerial, and supervisory employees.

The bill contains a statement of purpose and a severability clause.

The bill establishes when an appropriate unit may meet, confer, and discuss proposals, and how such meetings shall be conducted. Portions of this section do not apply to discussions or negotiations between public safety bodies and exclusive bargaining representatives.

The bill contains publication requirements for adopted contracts or agreements with an exclusive bargaining representative and declares that such contracts and agreements are public records and must not be closed under Chapter 610.

Questions of representation will be resolved by the Board of Mediation, which shall use the services of the State Hearing Officer in contested cases.

The current prohibition on public employees' right to strike is extensively revised to detail:

- (1) What constitutes an action that instigates or encourages a strike or work stoppage;
- (2) A prohibition on paying an employee for time spent on strike;
- (3) Who is entitled to bring a civil action; and
- (4) That failure to comply with any injunction will constitute contempt of court.

A series of new sections covers the filing of a petition to establish that a certain percentage of employees wish to be represented by an exclusive bargaining representative; validation procedures for the petition; how elections will be held, including the contents of the ballot; when a runoff election may be held; and when the board can reject a petition.

Public bodies are prohibited from specified activities, among which are deducting dues from a public employee's pay or increasing pay with the intent that the increase will be used to pay labor organization dues, and requiring or coercing employees to meet. This section also contains provisos that:

- (1) Allow public bodies to permit public employees to engage in representational labor organization activities during working hours;
- (2) Include that a contract or agreement is in place that allows such activities; the labor organization fully reimburses the public body for the compensation; and that require at least a quarterly report of time and money spent on the activities.

The bill also covers the use of leave without pay or use of personal leave in some situations. This section does not apply to public safety bodies and their employees. The section also describes who is entitled to bring a civil action.

The bill adds a reference to Section 33.103, RSMo, that currently covers the participation of state employees who are members of a collective bargaining organization in retirement, life insurance, medical insurance, and similar plans, to require compliance with the above new provision.

Provisions specifically related to transit employees when the U. S. Department of Labor has notified the public body that its agreement does not meet specified federal standards allow the Board to waive the application of chapter 105 in regard to those employees.

The bulk of the bill repeals sections in chapter 105 (105.533, 105.535, 105.537, 105.540, 105.545, 105.550, 105.555, and 105.570 to 105.598) and chapter 208, "the Quality Home Care Act" (208.850 to 871).