

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NOS. 3283 & 3306

103RD GENERAL ASSEMBLY

6963H.03P

JOSEPH ENGLER, Chief Clerk

AN ACT

To amend chapter 105, RSMo, by adding thereto one new section relating to public labor organizations.

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

Section A. Chapter 105, RSMo, is amended by adding thereto one new section, to be
2 known as section 105.515, to read as follows:

**105.515. 1. The provisions of this section shall apply only to employees
2 authorized to form and join labor organizations under section 105.510.**

**3 2. Within thirty days after a labor organization has been designated as the
4 exclusive bargaining representative for the public employees in a bargaining unit,
5 representatives of the public body, designated by the public body, and representatives of
6 the labor organization, selected by the labor organization, shall meet and begin
7 bargaining in good faith for an agreement covering the wages, benefits, and other terms
8 and conditions of employment for the public employees within the bargaining unit.**

**9 3. The labor organization and the public body shall engage in good faith
10 bargaining with each other's designated representatives.**

**11 4. (1) In the event that an agreement cannot be reached within one hundred
12 eighty days after a labor organization is designated as the exclusive bargaining
13 representative for the public employees in a bargaining unit, the dispute shall be
14 referred to mediation pursuant to this subsection.**

**15 (2) Within fourteen days after the period in subdivision (1) of this subsection has
16 expired, the parties shall mutually agree on a neutral mediator selected from a panel of
17 neutrals from the United States District Court of either the Western or Eastern District**

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.

18 of Missouri. If the parties cannot agree on a neutral mediator within fourteen days, the
19 matter shall be referred to the board and the board shall assign a mediator.

20 (3) If, after the dispute has been referred to a mediator, whether the neutral
21 mediator or the state board of mediation, the dispute has not been resolved within
22 ninety days, the dispute shall be referred to arbitration through an arbitrator as selected
23 pursuant to subsection 4 of this section.

24 (4) Upon mutual agreement of the parties, the obligation to submit the matter to
25 mediation pursuant to this subsection may be waived and the matter may be
26 immediately submitted to interest arbitration in accordance with subsection 4 of this
27 section.

28 5. (1) At any time during the bargaining process, if either the labor organization
29 or the public body determines an impasse has been reached over wages, benefits, hours,
30 or other terms and conditions of employment, the party may submit the matter to
31 interest arbitration.

32 (2) If the parties agree that an impasse has been reached, within seven days of
33 such decision, the public body and labor organization shall attempt to agree upon an
34 impartial arbitrator to resolve the impasse.

35 (3) If an arbitrator cannot be agreed upon within such time period, the party
36 that made the initial determination of impasse or, if agreement was not reached and
37 mediation was unsuccessful or waived, the labor organization, shall request a panel of
38 seven arbitrators from the Federal Mediation and Conciliation Service (FMCS) or, if the
39 FMCS cannot produce a panel of seven arbitrators, the American Arbitration
40 Association (AAA). The parties shall alternate striking from the panel one arbitrator
41 at a time until a single arbitrator is left, with the party that requested the panel striking
42 first. The party striking first shall have an affirmative duty to notify the board that the
43 matter has been referred to interest arbitration pursuant to this subsection.

44 (4) Once an arbitrator has been selected pursuant to subdivision (2) or (3) of this
45 subsection, the parties shall proceed to resolve whether the matter will be presented to
46 the arbitrator as a total package, issue by issue, or a combination of both. If the parties
47 fail to agree upon a method of presentation to the arbitrator, a prehearing conference
48 shall be held at which each party shall present its position to the arbitrator and the
49 arbitrator shall then determine the method of presentation. If the parties cannot
50 mutually agree upon a date to present their respective arguments, the arbitrator shall
51 set a hearing date at which the labor organization and public body shall each be
52 afforded the opportunity to present its respective case, including a presentation of
53 evidence, data, and testimony, in support of its proposal. The arbitrator shall consider
54 the evidence and render a decision within forty-five days. If the parties do not agree an

55 **impasse has been reached, in a singular hearing, the arbitrator shall hear both the**
56 **procedural and substantive arguments of the parties. Before the arbitrator can render a**
57 **decision on the parties' substantive arguments, the arbitrator shall first determine**
58 **whether an impasse has been reached. The decision of the arbitrator shall be binding**
59 **upon the parties, provided that any provision that would require the enactment of law**
60 **for its implementation shall not be binding until such time as the law is enacted.**

61 **(5) All proceedings before the board and the arbitrator shall be recorded with a**
62 **written transcript being available to each party. The costs of the arbitrator and court**
63 **reporter shall be borne by both parties equally. Any attorney's fees accrued by any**
64 **party shall be the responsibility of the party accruing the same.**

65 **6. For all successor collective bargaining agreements, if at any time during the**
66 **bargaining process either the labor organization or the public body determines an**
67 **impasse has been reached over wages, benefits, hours, or other terms and conditions of**
68 **employment or a successor agreement is not achieved within one hundred eighty days**
69 **after the expiration of the predecessor collective bargaining agreement, either party**
70 **may submit the matter to interest arbitration in accordance with subdivision (1) of**
71 **subsection 4 of this section. Upon submission to interest arbitration, the arbitrator shall**
72 **be selected and the matter shall be handled pursuant to subdivisions (2), (3), and (4) of**
73 **subsection 4 of this section.**

74 **7. For purposes of this section, the term "good faith" includes, but is not limited**
75 **to, approaching negotiations with a sincere intention to reach an agreement, meeting at**
76 **reasonable times, dealing with the respective parties in an honest and open manner, and**
77 **matching unacceptable proposals with sincere counter-proposals with the sincere intent**
78 **to reach an agreement. Acting in good faith includes more than a perfunctory**
79 **performance of an obligation to meet and confer with the requisite parties.**

80 **8. If, at any time during the bargaining process for an initial contract as set forth**
81 **in subsections 1 and 3 of this section or for successor contracts as set forth in subsection**
82 **5 of this section, either the labor organization or public body believes the opposing party**
83 **has engaged in bad faith bargaining in violation of subsection 2 of this section, it may**
84 **submit the matter to the board for determination. If the board determines a party has**
85 **engaged in bad faith bargaining in violation of subsection 2 of this section, it shall refer**
86 **the matter to interest arbitration in accordance with the provisions of subdivisions (3) to**
87 **(5) of subsection 4 of this section.**

88 **9. At no time after a labor organization has been designated as the exclusive**
89 **bargaining representative for the public employees in a bargaining unit, or after an**
90 **agreement covering the wages, benefits, and other terms and conditions of employment**
91 **for public employees within a bargaining unit has expired, shall the public body make**

92 **any unilateral changes to wages, benefits, or other terms and conditions of employment**
93 **subject to mandatory bargaining. Any such unilateral changes shall be considered a**
94 **failure to bargain in good faith. If the labor organization believes that the public body**
95 **has made unilateral changes to wages, benefits, or other terms and conditions of**
96 **employment subject to mandatory bargaining, the labor organization may seek**
97 **declaratory relief, injunctive relief, and monetary damages arising from the unlawful**
98 **unilateral change in an appropriate state or federal court.**

99 **10. The board may promulgate rules necessary to implement the provisions of**
100 **this section. Any rule or portion of a rule, as that term is defined in section 536.010, that**
101 **is created under the authority delegated in this section shall become effective only if it**
102 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**
103 **section 536.028. This section and chapter 536 are nonseverable and if any of the powers**
104 **vested with the general assembly pursuant to chapter 536 to review, to delay the**
105 **effective date, or to disapprove and annul a rule are subsequently held unconstitutional,**
106 **then the grant of rulemaking authority and any rule proposed or adopted after August**
107 **28, 2026, shall be invalid and void.**

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