

HOUSE BILL NO. 3306

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KIMBLE.

7237H.011

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

**7 2. The labor organization and the public body shall engage in good faith
8 bargaining with each other's designated representatives.**

**9 3. (1) In the event that an agreement cannot be reached within one hundred
10 eighty days after a labor organization is designated as the exclusive bargaining
11 representative for the public employees in a bargaining unit, the dispute shall be
12 referred to mediation pursuant to this subsection.**

**13 (2) Within fourteen days after the period in subdivision (1) of this subsection has
14 expired, the parties shall mutually agree on a neutral mediator selected from a panel of
15 neutrals from the United States District Court of either the Western or Eastern District
16 of Missouri. If the parties cannot agree on a neutral mediator within fourteen days, the
17 matter shall be referred to the board and the board shall assign a mediator.**

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

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

26 **4. (1) At any time during the bargaining process, if either the labor organization**
27 **or the public body determines an impasse has been reached over wages, benefits, hours,**
28 **or other terms and conditions of employment, the party may submit the matter to**
29 **interest arbitration.**

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

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

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

55 decision on the parties' substantive arguments, the arbitrator shall first determine
56 whether an impasse has been reached. The decision of the arbitrator shall be binding
57 upon the parties, provided that any provision that would require the enactment of law
58 for its implementation shall not be binding until such time as the law is enacted.

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

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

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

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

86 8. At no time after a labor organization has been designated as the exclusive
87 bargaining representative for the public employees in a bargaining unit, or after an
88 agreement covering the wages, benefits, and other terms and conditions of employment
89 for public employees within a bargaining unit has expired, shall the public body make
90 any unilateral changes to wages, benefits, or other terms and conditions of employment
91 subject to mandatory bargaining. Any such unilateral changes shall be considered a

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

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

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