

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 238
99TH GENERAL ASSEMBLY

0948H.03C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 105.500, 105.520, and 208.862, RSMo, and to enact in lieu thereof eighteen new sections relating to public labor organizations, with penalty provisions.

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

Section A. Sections 105.500, 105.520, and 208.862, RSMo, are repealed and eighteen
2 new sections enacted in lieu thereof, to be known as sections 105.500, 105.515, 105.520,
3 105.533, 105.535, 105.537, 105.540, 105.545, 105.550, 105.555, 105.570, 105.575, 105.580,
4 105.583, 105.585, 105.590, 105.595, and 208.862, to read as follows:

105.500. **For purposes of sections 105.500 to 105.595**, unless the context otherwise
2 requires, the following words and phrases mean:

3 (1) [~~"Appropriate unit" means~~] **"Bargaining unit"**, a unit of employees at any plant or
4 installation or in a craft or in a function of a public body which establishes a clear and
5 identifiable community of interest among the employees concerned;

6 (2) **"Board"**, the state board of mediation established under section 295.030;

7 (3) **"Department"**, the department of labor and industrial relations established
8 **under section 286.010;**

9 (4) **"Exclusive bargaining representative"** [~~means~~] , an organization which has been
10 designated or selected by a majority of **the** employees in [~~an appropriate~~] **a bargaining** unit as
11 the representative of such employees in such unit for purposes of collective bargaining;

12 (5) **"Labor organization"**, any organization, agency, or employee representation
13 **committee or plan, in which employees participate and that exists for the purpose, in whole**
14 **or in part, of dealing with a public body or public bodies concerning collective bargaining,**
15 **grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of**
16 **work;**

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.

17 ~~[(3)]~~ (6) "Public body" ~~[means]~~ , the state of Missouri, or any officer, agency,
18 department, bureau, division, board or commission of the state, or any other political subdivision
19 of or within the state.

**105.515. The provisions of sections 105.520 to 105.595 shall apply to all public
2 employees, labor organizations, and labor agreements between a labor organization and
3 a public body, whether collective bargaining rights are granted to such entities in section
4 105.510 or by judicial decision.**

105.520. Whenever such proposals are presented by the exclusive bargaining
2 representative to a public body, the public body or its designated representative or representatives
3 shall meet, confer and discuss such proposals relative to salaries and other conditions of
4 employment of the employees of the public body with the labor organization which is the
5 exclusive bargaining representative of its employees in a **bargaining** unit ~~[appropriate]~~. Upon
6 the completion of discussions, the results shall be reduced to writing and be presented to the
7 appropriate administrative, legislative or other governing body in the form of an ordinance,
8 resolution, bill or other form required for adoption, modification or rejection.

**105.533. 1. Every labor organization shall adopt a constitution and bylaws and
2 shall file a copy thereof with the department, together with a report, signed by its president
3 and secretary or corresponding principal officers, containing the following information:**

4 **(1) The name of the labor organization, its mailing address, and any other address
5 at which it maintains its principal office or at which it keeps the records referred to in
6 sections 105.533 to 105.555;**

7 **(2) The name and title of each of its officers;**

8 **(3) The initiation fee or fees required from a new or transferred member and fees
9 for work permits required by the reporting labor organization;**

10 **(4) The regular dues or fees or other periodic payments required to remain a
11 member of the labor organization, as well as agency fees or any other fees required for
12 nonmembers, if any; and**

13 **(5) Detailed statements, or references to specific provisions of documents filed
14 under this subsection that contain such statements, showing the provisions made and
15 procedures followed with respect to each of the following:**

16 **(a) Qualifications for or restrictions on membership;**

17 **(b) Levying of assessments;**

18 **(c) Participation in insurance or other benefit plans;**

19 **(d) Authorization for disbursement of funds of the labor organization;**

20 **(e) Audit of financial transactions of the labor organization;**

21 **(f) The calling of regular and special meetings;**

22 **(g) The selection of officers and stewards and of any representatives to other bodies**
23 **composed of labor organizations' representatives, with a specific statement of the manner**
24 **in which each officer was elected, appointed, or otherwise selected;**

25 **(h) Discipline or removal of officers or agents for breaches of their trust;**

26 **(i) Imposition of fines, suspensions, and expulsions of members, including the**
27 **grounds for such action and any provision made for notice, hearing, judgment on the**
28 **evidence, and appeal procedures;**

29 **(j) Authorization for bargaining demands;**

30 **(k) Ratification of contract terms; and**

31 **(l) Issuance of work permits.**

32

33 **Any change in the information required by this subsection shall be reported to the**
34 **department at the time the reporting labor organization files with the department the**
35 **annual financial report required by subsection 2 of this section.**

36 **2. Every labor organization shall file annually with the department a financial**
37 **report signed by its president and treasurer or corresponding principal officers containing**
38 **the following information in such detail as may be necessary to accurately disclose its**
39 **financial condition and operations for its preceding fiscal year:**

40 **(1) Assets and liabilities at the beginning and end of the fiscal year;**

41 **(2) Receipts of any kind and the sources thereof;**

42 **(3) Salaries, allowances, and other direct or indirect disbursements, including**
43 **reimbursed expenses, to each officer and employee who, during such fiscal year, received**
44 **more than ten thousand dollars in the aggregate from such labor organization and any**
45 **other labor organization affiliated with it or with which it is affiliated, or which is affiliated**
46 **with the same national or international labor organization;**

47 **(4) Direct and indirect loans made to any officer, employee, or member, which**
48 **aggregated more than two hundred fifty dollars during the fiscal year, together with a**
49 **statement of the purpose; security, if any; and arrangements for repayment;**

50 **(5) Direct and indirect loans to any business enterprise, together with a statement**
51 **of the purpose; security, if any; and arrangements for repayment;**

52 **(6) An itemization schedule that discloses the name and address, purpose, date,**
53 **amount, and type or classification of the total amount spent by the labor organization for:**

54 **(a) Contract negotiation and administration;**

55 **(b) Organizing activities;**

56 **(c) Litigation, specifying the matters and cases involved;**

57 **(d) Public relations activities;**

- 58 **(e) Political activities;**
59 **(f) Activities attempting to influence the passage or defeat of federal, state, or local**
60 **legislation or the content or enforcement of federal, state, or local regulations or policies;**
61 **(g) Voter education and issue advocacy activities;**
62 **(h) Training activities for each officer of the local bargaining representative or**
63 **labor organization support staff;**
64 **(i) Conference, convention, and travel activities engaged in by the labor**
65 **organization; and**
66 **(j) Labor organization administration;**
67 **(7) The percentage of the employee labor organization's total expenditures that**
68 **were spent for each of the activities described in paragraphs (a) to (j) of subdivision (6) of**
69 **this subsection;**
70 **(8) The names, addresses, and activities of any law firms, public relations firms, or**
71 **lobbyists whose services are used by the labor organization for any activity described in**
72 **paragraphs (a) to (j) of subdivision (6) of this subsection;**
73 **(9) A list of political candidates, political organizations, charitable organizations,**
74 **nonprofit organizations, and community organizations to which the labor organization**
75 **contributed financial or in-kind assistance and the dollar amount of such assistance;**
76 **(10) The name and address of any political action committees with which the labor**
77 **organization is affiliated or to which it provides contributions, the total amount of**
78 **contributions to such committees, the candidates or causes to which such committees**
79 **provided any financial assistance, and the amount provided to each such candidate or**
80 **cause; and**
81 **(11) Other disbursements made by it, including the purposes thereof, all in such**
82 **categories as the department may prescribe.**
- 83 **3. Every labor organization shall submit the report required by subsection 2 of this**
84 **section in an electronic format that is readily and easily accessible and shall make available**
85 **the information required to be contained in such report to all of its members. Every such**
86 **labor organization and its officers shall be under a duty enforceable at the suit of any**
87 **member of such organization in the county where the violation occurred to permit such**
88 **member for just cause to examine any books, records, and accounts necessary to verify**
89 **such report. The court in such action may, in its discretion, in addition to any judgment**
90 **awarded to the plaintiff or plaintiffs, allow a reasonable attorney's fee and costs of the**
91 **action to be paid by the defendant.**
- 92 **4. The department shall make each report filed under this section publicly**
93 **available, online, in an electronic format.**

105.535. 1. Every officer of a labor organization and every employee of a labor organization, other than an employee performing exclusively clerical or custodial services, shall file with the department a signed report listing and describing for his or her preceding fiscal year:

(1) Any stock, bond, security, or other interest, legal or equitable, that such person or his or her spouse or minor child directly or indirectly held in, and any income or any other benefit with monetary value, including reimbursed expenses, that such person or his or her spouse or minor child derived directly or indirectly from, any public body whose employees such labor organization represents or is actively seeking to represent, except payments and other benefits received as a bona fide employee of such public body;

(2) Any transaction in which such person or his or her spouse or minor child engaged, directly or indirectly, involving any stock, bond, security, or loan to or from, or other legal or equitable interest in the business of a public body whose employees such labor organization represents or is actively seeking to represent;

(3) Any stock, bond, security, or other interest, legal or equitable, that such person or his or her spouse or minor child directly or indirectly held in, and any income or any other benefit with monetary value, including reimbursed expenses, that such person or his or her spouse or minor child derived directly or indirectly from, any business a substantial part of which consists of buying from, selling or leasing to, or otherwise dealing with, the business of a public body whose employees such labor organization represents or is actively seeking to represent;

(4) Any stock, bond, security, or other interest, legal or equitable, that such person or his or her spouse or minor child directly or indirectly held in, and any income or any other benefit with monetary value, including reimbursed expenses, that such person or his or her spouse or minor child derived directly or indirectly from, a business any part of which consists of buying from, or selling or leasing directly or indirectly to, or otherwise dealing with such labor organization;

(5) Any direct or indirect business transaction or arrangement between such person or his or her spouse or minor child and any public body whose employees his or her organization represents or is actively seeking to represent, except work performed and payments and benefits received as a bona fide employee of such public body and purchases and sales of goods or services in the regular course of business at prices generally available to any employee of such public body; and

(6) Any payment of money or other thing of value, including reimbursed expenses, that such person or his or her spouse or minor child received directly or indirectly from any public body or any person who acts as a labor relations consultant to any public body.

37 **2. The provisions of subdivisions (1) to (5) of subsection 1 of this section shall not**
38 **be construed to require any such officer or employee to report his or her bona fide**
39 **investments in securities traded on a securities exchange registered as a national securities**
40 **exchange under the Securities Exchange Act of 1934, in shares in an investment company**
41 **registered under the Investment Company Act, or in securities of a public utility holding**
42 **company registered under the Public Utility Holding Company Act of 1935, or to report**
43 **any income derived therefrom.**

44 **3. Nothing contained in this section shall be construed to require any officer or**
45 **employee of a labor organization to file a report under subdivision (1) of subsection 1 of**
46 **this section unless such person or his or her spouse or minor child holds or has held an**
47 **interest, has received income or any other benefit with monetary value or a loan, or has**
48 **engaged in a transaction described therein.**

105.537. Nothing contained in the provisions of sections 105.533 to 105.555 shall be
2 **construed to require an attorney, who is a member in good standing of the bar of any state,**
3 **to include in any report required to be filed under the provisions of sections 105.533 to**
4 **105.555 any information that was lawfully communicated to such attorney by any of his**
5 **or her clients in the course of a legitimate attorney-client relationship.**

105.540. 1. The contents of the reports and documents filed with the department
2 **under the provisions of sections 105.533 and 105.535 shall be considered a public record,**
3 **as that term is defined in section 610.010, and shall not be closed under section 610.021.**
4 **The department may publish any information and data obtained under sections 105.533**
5 **and 105.535. The department may use the information and data for statistical and**
6 **research purposes and compile and publish such studies, analyses, reports, and surveys**
7 **based thereon as it may deem appropriate.**

8 **2. The department shall by regulation make reasonable provision for the inspection**
9 **and examination, on the request of any person, of the information and data contained in**
10 **any report or other document filed under section 105.533 or 105.535.**

11 **3. (1) The department shall by regulation provide for the furnishing of reports or**
12 **other documents filed with the department under the provisions of sections 105.533 to**
13 **105.555, upon payment of a charge based upon the cost of the service.**

14 **(2) The department shall make available without payment of a charge, or require**
15 **any person to furnish, to such state agency as is designated by law or by the governor of**
16 **the state in which such person has his or her principal place of business or headquarters,**
17 **upon request of the governor of such state, copies of any reports and documents filed by**
18 **such person with the department under section 105.533 or 105.535, or of information and**
19 **data contained therein.**

20 **(3) All moneys received in payment of such charges fixed by the department under**
21 **this subsection shall be deposited in the general revenue fund of the state.**

105.545. Every person required to file a report under the provisions of sections
2 **105.533 to 105.555 shall maintain records on the matters required to be reported that will**
3 **provide in sufficient detail the necessary basic information and data from which the**
4 **documents filed with the department may be verified, explained, or clarified and checked**
5 **for accuracy and completeness and shall include vouchers, worksheets, receipts, and**
6 **applicable resolutions. Such records shall be kept available for examination for a period**
7 **of not less than five years after the filing of the documents based on the information that**
8 **they contain.**

105.550. 1. Each labor organization shall file the initial report required under
2 **subsection 1 of section 105.533 within ninety days after the date on which it first becomes**
3 **subject to the provisions of sections 105.533 to 105.555.**

4 **2. Each person or organization required to file a report under the provisions of**
5 **sections 105.533 to 105.555 shall file such report within ninety days after the end of each**
6 **of its fiscal years; except that, where such person or organization is subject to the**
7 **provisions of sections 105.533 to 105.555 for only a portion of such a fiscal year, whether**
8 **because the date of enactment of the provisions of sections 105.533 to 105.555 occurs**
9 **during such person's or organization's fiscal year or because the person or organization**
10 **becomes subject to the provisions of sections 105.533 to 105.555 during its fiscal year, such**
11 **person or organization may consider that portion as the entire fiscal year in making such**
12 **report.**

105.555. 1. Any person who makes a false statement or representation of a material
2 **fact, knowing it to be false, or who knowingly fails to disclose a material fact, in any**
3 **document, report, or other information required under the provisions of sections 105.533**
4 **to 105.550 shall be fined not more than ten thousand dollars or imprisoned for not more**
5 **than one year, or both.**

6 **2. Any person who knowingly makes a false entry in or knowingly conceals,**
7 **withholds, or destroys any books, records, reports, or statements required to be kept by**
8 **any provision of sections 105.533 to 105.550 shall be fined not more than ten thousand**
9 **dollars or imprisoned for not more than one year, or both.**

10 **3. Each person required to sign reports under section 105.533 shall be personally**
11 **responsible for the filing of such reports and for any statement contained therein that he**
12 **or she knows to be false.**

13 **4. Any person who fails to timely file a report required under sections 105.533 to**
14 **105.550 shall be fined one hundred dollars for every day such report is late.**

105.570. 1. Supervisory employees shall not be included within the same bargaining unit as employees they supervise.

2. The same labor organization shall not represent both non-supervisory and supervisory employees.

3. For the purposes of this section, the term "supervisory employee" means anyone with supervisory status, managerial status, confidential status, or any other status that would be a conflict of interest with the purpose of sections 105.570 to 105.595.

105.575. 1. Any labor organization wishing to represent employees shall present to the board cards containing the signatures of at least thirty percent of the employees in the bargaining unit, indicating that they wish to select the labor organization in question as their exclusive bargaining representative for the purpose of collective bargaining. Voluntary recognition by any public body shall be prohibited. Recognition may only be obtained by a labor organization through an election before the board.

2. Upon receiving such cards, the board shall validate the signatures on the cards and confirm that at least thirty percent of the employees in the bargaining unit have signed the cards. If the board determines that at least thirty percent of the employees in the bargaining unit have signed valid cards, the board shall consult with the public body and the representative of the labor organization that has presented the cards, and together they shall select a mutually agreeable date for a secret ballot election to take place. The election shall be held at the public body's place of business and shall be set for a date falling no less than four weeks, and no more than eight weeks, after the day upon which the board determines the bargaining unit for election and has resolved any other bargaining unit issues.

3. Once an election date has been set, the public body shall issue a notice informing all eligible voters of the date, time, and place of the election. Such notice shall be distributed to all employees and shall be posted within the public body's place of business.

4. All employees shall have the right to freely express their opinions about whether the labor organization should be selected as the exclusive bargaining representative of the employees in the bargaining unit. However, no employee and no representative of the labor organization shall attempt to threaten, intimidate, coerce, or otherwise restrain any eligible voter in the free exercise of his or her individual choice to support or oppose the selection of the labor organization in question as the exclusive bargaining representative of the employees in the bargaining unit.

5. Elections shall be conducted by secret ballot, using such procedures as the board shall determine are appropriate for ensuring the privacy and security of each employee's vote. Once the poll is closed, the board shall oversee the counting of the ballots. One

30 representative of the public body's management team and one representative of the labor
31 organization shall have the right to be present during the counting of the ballots.

32 **6. The ballots shall read: "Do you wish to select (labor organization) as the**
33 **exclusive bargaining representative for (description of bargaining unit) employed within**
34 **(description of public body)?"**. The ballot shall include check boxes for marking "yes" or
35 "no" in response to this question.

36 **7. In the event that more than one labor organization seeks to represent employees**
37 **in the unit, and in the event both labor organizations have obtained signatures from at least**
38 **thirty percent of the employees in the unit stating that they wish to designate the labor**
39 **organization as their exclusive bargaining representative, then the ballot shall read: "Do**
40 **you wish to select (labor organization A), (labor organization B), or no labor organization**
41 **as the exclusive bargaining representative for (description of bargaining unit) employed**
42 **within the (description of public body)?"**. The ballot shall then include check boxes for
43 marking "I wish to select (labor organization A) as my exclusive bargaining
44 representative.", "I wish to select (labor organization B) as my exclusive bargaining
45 representative.", and "I do not wish to select any labor organization as my exclusive
46 bargaining representative."

47 **8. Any labor organization receiving the votes of more than fifty percent of all**
48 **employees in the bargaining unit shall be designated and recognized by the public body as**
49 **the exclusive bargaining representative for all employees in the bargaining unit.**

50 **9. Employees within the bargaining unit shall have the right to seek to decertify the**
51 **labor organization as their exclusive bargaining representative at any time. If any**
52 **employee within the bargaining unit presents to the board cards bearing the signatures of**
53 **at least thirty percent of the employees within the bargaining unit stating that those**
54 **employees no longer wish to be represented by the labor organization in question, the**
55 **board shall first validate the signatures on the cards.**

56 **10. If the board confirms that at least thirty percent of the employees in the**
57 **bargaining unit have signed decertification cards, the board shall consult with the public**
58 **body and the designated representative of the labor organization to select a date for a**
59 **decertification election. Such election shall take place at least four weeks, but no later than**
60 **six weeks, after the board receives the decertification cards. Notice of such election shall**
61 **be distributed to all employees within the bargaining unit and posted within the public**
62 **body's place of business.**

63 **11. If more than fifty percent of the employees in the bargaining unit cast votes to**
64 **terminate the labor organization's representation of the employees in the bargaining unit,**

65 the labor organization shall immediately cease to represent the employees in the bargaining
66 unit.

67 12. Labor organizations shall be recertified every two years. To meet the biennial
68 recertification requirement, continuation of the labor organization's status as the exclusive
69 representative shall be favored in a secret ballot election conducted by the board by more
70 than fifty percent of the employees in the bargaining unit. Employees shall vote by
71 telephone or online every two years during a two-week period beginning on the
72 anniversary of initial certification.

73 13. In the event of the decertification of the exclusive bargaining representative of
74 the employees in any bargaining unit or failure to recertify a labor organization, all terms
75 and conditions of employment existing at the time of decertification or failure to recertify
76 shall remain in place until such time as those terms or conditions of employment are
77 altered by the public body.

78 14. No more than one election shall take place in any bargaining unit within the
79 same twelve-month period. Once an election takes place, the board shall not accept cards
80 from labor organizations or employees within the bargaining unit seeking another election
81 for one full calendar year after the date of the election.

82 15. The board shall assess and collect a fee from each labor organization
83 participating in an election conducted under this section for the purpose of paying for such
84 election as follows:

85 (1) For a bargaining unit of one to one hundred members, a fee of two hundred
86 dollars;

87 (2) For a bargaining unit of one hundred one to two hundred fifty members, a fee
88 of three hundred fifty dollars;

89 (3) For a bargaining unit of two hundred fifty-one to five hundred members, a fee
90 of five hundred dollars;

91 (4) For a bargaining unit of five hundred one to one thousand members, a fee of
92 seven hundred fifty dollars;

93 (5) For a bargaining unit of one thousand one to three thousand members, a fee of
94 one thousand five hundred dollars;

95 (6) For a bargaining unit of more than three thousand members, a fee of two
96 thousand dollars.

105.580. 1. Within eight weeks after a labor organization is certified as the
2 exclusive bargaining representative for the employees in a bargaining unit as described in
3 section 105.575, representatives of the public body, designated by the public body, and
4 representatives of the labor organization, selected by the labor organization, shall meet and

5 begin bargaining for an agreement covering the wages, benefits, and other terms and
6 conditions of employment for the employees within the bargaining unit.

7 2. No labor organization may refuse to meet with designated representatives of any
8 public body or engage in conduct intended to cause the removal or replacement of any
9 designated representative by the public body.

10 3. The labor organization and the public body shall engage in bargaining with each
11 other's designated representatives, but neither side shall be required to offer any particular
12 concession or withdraw any particular proposal.

13 4. The public body shall not pay any labor organization representative or employee
14 for time spent participating in collective bargaining or preparing for collective bargaining
15 on behalf of a labor organization, except to the extent the person in question is an employee
16 of the public body and elects to use accrued paid time off, personally accrued by the
17 employee, to cover the time so spent.

18 5. Before any proposed agreement or memorandum of understanding is presented
19 to a public body, the labor organization, as a condition of its presentation, shall establish
20 that it has been ratified by a majority of its members. The public body may approve the
21 entire agreement or any part thereof. If the public body rejects any portion of the
22 agreement, the public body may return any rejected portion of the agreement to the parties
23 for further bargaining, adopt a replacement provision of its own design, or state that no
24 provision covering the topic in question shall be adopted. Any tentative agreement reached
25 between the parties' representatives shall not be binding on the public body or labor
26 organization.

27 6. A public body and a labor organization shall not be subject to binding mediation,
28 binding interest arbitration, or interest arbitration in the event the parties are unable to
29 reach an agreement.

30 7. After the first agreement between the public body and the labor organization is
31 adopted, bargaining for renewal agreements shall take place every two years. Such
32 bargaining shall be completed by July thirty-first of each renewal year. The parties may
33 elect to bargain non-economic terms for longer periods, but all economic provisions of the
34 agreement shall be adopted every two years.

35 8. The term of any labor agreement, provision of a labor agreement, or extension
36 of a labor agreement entered into after the effective date of sections 105.515 to 105.595
37 shall not exceed a period of two years. Any modification, extension, renewal, or any
38 change whatsoever to a labor agreement in effect as of the effective date of sections 105.515
39 to 105.595 shall be continued as a new labor agreement for purposes of this section.

105.583. 1. A meeting concerning a labor agreement between a public body or its agent and an exclusive bargaining representative or its agent shall be considered a public meeting, as that term is defined in section 610.010, and shall not be closed under section 610.021. The provisions of this subsection apply regardless of whether such meeting is conducted under sections 105.500 to 105.530.

2. Any document presented by a public body during a meeting concerning a labor agreement, or that the public body receives from an exclusive bargaining representative, shall be considered a public record, as that term is defined in section 610.010, and shall not be closed under section 610.021.

3. This section shall not apply to any part of a meeting during which a public body or its agent is planning or adopting the strategy or position to be taken during the course of a collective bargaining session.

105.585. Labor agreements negotiated between a public body and a labor organization may cover wages, benefits, and all other terms and conditions of employment for employees within the bargaining unit and shall be subject to the following limitations:

(1) Every labor agreement shall include a provision reserving to the public body the right to hire, promote, assign, direct, transfer, schedule, discipline, and discharge employees. Every labor agreement shall also include a provision reserving to management the right to make, amend, and rescind reasonable work rules and standard operating procedures;

(2) Every labor agreement shall expressly prohibit all strikes and picketing of any kind. A strike shall include any refusal to perform services, walkout, sick-out, sit-in, or any other form of interference with the operations of any public body. Every labor agreement shall include a provision acknowledging that any employee who engages in any strike or concerted refusal to work, or who pickets over any personnel matter, shall be subject to immediate termination of employment;

(3) Every labor agreement shall include a provision extending the duty of fair representation by the labor organization to employees in any bargaining unit;

(4) Every labor agreement shall expressly prohibit labor organization representatives and employees from accepting paid time, other than unused paid time off that was personally accrued by the employee, by a public body for the purposes of conducting labor organization-related business including, but not limited to, grievance handling, negotiations, meetings, meet and confer sessions, or any other labor organization-related activity;

23 **(5) Every labor agreement shall inform employees of their right to refrain from**
24 **engaging in and supporting labor organization activity as well as their right to oppose**
25 **labor organization activity; and**

26 **(6) Every labor agreement shall include a provision stating that in the event of a**
27 **budget shortfall, the public body shall have the right to require the modification of the**
28 **economic terms of any labor agreement. Every labor agreement shall also state that if the**
29 **public body deems it necessary to modify the economic terms of any labor agreement, the**
30 **public body shall so notify the relevant labor organization and shall provide a period of**
31 **thirty days during which the public body and the labor organization shall bargain over any**
32 **necessary adjustments to the economic terms of the agreement. The agreement shall state**
33 **that if, at the end of the thirty-day period, the parties have been unable to agree upon**
34 **modifications that meet the public body's requirements, the public body shall have the**
35 **right to make necessary adjustments on its own authority.**

105.590. The secretary or corresponding principal officer of each labor
2 **organization shall forward a complete copy of each agreement made by such labor**
3 **organization with any public body to any employee who requests such a copy and whose**
4 **rights as such employee are directly affected by such agreement.**

105.595. Whenever it shall appear that any labor organization or representative of
2 **any labor organization has violated or is about to violate any of the provisions of sections**
3 **105.515 to 105.590, the department, a public body, or any citizen of the state of Missouri**
4 **may bring a civil action for such relief, including injunctive relief, as may be appropriate.**
5 **Any such action may be brought in the county where the violation occurred or is about to**
6 **occur, and damages and attorney's fees shall be awarded for the enforcement of the**
7 **provisions of sections 105.515 to 105.590.**

 208.862. [~~Consumer rights and employment relations.~~]

2 1. Consumers shall retain the right to hire, fire, supervise, and train personal care
3 attendants.

4 2. Vendors shall continue to perform the functions provided in sections 208.900 to
5 208.930. In addition to having a philosophy that promotes the consumer's ability to live
6 independently in the most integrated setting or the maximum community inclusion of persons
7 with physical disabilities, as required by subsection 1 of section 208.918, vendors shall provide
8 to consumers advocacy, independent living skills training, peer counseling, and information and
9 referral services, as those terms are used in subsection 3 of section 178.656.

10 3. The council shall be a public body as that term is used in section 105.500, and
11 personal care attendants shall be employees of the council solely for purposes of section 105.500,
12 et seq.

13 4. The sole ~~[appropriate]~~ **bargaining** unit of personal care attendants, as that term is used
14 in subdivision (1) of section 105.500, shall be a statewide unit. Personal care attendants who are
15 related to or members of the family of the consumer to whom they provide services shall not for
16 that reason be excluded from the unit. The state board of mediation shall conduct an election,
17 by mail ballot, to determine whether an organization shall be designated the exclusive bargaining
18 representative as defined in ~~[subdivision (2) of]~~ section 105.500 for the statewide unit of personal
19 care attendants under section 105.525 upon a showing that ten percent of the personal care
20 attendants in said unit want to be represented by a representative. The Missouri office of
21 administration shall represent the council in any collective bargaining with a representative of
22 personal care attendants. Upon completion of bargaining, any agreements shall be reduced to
23 writing and presented to the council for adoption, modification or rejection in accordance with
24 section 105.520.

25 5. The state of Missouri and all vendors shall cooperate in the implementation of any
26 agreements reached by the council and any representative of personal care attendants, including
27 making any payroll deductions authorized by the agreements which can lawfully be made
28 pursuant to agreements entered into under sections 105.500 to 105.530 as currently construed
29 by the Missouri appellate courts.

30 6. Personal care attendants shall not have the right to strike and breach of this prohibition
31 will result in disqualification from participation in the consumer directed services program.

32 7. Personal care attendants shall not be considered employees of the state of Missouri
33 or any vendor for any purpose.

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