

FIRST REGULAR SESSION

SENATE BILL NO. 358

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WIELAND.

Read 1st time January 25, 2017, and ordered printed.

ADRIANE D. CROUSE, Secretary.

1293S.011

AN ACT

To repeal section 70.427, RSMo, and to enact in lieu thereof one new section relating to collective bargaining within the bi-state development agency.

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

Section A. Section 70.427, RSMo, is repealed and one new section enacted
2 in lieu thereof, to be known as section 70.427, to read as follows:

70.427. 1. Nothing in sections 70.378 and 70.441 shall be construed to
2 limit any collective bargaining agreement between the bi-state development
3 agency and its employees.

4 **2. Any bargaining unit within the bi-state development agency**
5 **may choose to be represented by any labor organization for purposes**
6 **of collective bargaining. No bargaining unit shall be required to be**
7 **represented by a labor organization for purposes of collective**
8 **bargaining. For purposes of this section, the term "bargaining unit"**
9 **shall mean any group of employees with a clear and identifiable**
10 **community of interest among the employees concerned.**

11 **3. The bi-state development agency shall settle labor disputes**
12 **involving representation by arbitration. If any labor dispute involving**
13 **representation arises in the operation of any public transportation**
14 **service operated by or for the bi-state development agency, the bi-state**
15 **development agency shall submit such dispute to arbitration by a board**
16 **composed of three members, one of whom shall be appointed by the bi-**
17 **state development agency and one of whom shall be appointed by the**
18 **bargaining unit. The third member, who shall serve as chair of the**
19 **board, shall be selected from a current listing of the membership of the**
20 **National Academy of Arbitrators by agreement of the parties or, in the**
21 **absence of such agreement, by obtaining a list of seven such members**

22 of the National Academy of Arbitrators from the American Arbitration
23 Association or from the Federal Mediation and Conciliation Service and
24 by alternately striking one name from the list so supplied until only
25 one name remains. The representative of the employees and a
26 representative of the bi-state development agency shall determine by
27 lot who shall first strike from the list.

28 4. Labor disputes involving questions concerning representation
29 are subject to the arbitration award, which shall be final and binding.
30 In determining any question of representation including, but not
31 limited to, whether a labor organization represents a majority of
32 employees, whether a proposed unit is an appropriate unit for
33 collective bargaining, or whether an election shall be held to determine
34 the question of representation, and otherwise in establishing rules and
35 regulations governing representation petitions and the conduct of
36 hearings and elections, the arbitration board shall be guided by
37 relevant federal law and administrative practice developed under
38 section 9 of the National Labor Relations Act, as amended, 29 U.S.C.
39 Section 159.

Bill

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