

MISSOURI ASSOCIATION OF RURAL EDUCATION

Bargaining: Where Are We Now?

March 8, 2008

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Overview

- What you really need to know
- Brief restatement of current law
- Trends
- Approach for now
- Potential legislation
- Strategic considerations
- Q & A



What you need to know

- Current status of Missouri bargaining law.
- Not likely to change this legislative session.
- Certain groups will seek judicial interpretation of bargaining rights.
- How to avoid being the defendant in such lawsuits.



4 Sources of Current Law

- Art. I, § 29
- *INEA et al v. Independence School Dist.*
- Public Sector Labor Law (RSMo §105.500 et seq.)
- State Regulations (8 CSR 40-2)



Art. I, § 29

In order to assert our rights, acknowledge our duties, and proclaim the principles on which government is founded, we declare:

§29 Organized labor and collective bargaining

That employees shall have the right to organize and to bargain collectively through representatives of their own choosing.



INEA et al v. Independence School Dist.

1. All public employees have a Constitutional right to “bargain collectively” (whatever that may mean in Missouri).
2. Once a District enters into an agreement with an employee association regarding terms or conditions of employment it may be legally binding.



Missouri's Public Sector Labor Law

- Older statute, new significance.
- Currently applies to only classified employees.
- Provides for certification of labor representatives and determination of appropriate bargaining units.



Trends

- Most rural districts, little pressure to move from status quo.
- In some metropolitan districts, teacher groups are pushing for voluntary recognition as exclusive bargaining representative for teachers.
- In a few districts, teacher groups are claiming we have previously entered “agreements”.
- In several districts, elections have been held.
- Big push to expand membership for teacher groups.
- Most Districts are awaiting legislation.
- Not much activity among classified employees.



Developing an Approach for now

- Maintain status quo unless:
 - Pressure from exclusive bargaining representative to act.
 - Substantial strategic advantage in taking action.
- Engage in a thorough assessment of District conditions.
- Decide how you will handle discussions for this year and next year.

Assessment

- Assess current representative and bargaining unit certification status
 - Have any bargaining units been certified?
 - Determine if any representatives have been voluntarily recognized
 - Is the Board willing to voluntarily recognize any new organizations?
- Identify any current “agreements” regarding terms or conditions of employment
- Identify any board policies relating to recognition of bargaining representatives
- Clearly identify past practices with respect to various employee groups



Discussions for this year and next year

- Consult “agreements”
- Refer to past practices
- Consult with representative leadership
- Ensure Board commitment to process
- Determine roles/ level of Board involvement
- Make sure that each category of employees has a means of communicating regarding working conditions
- Avoid formal agreements on working conditions



If you have an exclusive bargaining representative, then. . .

- Ensure your process for receiving proposals is provided to them in writing.
- Discuss your meet and confer procedure for this school year with exclusive bargaining representatives.
- **REMEMBER-** You must follow statutory meet and confer procedure for proposals regarding terms or conditions of employment.



Potential Issues for Legislation

- Exclusive v. proportional representation
- Impasse resolution
- Good faith requirements/prohibited practices
- Inclusion of teachers/separate statute for professional employees
- Identification of employees with right to bargain collectively
- Mandatory bargaining terms
- Arbitration clause for grievances
- Authorized length of agreement



Potential Legislation

- Introduced legislation
 - MSTA
 - MNEA
- Will the General Assembly act?



Competing Bills: MSTTA

- Sponsored by Rep. Kevin Wilson, Neosho
- No exclusive bargaining representative
- No requirement of binding arbitration at impasse
- Applies only to teachers
- **NOT LIKELY TO PASS SENATE!!!**



Competing Bills: MNEA

- Sponsored by Rep. Jenee' Lowe, KC
- Requires exclusive bargaining representatives
- Requires binding arbitration
- Uses Iowa law as a model
- Applies to all employees, not just teachers
- **WILL NOT PASS!!!**

Strategic Considerations

- Support favorable legislation.
- Be prepared for more pressure on Board.
- Avoid displacement of preferred teacher organizations.
- Develop a working model for discussions.
 - Possibility of a MARE/MSTA collaboration?
 - What would work best in your District.
- Ensure clear means of communication from each category of employees.

Q & A

