

MISSOURI'S PUBLIC SECTOR LABOR LAW OVERHAUL HITS A SNAG

A St. Louis County Circuit Court judge has enjoined H.B. 1413, one of the 77 bills that former Gov. Eric Greitens signed into law on his last day in office, June 1, 2018.

H.B. 1413 overhauled much of Missouri's public sector labor law, changing the process for selecting and retaining public sector union representation and restricting the scope and conduct of collective bargaining for all public employees, including public school teachers, with the exception of employees represented by "public safety labor organizations."

H.B. 1413 implemented many sweeping changes to non-public safety labor law in Missouri, including the following examples:

- Public entities can no longer voluntarily recognize a union as the exclusive bargaining representative for employees. Instead, such recognition must arise only from a state-administered election.
- Unions are subject to recertification requirements every three years.
- Labor agreements must reserve the public entity's rights (i) to hire, promote, assign, direct, transfer, discipline and discharge employees; (ii) to make, amend and rescind work rules and standard operating procedures; and (iii) to modify *unilaterally* "economic terms" when the public entity "deems it necessary" for "good cause."

The day before H.B. 1413 was set to take effect last year, several public sector unions filed suit in St. Louis County, seeking to enjoin the Missouri Department of Labor and Industrial Relations from enforcing the new law. After more than six months of litigation and motion practice, Judge Joseph Walsh entered a preliminary injunction barring enforcement of H.B. 1413 until final judgment is rendered or superseded by further court order. Judge Walsh found that plaintiffs are likely to succeed on the merits of the suit that challenges whether the law violates the Missouri Constitution.

An appeal of the circuit court's preliminary injunction is expected; however, in the meantime, public sector employers in Missouri should adhere to the collective bargaining rules that were in place leading up to the Aug. 28, 2018, effective date for H.B. 1413.

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