

Position Statement

Collective Bargaining

Missouri NEA believes in the plain language of the Missouri Constitution "That employees shall have the right to organize and to bargain collectively through representatives of their own choosing." We fought for and fully support the 2007 ruling of the Missouri Supreme Court that this section of the Constitution applies to public employees, including employees in our public schools.

Despite vigorous opposition by MNEA and other unions, the legislature passed HB 1413 in 2018. The bill applies to many public labor organizations, but exempts law enforcement, fire fighters, corrections officers and emergency medical personnel. The paycheck portion of the bill requires annual authorization for payroll deduction of payments for association dues and annual authorization of member contributions for political action. The bill contains many harmful provisions that will interfere with employee participation in unions and local control of public sector bargaining.

Legislative Responsibility

We believe that the state legislature is responsible for enacting statutes that will ensure the full and prompt implementation of this constitutional right for all public employees. We do not believe the failure of the legislature to carry out this responsibility or the enactment of legislation like HB 1413 that impairs this constitutional right or impedes the bargaining process in any way negates the right to collective bargaining. A constitutional right is not dependent on statute, but rather controls and limits what is statutorily acceptable.

Exclusive Representation

We believe that the right to "organize and bargain collectively through representatives of their own choosing" includes a number of fundamental elements, without which this right cannot be meaningfully exercised. One of these elements is the right to "representatives of their own choosing." Employees have a constitutional right to democratically select their own bargaining representative.

In keeping with this principle of exclusive representation, the MNEA Board of Directors resolved unanimously on April 21, 2007, that "MNEA support the concept of exclusive bargaining representation in all locals." All MNEA locals should set as their

goal to engage in true collective bargaining and arrive at a real collective bargaining agreement. It should be the goal of every MNEA local to be democratically chosen as the exclusive bargaining representative for bargaining units that include MNEA members. MNEA is committed to working with every local to realize this goal.

Customized Local Strategic Plans

Recognizing that each MNEA local has different needs and does its work under different circumstances, MNEA is prepared to assist each local in identifying needs and available resources and in developing a strategic plan for achieving the goal of exclusive representative status. This process includes MNEA and the local developing a written agreement that specifies the commitments and resources each will contribute to this shared effort. The first and indispensable element of such an agreement will be a clear and formal decision by the local that it is committed to the goal of exclusivity. MNEA will allocate collective bargaining resources to assist locals entering into such agreements.

A Tool to Achieve Local Control of Local Schools

The Missouri Supreme Court ruled unanimously that formal agreements entered into through the collective bargaining process are legally binding contracts. We believe that the locally negotiated collective bargaining agreement is a basic and indispensable tool for local

control of local schools. A negotiated agreement between local school districts and the education experts who are the employees of those districts is a critical element in providing a great public school for every student. We believe that it should be the goal of every MNEA local, acting as exclusive bargaining representative, to arrive at such an agreement. HB 1413 restricts the approval process and purports to allow governance to unilaterally change a legal, bargained agreement. Such a process is inconsistent with the court's finding that bargained agreements are legally binding on both parties.

Bargaining in Good Faith

For the collective bargaining process to succeed as an instrument for creating great public schools, it must proceed in an atmosphere of cooperation, collaboration and mutual respect. This atmosphere requires a bond of trust between the parties. We believe that a firm, formal and legally accountable commitment to bargaining in good faith is an essential element of true collective bargaining. We believe that there can be no meaningful implementation of the right to bargain without a formal expectation that bargaining will take place in good faith.

A Non-Disruptive Resolution Process

We believe that the ultimate goal of collective bargaining, as with all of MNEA's efforts, is a great public school for every student. Disruption of school routine and

the educational process can be a barrier to the attainment of this goal. Therefore, we believe that a sound collective bargaining process must include a formalized, non-disruptive[,] process for the resolution of impasse during the bargaining process and for the resolution of disputes over the maintenance and implementation of the collective bargaining agreement. Although MNEA stands ready to uphold and protect the legal and constitutional rights of our members and all public education employees through every means available to us, up to and including legal actions such as those that resulted in the May 2007 Supreme Court decision, we believe that the creation of non-disruptive, alternative dispute and impasse resolution processes are clearly in the best interest of Missouri's public school students and the employees that serve them. HB 1413 contains language that bans any agreement to formalized, non-disruptive processes for impasse resolution.

In summary, MNEA believes that:

1. Public employees have the constitutional right to bargain collectively, as affirmed by the Missouri Supreme Court.
2. This right supersedes statute, or the absence of a statute.
3. It is the responsibility of employers to recognize and participate in implementing this right in a manner that reflects all of the inherent elements of real collective bargaining.

4. The right to collective bargaining necessarily includes the right of employees to elect democratically an exclusive bargaining representative.

5. All MNEA locals should establish a goal of becoming an exclusive bargaining representative in their districts or institutions.

6. The goal of all collective bargaining should be the creation of a legally binding and enforceable collective bargaining agreement.

7. Implementation of the right to bargain collectively inherently includes a formal, enforceable requirement that the parties bargain in good faith.

8. The goal of collective bargaining in our public schools is the creation of a great public school for every student.

9. This goal is best attained when the collective bargaining process includes a formal, non-disruptive process for the resolution of impasse and disputes.

10. Legislation containing provisions that interfere with employee participation in unions, local control of public sector bargaining and proper implementation of public employees' constitutional collective bargaining rights should be repealed or overturned by a court of law.

*Approved by the MNEA Representative
Assembly 11-17-18*