
KIRKSVILLE CITY COUNCIL REPORT

Council Meeting Date: March 18, 2013

Agenda Item: 1

Report Prepared by: Pat Meredith, Human Resource Director

Recommended Motion: To approve an Ordinance amending Chapter 2 of the City Code by establishing a Collective Bargaining System.

Background: 1945 Missouri Constitution, Article 1, Section 29, declares: In order to assert our rights, acknowledge our duties, and proclaim the principles on which our government is founded, we declare: . . . [t]hat employees shall have the right to organize and to bargain collectively through representatives of their own choosing.

1947 Missouri Supreme Court rules in City of Springfield vs. Clouse that collective bargaining constitutional guarantee does not include public employees.

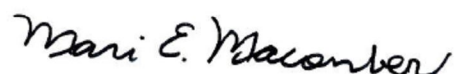
1965 Public Employee Labor Law gives certain public employees the right to “meet and confer” with employers to discuss salaries and other conditions of employment.

1982 Missouri Supreme Court rules in Sumpter vs. City of Moberly that any agreement reached through the Public Sector Labor Law meet-and-confer process is not binding upon the public employer and, therefore, the employer may unilaterally rescind the agreement at any time.

Public Employee Labor Law gives certain public employees the right to “meet and confer” with employers to discuss salaries and other conditions of employment. 2007 In Independence NEA vs. Independence School District, Missouri Supreme Court overrules in Sumpter vs. City of Moberly and City of Springfield vs. Clouse -- giving all public employees, including teachers, the right to bargain collectively and reach binding agreements. 2012 The Missouri Supreme Court issued rulings stipulating that local governments and school districts cannot refuse to negotiate with such entities, and must do so in "good faith." Recent Missouri Supreme Court decisions have changed the course of public labor bargaining in Missouri without clear guidance from law makers. The proposed Ordinance establishes a system which we can use to recognize future groups, if necessary.

Fiscal Impact: None

Respectfully submitted,



Mari E. Macomber
City Manager