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MEL CARNAHAN
GOVERNOR

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MEMORANDUM

TO: All Department Directors

FROM: Mel Carnahan 
Governor

DATE: April 7, 1998

SUBJECT: Policies Relating to Unions Representing State Employees

This administration remains very committed to the well being of employees of the State of Missouri and in continuing and improving good relations with the unions that represent them. The purpose of this policy statement is to provide guidance to the departments and agencies of state government relating to relationships between state management and these employee unions. It incorporates and updates the previous labor relations policy letters and adds new provisions to these policies.

Pending and future agreements between state departments and agencies and certified bargaining representatives will include provisions established according to the following policies:

1. State departments and agencies and certified bargaining representatives are expected to act in "good faith" when they meet-and-confer with each other. This requires both parties to:
 - a) approach meet-and-confer with a sincere resolve to reach an agreement. The obligation to meet-and-confer in good faith does not compel either party to agree to a proposal or make a concession;
 - b) meet at reasonable times and places, to exchange information and to reduce to writing any item that is agreed to by both parties;
 - c) be represented by appointed or authorized representatives. The parties shall not attempt to meet-and-confer directly with anyone who has not been appointed by the State or the Union; and
 - d) adhere, during the meet-and-confer process, to the rules of this process which have been established and agreed to.

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2. In order to continue good labor relations practices, state departments and agencies and certified bargaining representatives are expected to continue to agree to the following practices:
 - a) neither side will interfere with, restrain, coerce or harass state employees in the exercise of their rights to join or not join their certified labor union;
 - b) neither party will dominate or interfere in the administration of the other side;
 - c) neither party will discriminate against a state employee because of membership or lack of membership in a certified labor union; and
 - d) either party may express any view, agreement, or opinion of any issue that affects them, if such expression contains no threat of reprisal or promise of benefits.
3. State departments and agencies will continue to recognize bargaining units certified by the Missouri State Board of Mediation and will continue to work with the current eleven bargaining units.
4. The wages and benefits of state employees are very important to the effectiveness of state government. For state employees and their unions to have a voice in the compensation package, the following actions will be taken and continued:
 - a) state employees, including union members, have been appointed to create the Ad Hoc Task Force on Total Compensation, which has been charged with the development of a total compensation package;
 - b) a special advisory committee to the Ad Hoc Task Force on Total Compensation has been established, made up exclusively of individuals named by the state labor unions;
 - c) a member of one of the state labor unions has been appointed to the Personnel Advisory Board in order to have direct employee/union input to the compensation package and other policy decisions;
 - d) the Division of Personnel, Office of Administration, will hold annual pay plan meeting with the state labor unions and the Personnel Advisory Board will hold open pay plan hearings which allows the public, the employees and the labor unions a voice in the pay plans established for the Uniform Classification and Pay System; and
 - e) the Governor's budget officials will confer with state labor union representatives on compensation issues prior to the Governor's final budget decisions.
5. A department or division which has employees who are represented by a union will notify that union of proposed policy changes that affect the conditions of employment of those employees

represented, in advance of the proposed effective date of the policy change, to allow the union an effective voice on these matters.

6. The department or division grievance procedures will be a part of all new resolutions. Departments and agencies should seek ways to improve the grievance process with regard to fair treatment and objectivity, such as "peer review" processes. These improvements should be worked out with the union during meet-and-confer. Appeals to the Personnel Advisory Board, as provided by statute, shall continue, but the parties may agree to a pre-Personnel Advisory Board grievance procedure.
7. At employee grievance hearings, an employee may have a union official or another state employee of his or her choice to assist, to advise, or to represent the employee in the grievance proceedings, provided that the arrangements for such assistance or representation do not delay the proceedings. At employee grievance hearings at the division and department director levels, union employees may have the union business representative assist, advise, or represent them. The details will continue to be worked out by the agency and the union during meet-and-confer sessions.
8. An employee may have a union official or another state employee of his or her choice to assist, to advise, or to represent the employee upon request if the employee is questioned by an agency representative about a matter that the employee reasonably believes may lead to demotion, suspension or dismissal of the employee. However, in no event may an employee withhold information from his superiors or co-workers which affects or could affect ongoing operations of state government or any program thereof. When a letter of demotion, suspension, or dismissal is proposed, the employee shall be notified of the charge, and before the action is effective, or the hearing held, whichever is to occur first, the employee and his or her representative shall be entitled to a specification of the charges or complaint, and any documentation supporting the charges or complaint.
9. The certified bargaining representative, will have access to state buildings where there are employees whom they represent. In general, there will be no limitation on hours or locations, except in facilities with patient care or confinement of inmates. This policy of access to state buildings shall not interfere with the work of the state. During the meet-and-confer process, the parties may negotiate details as to the manner of access and the nature of activities to be conducted; alternative access to state employees where access to buildings is restricted because of security concerns, as in facilities for patients and inmates; and such other accommodations or limitations as may be desired by the parties.
10. The unions will be permitted to have a welcoming letter to all new bargaining unit employees in the agency's employee orientation packet. During formal orientation sessions, a union representative can address employees for approximately 15 minutes. The unions will also be allowed in buildings where formal orientation sessions are being conducted in order that the bargaining unit employees may stop by and talk to union representatives after orientation. The union will be notified of orientation programs at least seven days in advance. Thereafter, the union shall give three days notice that it wishes to have a representative deliver a 15 minute presentation at the time of orientation training. This shall not interfere with the work of the

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state. Because there are over 5,000 state work sites, details will be worked out by the agency and the union during meet-and-confer sessions.

11. Employees who are union officials will be allowed to be off work, without pay, to conduct union business for such periods of time as are agreed to by the union and the state agency. In negotiating the amount of time off, and the number of union officials involved, the parties shall balance the legitimate needs of the state agency and of the union to conduct their respective activities.
12. A union security and maintenance of membership clause will be put into all new agreements, when it is requested by the state labor unions. This will cover a set period of membership for those employees who choose to join the labor union. The details will be worked out by the agency and the union during meet-and-confer sessions.
13. There has been general agreement that joint management and union resolution training would be beneficial for common understanding of the terms of the resolution. In this way, both management personnel and union stewards hear the same message from both management representatives and union business representatives. The details will be worked out by the agency and the union during meet-and-confer sessions.
14. The unions representing certified bargaining units in state government have requested home addresses for all employees in these units (non-members as well as union members), so they can better communicate with those employees. The Office of Administration has agreed to do this based on the status of these organizations under the law and their agreements with departments to represent employees through the meet-and-confer process. The unions will continue to be provided a quarterly list of these employees in their certified units, which includes employee job classification titles, department names and home or business addresses. These lists are confidential and are only for the use of unions conducting business with state employees. Other organizations will not have access to home addresses if the employee has notified the Office of Administration to have their office address released instead of their home address.

The Division of Personnel will be scheduling a meeting with your department's personnel and labor relations staff to answer questions concerning this policy statement. In the meantime, you may contact Commissioner Dick Hanson or Personnel Director Lee Capps with your concerns.

MC/DH/jm

c: Governor's Office Liaisons
Union Representatives
Personnel Advisory Board
Division Directors of Agencies with Union Agreements
Personnel Officers
Labor Relations Staff