



EVERGREEN CLAUSE

An evergreen clause is a provision in a collective bargaining agreement specifying that the contract's provisions will remain in effect until both parties agree to a new contract.

This clause makes it impossible to readjust the policies contained in a labor agreement unless both sides agree to the changes.

With an evergreen clause government ties its own hands, and the voters cannot change how their government operates by voting in new leaders.

COLLECTIVE BARGAINING TRANSPARENCY

Government agencies often treat collective bargaining sessions as exempt from Missouri's Open Records and Meetings (Sunshine) Law. As a result, government officials and unions often make deals in closed-door sessions. These deals are government policies that affect citizens and taxpayers in a real way.



FINANCIAL TRANSPARENCY

Government union spending is hidden while traditional unions disclose financial information in annual filings. As a result, government union members often do not know how their dues are being spent.

Common sense indicates that government unions should be at least as transparent as private-sector unions.



MISSOURI FAST FACTS



A Snapshot of Missouri Government Labor Relations

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FAQ:

Why are teachers' unions and police unions exempt from the state statute regulating government employee unions?

In the early 20th century, government unions were viewed as constitutionally suspect. When the Public Sector Labor Law was passed, government unions were just beginning to gain acceptance. However, Missourians believed law enforcement and education services were too crucial to be subject to collective bargaining. Hence, teachers and police are not included.

In 2007, the Missouri Supreme Court, however, held that teachers associations and police associations have the legal ability to collectively bargain in *Independence NEA v. Independence School District*.

What's the difference between a government union and a private-sector union?

While traditional private-sector unions represent the employees of a business, government unions represent people employed by government, such as teachers, police, and firefighters. For this reason, government unions often face a different set of incentives, institutional dynamics, and legal constraints than private-sector unions.

What is an exclusive representative?

An exclusive representative is a union with the privilege of being the only representative of a class of employees. Employees with an exclusive representative may not select another association to represent them in the collective bargaining process, nor may they opt to represent themselves. When government unions elect an exclusive representative, the representative is "certified," and when it is removed from power it is "decertified." In Missouri, government union elections are one and done, meaning no further elections are scheduled.

Exclusive representation is not the only way to collectively bargain in Missouri.

Are union negotiations subject to Missouri's Open Meetings and Records (Sunshine) Law?

Missouri's Sunshine Law is often interpreted as exempting collective bargaining sessions from its provisions. As a result, state and local governments usually meet and bargain with unions behind closed doors.

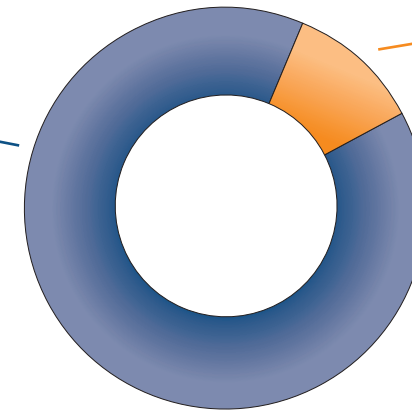
What is collective bargaining?

Collective bargaining is commonly understood as the process where a union negotiates the conditions of employment on behalf of the employees it represents. These negotiated employment policies are set forth in a labor agreement.

BOARD OF MEDIATION ELECTIONS

89%

Certification elections

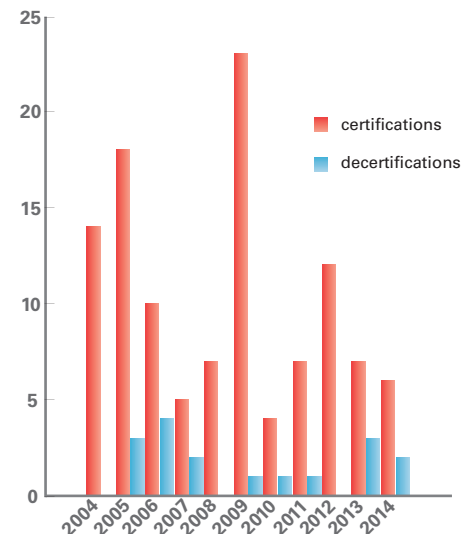


11%

Decertification elections

Source: State Board of Mediation, Missouri Department of Labor and Industrial Relations. All Board run elections from 2004-2014.

Successful Certification vs. Decertification Elections



Note that the number of public employees subject to an election vary widely. Some elections cover only a handful of employees, others cover thousands. Eighty-seven percent of certification elections were successful; 78 percent of decertification elections were successful.

Source: State Board of Mediation, Missouri Department of Labor and Industrial Relations. All Board run elections from 2004-2014.