

MO
GOV
10:01-09/
2000 mem

MISSOURI STATE LIBRARY

OCT 21 2002

DOCUMENTS DIVISION




OFFICE OF THE GOVERNOR

STATE OF MISSOURI
JEFFERSON CITY
(573) 751-3222

MEL CARNAHAN
GOVERNOR

ROOM 216
STATE CAPITOL
65101

TO: All Department Directors

FROM: Mel Carnahan 
Governor

DATE: June 19, 2000

SUBJECT: Addendum to Memorandum on Policies Relating to Unions Representing State Employees issued on April 7, 1998.

The purpose of this Memorandum is to amend and supplement the Memorandum issued on April 7, 1998, on this same subject. This administration continues to be 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 memorandum is to continue to build on the policies established in that memorandum and to continue the progress in the enhancement of the relationship between state management and employee unions.

This administration established the Commission on Management and Productivity and believes that further enhancement of the relationship between state management and employee unions will also enhance the progress made pursuant to COMAP.

The Commission on Management and Productivity was created to enhance the ability of government to serve its citizens. Within that commission, several task forces were developed. One of those was the Workforce Task Force. The mission statement of the workforce task force was to:

Develop strategies to recruit, motivate, train, utilize, and retain state personnel to promote a high performance workforce, with emphasis on compensation, benefit, and recognition strategies.

Missouri law also provides:

Employees, except police, deputy sheriffs, Missouri state highway patrolmen, Missouri National Guard, all teachers of all Missouri schools, colleges and universities, of any public body shall have the right to form and join labor organizations and to present proposals to any public body relative to

salaries and other conditions of employment through the representative of their own choosing.

Consistent with Missouri law and the mission of COMAP and in the interest of enhancing communication and consistency in the implementation of the policies established in my April 7, 1998, Memorandum, the following amendments shall be added and incorporated into the April 7, 1998, Memorandum.

Paragraphs 1-14 shall be renumbered 2-15 and a new paragraph 1 shall be included as follows:

Paragraph 1. In order to enhance communication between management and the bargaining units and pursuant to §105.520. I hereby create the position of "Chief Negotiator" and designate the Chief Negotiator as the designated representative of the State of Missouri who shall meet, confer and discuss such proposals relative to salaries and other conditions of employment of the employees of the public body with the labor organization which is the exclusive bargaining representative of its employees in an appropriate unit. Upon the completion of discussions relative to salaries and benefits, the results shall be reduced to writing and be presented to the Director of the Office of Budget and Planning. If the Director does not adopt the recommendations of the Chief Negotiator, the Chief Negotiator shall have the right to appeal such recommendations to the Governor. Upon the completion of discussions relative to other conditions of employment, the results shall be reduced to writing and be presented to the appropriate administrative, legislative or other governing body in the form of an ordinance, resolution, bill, memorandum of understanding or other form required for adoption, modification or rejection of such plan.

- (a) The Commissioner of the Office of Administration, with my approval shall designate an official within that office to serve as Chief Negotiator on behalf of all state departments, agencies and commissions in meeting with the certified bargaining representatives of a state employee unit selected pursuant to §105.520 RSMo.
- (b) The Chief Negotiator shall have responsibility for negotiating and meeting with the certified representative of a state employee bargaining unit when negotiating terms of a Memorandum of Understanding. Upon the request of either the certified representative of the bargaining unit or the Department Director or the Director's designee, the Chief Negotiator shall supervise any meeting related to issues raised by either party. The Chief Negotiator shall pursue a uniform position for the State in its dealings with certified representatives of all bargaining units and, where appropriate, shall seek uniform statewide standards in any memorandums of understanding reached with such representatives.
- (c) The Chief Negotiator shall not only be the designated representative of the executive branch pursuant to §105.520 RSMo. in all communications with the certified representatives of all bargaining units on issues related to

wages and benefits, but will also be the designated representative of the executive branch in all communications with the certified representatives of all bargaining units in all meet and confer conferences related to any memorandums of understanding entered into between bargaining units and state departments, boards or commissions.

- (d) The Chief Negotiator shall continue to confer with state departments, agencies and commissions regarding new terms and conditions of Memorandums of Understanding and shall ensure the implementation of terms agreed upon with certified representatives, when appropriate.
- (e) The Chief Negotiator shall consider the use of mediation to resolve disputes with certified representatives that otherwise do not appear amenable to resolution. The Chief Negotiator shall report to the Commissioner of the Office of Administration and the Governor as to the types of disputes that appear amenable to resolution by mediation. Nothing in this section shall be construed to conflict with the rights and limitations defined in Sections 105.510 and 105.520 RSMo.

Paragraph 2 of the April 7, 1998, Memorandum shall be amended to add the following subsection:

- (e) Any violation of the rights set forth in subsections (a) through (d) of this paragraph can be raised immediately with the Chief Negotiator.

Paragraph 3 of the April 7, 1998, Memorandum shall be amended to read as follows:

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. However, I have notified the Chair of the State Board of Mediation (see attachment) that I, together with the authorized representatives of those unions representing state employees, request the State Board of Mediation to realign the eleven statewide bargaining units as follows:

- (a) Craft, service, maintenance, and labor occupations, excluding employees in the Department of Social Services and those employees primarily engaged in the maintenance, construction, repair, and operation of state road transportation systems and the materials used therein;
- (b) Craft, service, maintenance, and labor occupations primarily engaged in the maintenance, construction, repair, and operation of state road transportation systems and the materials used therein;

- (c) Protective service occupations, including corrections officers, institutional security personnel, building security guards and similar occupations excluding employees in the Department of Social Services;
- (d) Patient care professional occupations including doctors, nurses, therapists and other professionals providing direct care, excluding employees in the Department of Social Services;
- (e) Patient care non-professional occupations including technologists, licensed practical nurses, and other non-professional health care and office occupations at health care facilities, institutions, and clinics;
- (f) Employees in the Department of Social Services;
- (g) Probation, parole, employment, and other caseworker occupations, excluding employees in the Department of Social Services;
- (h) Clerical and office occupations engaged in clerical or secretarial work including non-technical data recording and retrieval and general office work, excluding clerical personnel in the Department of Social Services and at health care facilities, institutions, and clinics;
- (i) Technical and administrative occupations engaged in work that is not primarily manual and which requires specialized knowledge or skills excluding employees in the Department of Social Services;
- (j) General professional occupations meeting the definition of "professional employee," excluding employees in the Department of Social Services and patient care professionals and instructional staff at state colleges and universities; and
- (k) Examining, inspecting, and licensing occupations, excluding employees in the Department of Social Services.

The eleven statewide bargaining units shall *not* include the following:

Police, deputy sheriffs, Missouri state highway patrolmen, Missouri National Guard, all teachers of all Missouri schools, colleges and universities.

State departments, agencies and commissions will continue to recognize bargaining units certified by the State Board of Mediation and will continue to work with the representative of a currently certified unit until such time as that

unit is replaced or absorbed into a unit conforming to the criteria set forth in Section 3 (a-k) and an exclusive representative has been selected for the newly-established unit.

Paragraph 4 of the April 7, 1998, Memorandum shall be amended to read as follows:

- (e) The Chief Negotiator will confer with the state labor union representatives on compensation issues prior to the Governor's final budget decisions and will confer with the Director of Budget and Planning prior to the Director of Budget and Planning submitting his budget recommendations to the Governor as the Director meets with any of the Department Directors prior to making the final budget recommendations to the Governor.

Paragraph 5 of the April 7, 1998, Memorandum shall be amended to add the following provision:

A department, agency or commission which has employees who are represented by a certified bargaining representative will notify that representative and the Chief Negotiator of proposed changes that affect the conditions of employment of the covered employees at least thirty (30) days prior to the proposed effective date of the policy change. Upon request of the certified bargaining representative, the Department Director, or the Department Director's Designee, shall meet with the Chief Negotiator and the certified bargaining representative to discuss the changes in the conditions of employment prior to implementation of the change. Conditions of employment include, but are not limited to work schedules, reductions in force, transfers, privatization and reorganization. Conditions of employment do not apply to those related solely to an individual whose concern can be addressed in the normal grievance process. This paragraph shall not apply during a state of emergency or when there is an immediate threat to public health, safety or welfare.

Paragraph 9 of the April 7, 1998, Memorandum shall be amended to add the following provision:

In situations where there is no certified bargaining representative, an organization seeking to become a certified bargaining representative will have access to non-work areas of state buildings where they may meet with employees on non-work time.

Paragraph 12 of the April 7, 1998, Memorandum shall be amended to add the following provision:

A maintenance of membership clause defining the rights and/or duration of membership in a certified bargaining representative will be put in all new

agreements when it is requested by a certified bargaining representative. This will cover a set period of membership for those employees who voluntarily choose to join the organization.

The changes to the April 7, 1998, policy directive shall take place immediately.

MC:JB:bm