

Civil Service Rule XVIII: Labor Relations

Section 1. Definitions:

The following definitions are applicable herein:

(a) "Appropriate unit" means a unit of employees at any plant or installation or in a craft or in a function of the City which establishes a clear and identifiable community of interest among the employees concerned.

(b) "City" means the City of St. Louis.

(c) "Confidential Employee" means any employee whose unrestricted access to confidential personnel files or information concerning the administrative operations of the City, or whose functional responsibilities or knowledge in connection with the issues involved in the process of dealing with labor organizations or unions, would make his/her membership in the same organization as non-confidential employees incompatible with his/her official duties.

(d) "Designated representative" means the Director of Personnel or his designated representative relative to the provisions of Article XVIII of the City Charter.

(e) "Employee" means any person in the classified service who occupies a full or part-time permanent position, except a person occupying a management, supervisory, confidential or excepted position.

(f) "Excepted position" means:

1. all positions filled by election by the people;
2. all positions or heads of principal departments and of independent agencies, that are filled by appointment by the Mayor;
3. one position of executive secretary and one position of secretary and stenographer to the Mayor;
4. all positions of paid members of boards;
5. all officers and employees of the Board of Aldermen.

(g) "Exclusive bargaining representative" means an organization which has been selected by the majority of employees in an appropriate unit as the representative of such employees in such unit for purposes of collective bargaining, and so designated by the Missouri State Board of Mediation.

(h) "Manager" means an employee whose class has been assigned to a pay grade in the Management Pay Schedule as designated by the suffix "M" in the class's grade allocation and the classes of Fire Alarm Supervisor, Battalion Fire Chief and above in the Fire Department Pay Schedule, designated by the suffix "F" in the class's grade allocation.

(i) "Supervisor" means an individual having authority in the interest of the employer to hire, or fire, or transfer, or suspend, or layoff, or recall, or promote, or discharge, or assign, or reward, or discipline, or evaluate other employees, or to adjust grievances, or effectively to recommend any of the foregoing, if, in connection with the foregoing, the exercise of such authority is not of a merely routine or clerical nature but rather requires the use of independent judgment. Whether the employee does or does not also perform (in whatever proportion of his/her work time) work duties of a nature similar to that of other bargaining unit employees shall not be considered relevant in determining whether or not he/she is a supervisor as defined herein.

Section 2. Rights of the City as the Employer:

Nothing in this rule is intended to circumscribe or modify the existing right of the City to:

- (a) direct the work of its employees;
- (b) hire, promote, assign, transfer, and retain in positions within the City Service;
- (c) demote, suspend, reduce in pay or discharge employees for proper cause;
- (d) determine the classification of all City employees;
- (e) maintain the efficiency of governmental operations;
- (f) lay off employees due to lack of work, failure of financial appropriation or other causes which do not reflect discredit on the employee;
- (g) take actions as may be necessary to carry out the mission of the City in emergencies; and

(h) determine the methods, means, and personnel by which operations are to be carried on.

Section 3. City Employee Rights:

City employees, except managers, supervisors, confidential and excepted employees, shall have the right to form, join and participate in the activities of employee organizations of their own choosing for the purpose of meeting and conferring with the designated representative of the City with respect to wages, hours, and other terms and conditions of employment as provided in Article XVIII of the City Charter and these rules. City employees also shall have the right to refuse to join or participate in the activities of employee organizations.

Section 4. Manager, Supervisor, Confidential Employee, and Excepted Position Excluded:

No manager, supervisor, confidential employee, nor person occupying an excepted position shall be permitted to join or maintain membership, or engage in activities of any employee organization or union which admits to membership, or is affiliated directly or indirectly with an employee organization or union which admits to membership, employees who work under the direction of such manager, supervisor, or confidential employee or person occupying an excepted position.

Nothing in this section, however, shall prevent a manager, supervisor, confidential employee, or person occupying an excepted position, from making a contribution to a union for the purpose of maintaining continuity of economic benefits obtained while a member of a union prior to enactment of this Rule or prior to occupying a position as manager, supervisor, confidential employee, or excepted position, provided such contribution does not also confer benefit of membership of said union.

Section 5. Dues Checkoff:

Union or Employee Organization

A union or employee organization shall be entitled to bi-weekly payroll deduction provided it meets the following criteria:

(a) It is designated exclusive bargaining agent for a group of City employees by the Missouri State Board of Mediation.

(b) Payroll deduction is authorized only for those employees within the bargaining group for which the union or employee organization is designated exclusive agent by the Missouri State Board of Mediation.

(c) The union or employee organization has executed a memorandum of understanding with the City which includes the provision of dues checkoff. Such agreement must be approved by both the relevant appointing authorities and the Director of Personnel.

(d) The union agrees to pay a fee as determined by proper authority prior to start of payroll deduction.

Those unions and employee organizations presently provided dues checkoff privileges shall continue to enjoy them, the previous provisions notwithstanding. This exemption does not apply to employees whose class has been assigned to a management pay grade as designated by the suffix "M" in the grade code, grades 74F and above, supervisory, confidential or excepted employees. Employees in these categories cannot have dues deductions. A service fee on dues will be made by the City to unions or employee organizations with dues checkoff privileges as provided by the Comptroller.

Section 6. Strikes Prohibited:

Nothing contained herein shall be construed as granting a right to employees covered hereby to strike or to take any other job action.

Adopted - Effective May 1, 1986