



State of Missouri  
**OFFICE OF ADMINISTRATION**

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**Michael N. Keathley**  
Commissioner

**Matt Blunt**  
Governor

December 4, 2007

Tom Newport  
District Organizing Coordinator  
Communication Workers of America, AFL-CIO  
10733 Sunset Office Drive, Suite 201  
Sunset Hills, MO 63127

Dear Tom,

In your letter dated November 27, 2007 you stated that you cannot in good conscience waive the right of your members to collectively bargain and enforce agreements reached through collective bargaining under the Missouri Constitution. In no circumstance has the State requested that you do either. Rather the State has offered solutions that represent the interests of both parties and would allow disputes to be resolved in an efficient manner. To that end, as the State's representatives, our committee cannot in good conscience enter into a contractual obligation that imposes new costs or administrative burdens on the State and does not serve the best interests of Missouri State Government.

In recognizing the rights of your members to collectively bargain, representatives of the State have spent a significant amount of time meeting and discussing your proposals with you and a committee of six of your members at an accumulated cost of nearly \$5000 in administrative leave time. Regrettably, however, you failed to recognize the concerns of the State and insisted upon an agreement that does not offer the much needed protections we have requested.

On Friday, November 30, the State submitted a proposal to you that would have expanded upon the current grievance process for the Department of Social Services by adding a final review of employee grievances regarding the interpretation, application or meaning of the Agreement. You rejected this on the basis that you would not agree to any proposal that did not include a review outside of the Department of Social Services.

After significant effort on the State's part a new proposal was offered to you which allowed for a final review by the Commissioner of Administration pertaining to the most significant issues within the agreement. This represents a significant deviation from the Department's current precedent and would provide the employees of your bargaining unit access to an additional review process that they do not have now. The intent of this proposal was to address the concerns of the union that would allow employees to have a review of their grievances outside the Department, while recognizing the state's obligation to fiscal responsibility.

**RECEIVED**

DEC 5 - 2007

CWA DIST. 6  
NORTHERN AREA OFFICE

In response to this significant attempt to reach a compromise you submitted a new proposal in which you agreed to remove your previously proposed language that would have mandated a new grievance and arbitration procedure and to follow the Department's current grievance procedure with a final review by the Commissioner. However, your proposal expanded upon the State's by opening the review process to the entire scope of the agreement and establishing this as a formal hearing process. Your proposal is unacceptable to the State in that it would require the Office of Administration to commit resources to a new process for which neither the statutory or appropriation authority exists.

On Sunday, December, 2, you submitted a new and unsolicited proposal to the State in which you returned to the previous grievance and arbitration procedure that you had already agreed to remove. In this proposal you adopted the Personnel Advisory Board (PAB) as the arbitrator. This proposal is also unacceptable to the State in that we have already agreed upon the removal of your proposed grievance and arbitration procedure and further the PAB lacks jurisdiction as well as statutory and appropriation authority to hear these matters.

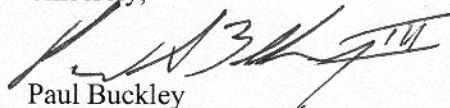
It has become clear that the union is unwilling to accept any proposal from the State that protects both our legal and fiscal liabilities. To that end, the enclosed proposal represents the State's best and final offer.

The previous agreement between the State and the union originally expired on September 30, 2007. The State has twice extended this expiration to October, 31 and November 30, respectively. November 30 has passed and an agreement upon the terms for a replacement agreement has not been reached. Therefore there is no agreement currently in affect for CWA bargaining unit in the Department of Social Services. As you have been informed on several occasions, the absence of an executed agreement between the State and the Union eliminates the legal authority of the Office of Administration to deduct dues from employee pay checks as well as all other provisions of the agreement not otherwise covered by law, regulation or policy.

Please notify me, in writing, of your intent to accept or reject the State's final offer by Friday December 7, 2007. If accepted, the State will continue to operate under the terms of the previous agreement until this tentative agreement is ratified by the bargaining unit and signed by the parties.

I look forward to your response.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Buckley", with a stylized flourish at the end.

Paul Buckley

PB/sv  
W08031