

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

| | | |
|--------------------------------|---|----------------------------------|
| AMERICAN FEDERATION OF |) | No. ED95131 |
| TEACHERS, et al., Respondents, |) | |
| |) | Appeal from the Circuit Court |
| vs. |) | of the City of St. Louis |
| |) | Honorable Robert H. Dierker, Jr. |
| RICHARD LEDBETTER, et al., |) | |
| |) | |
| Appellants. |) | Filed: May 17, 2011 |

The plaintiff teachers’ union appeals the trial court’s summary judgment in this case involving the teachers’ constitutional right to bargain collectively under Article I, section 29, of the Missouri Constitution, and the breadth of employers’ duties under that constitutional provision. The trial court declared that the Missouri Constitution does not impose a duty on public employers to bargain in good faith. The trial court further concluded that the Constitution imposes no duty on the employer to bargain or even to “meet and confer” with a collective bargaining representative chosen by employees.

TRANSFERRED TO THE MISSOURI SUPREME COURT

DIVISION THREE HOLDS: We would hold, in accordance with the Missouri Supreme Court’s recent pronouncements in *Independence-NEA v. Independence School Dist.*, 223 S.W.3d 131, 138 (Mo. banc 2007), that the trial court erred in declaring that employer had no duty to bargain or even to meet and confer with employees’ representative. We therefore would reverse the trial court’s judgment as to that declaration of the law. We would remand for the trial court to consider whether the Union is entitled to relief under Missouri law. However, in light of the general interest and importance of the question presented, we transfer this case to the Missouri Supreme Court pursuant to Rule 83.02.

Opinion by: PER CURIAM

Attorney for Appellants: George O. Suggs

Attorneys for Respondents: Cindy Reeds Ormsby, Amy J. White,
and Darold E. Crotzer

Attorneys for Amici Curiae: Sally E. Barker, Jacqueline D. Shipma,
and Susan Goldammer

**THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT.
IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND
SHOULD NOT BE QUOTED OR CITED.**