

MISSOURI COURT OF APPEALS EASTERN DISTRICT  
OPINION SUMMARY

EASTERN MISSOURI COALITION	)	No. ED95564
OF POLICE,	)	
FRATERNAL ORDER OF POLICE,	)	
LODGE 15,	)	
	)	
Respondent,	)	Appeal from the Circuit Court of
	)	St. Louis County
vs.	)	
	)	
CITY OF UNIVERSITY CITY,	)	Hon. Barbara Wallace
Appellant.	)	FILED: May 3, 2011

University City appeals the trial court’s summary judgment in favor of its local police union, the Eastern Missouri Coalition of Police, Fraternal Order of Police, Lodge 15 (Union), ordering the City to establish a framework for collective bargaining. City contends that the trial court erred in that: (1) Union lacks standing to sue on behalf of its members, (2) City has no legal duty to establish collective bargaining procedures, and (3) the separation of powers doctrine prohibits the court from ordering City to adopt such procedures.

TRANSFERRED TO THE MISSOURI SUPREME COURT

DIVISION THREE HOLDS:

(1) Union has associational standing in that: (a) its members have standing to sue in their own right, (b) the interests that Union seeks to protect are germane to its purpose, and (c) neither the claim asserted nor the relief requested requires the participation of individual members.

(2) Under Independence-NEA v. Independence School Dist., 223 S.W.3d 131 (Mo. banc 2007), employees’ constitutional right of collective bargaining, granted by article I, section 29 of the Missouri Constitution, implies a corresponding duty of the public employer to adopt a framework for collective bargaining and participate in that process. However, City is under no obligation to reach agreement, and Union is prohibited from striking in protest.

(3) Most elements of the trial court’s order comport with the separation of powers doctrine in that they respect City’s authority to define the specific terms of a “reasonable framework of its choosing” and provide only general guidance as to basic components. But the trial court’s directive that City designate Union as the exclusive bargaining unit is preemptive and too specific to withstand constitutional scrutiny.

Although we would hold as aforesaid, in light of the general interest and importance of the questions involved, we transfer this case to the Missouri Supreme Court pursuant to Rule 83.02.

Opinion by: Clifford H. Ahrens, J.  
Mooney, J., concur.

Sherri B. Sullivan, P.J., and Lawrence E.

Attorney for Appellant: Timothy A. Garnett

Attorneys for Respondent: Sally E. Barker, Jacqueline D. Shipma and Gregory C.  
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**THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT.  
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