

No. ED90143

In the Missouri Court of Appeals
FOR THE EASTERN DISTRICT

ST. JOHN'S MERCY HEALTH SYSTEM, APPELLANT

v.

DIVISION OF EMPLOYMENT SECURITY, *ET AL.*, RESPONDENTS

*ON APPEAL FROM AN ORDER OF THE
MISSOURI LABOR & INDUSTRIAL RELATIONS COMMISSION,
DIVISION OF EMPLOYMENT SECURITY*

BRIEF OF APPELLANT

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Jurisdictional Statement

Appellant appeals the decision of the Missouri Labor and Industrial Relations Commission concerning its ruling on several issues relating to the eligibility and ineligibility of the individual respondents for unemployment compensation benefits in accordance with the Missouri Employment Security Law, Mo. Rev. Stat. §§ 288.010-288.500 (2006 online ed.) This Court has jurisdiction over this appeal pursuant to Missouri Revised Statute § 288.210. The residence of one or more of the individual respondents within the Eastern District of the Missouri Court of Appeals makes venue in this Court appropriate. Mo. Rev. Stat. § 288.210, 477.050; Legal File at 2.

Statement of Facts

The National Labor Relations Board (“NLRB” or “Board”) certified the United Food and Commercial Workers’ Local 655 (“Union”) as the exclusive bargaining representatives of the registered nurses employed by St. John’s Mercy Health System (“System”) at St. John’s Mercy Medical Center (“Medical Center”) in 1999. Tr. 21; JSOF at ¶ 1.¹ The System has operated the Medical Center as an acute care hospital since before the Board’s certification of the registered nurses’ bargaining unit there. The Medical Center employed each of the claimants when they filed their claims for unemployment compensation benefits. In addition, the Union’s bargaining unit at the Medical Center included each of the claimants. JSOF at ¶¶ 1, Tr. 88-89.

The Union and the System entered their first collective bargaining agreement (“Agreement”) in October 2001. The Agreement defined the terms and conditions of the employment of registered nurses employed at the Medical Center between October 23, 2001 and October 22, 2004. JSOF at ¶ 3. Among those terms and conditions, the Agreement included a union security provision. It required the Medical Center’s registered nurses to join the Union and to pay initiation fees and dues to the Union. The Agreement’s union security provision further directed the Medical Center to fire any

¹ This brief uses the following abbreviations: (1) JSOF followed by a paragraph reference means the joint statement of facts to which the counsel for the claimants, the System’s counsel, and the Missouri Division of Employment Security’s counsel each agreed and submitted to the Appeals Tribunal. Tr. 15. The Appeals Tribunal reproduced the JSOF in its entirety in its finding of facts at pages 2 through 8 of its decision. (2) EX followed by a numerical reference means the employer’s exhibit of the same number admitted into evidence at the hearing before the Appeals Tribunal. (3) JX followed by a numerical reference means the joint exhibit admitted into evidence at the hearing before the Appeals Tribunal of the same number. (4) CX followed by a numerical reference means the claimants’ exhibit of the same numerical reference. (5) Tr. followed by a number or numbers means the hearing transcript at page or pages of the numerical references. The Appeals Tribunal held the hearing regarding the claims involved in this appeal on June 26, 2006. (6) LF followed by a numeric reference means the legal file at the page number of the numeric reference.

registered nurses that neither joined the Union nor paid initiation fees and dues. JSOF at ¶ 4.

During the Agreement's term, some registered nurses refused to become members of the Union and paid neither initiation fees nor dues. The Union then notified the Medical Center of the identities of such registered nurses and asked it to fire them. The Medical Center, however, refused to dismiss those registered nurses. JSOF at ¶ 6.

After the Medical Center disregarded the Union's requests for it to fire registered nurses that had refused to fulfill the Agreement's union security provision's obligations, the Union grieved the Medical Center's failure to fire those nurses. JSOF at ¶ 7. Ultimately, it pursued two grievances through the Agreement's grievance and arbitration procedure. JSOF at ¶¶ 7, 19-20. In each instance, the arbitrator decided the grievance in the Union's favor. JSOF at ¶¶ 15, 22. After the first arbitration award, the Union and the System reached a settlement on May 5, 2003. In accordance with their settlement, the Union withdrew its request for the Medical Center to fire the registered nurses subject to its grievance and the System paid a sum equal to the unpaid initiation fees and dues for those nurses. JSOF at ¶ 16. After the second arbitration award issued on April 2, 2004, the Medical Center advised the Union of both its position that the arbitration award violated public policy and its refusal to fire the registered nurses subject to the arbitrator's award. JSOF at ¶ 24.

The Union then filed a lawsuit in the federal district court to enforce the second arbitration award on April 23, 2004. After both parties had pursued cross-motions for summary judgment, the district court entered an order on September 22, 2005. The court

denied the System's motion to vacate the arbitrator's award, because it violated public policy and upheld the Union's motion to enforce that award. JSOF at ¶¶ 26, 41. The System appealed the trial court's ruling to the federal appellate court. On May 1, 2006, however, it denied the appeal and affirmed the district court's decision. JSOF at ¶ 42.

In addition to its pursuit of grievances through the Agreement's grievance and arbitration procedure, the Union filed unfair labor practice charges ("ULP") with the NLRB. It filed its first ULP on April 30, 2002, alleging the Medical Center's failure to fire registered nurses that had disregarded their union security obligations. JSOF at ¶ 8.

In response to the Union's first ULP, the System filed an ULP against the Union on June 21, 2002. That ULP charged the Union with two unlawful acts. First, it accused the Union of the failure to provide adequate notice to bargaining unit members of their dues obligations. Second, it alleged the Union's attempting to cause the Medical Center to fire registered nurses for violations of their union security obligations without the Union's having given those nurses proper notice of their dues obligations. JSOF at ¶ 9.

On August 27, 2002, the Board approved a settlement of the Union's ULP against the System and the System's ULP against the Union. By the terms of that settlement, the Union withdrew its requests for the Medical Center to fire registered nurses because of their failure to pay initiation fees and dues between February and May 2002. It further directed the Union to give proper notices of the bargaining unit member's union security obligations to the Medical Center's registered nurses. JSOF at ¶ 10.

On August 25, 2003, the Union filed its second ULP against the System, alleging its failure to fire certain registered nurses pursuant to the Agreement's union security

provision. The NLRB deferred ruling on the Union's second ULP because of the pending arbitration of the Union's second grievance involving the same issue. JSOF at ¶¶ 19-21.

After the arbitrator had issued his decision in the second grievance proceeding, the Union filed its third ULP regarding the Agreement's union security obligations. It alleged the System's failure to bargain in good faith, because of the Medical Center's refusal to fire the registered nurses who refused to fulfill their union security obligations. JSOF at ¶ 25. An administrative law judge ("ALJ") held a hearing on the third ULP on September 14, 2004. JSOF at ¶ 30. On December 6, 2004, the ALJ issued his decision on the Union's third ULP involving the union security provision. In that decision, he ruled that the Medical Center had committed ULPs by its refusal to fire registered nurses that disregarded their union security obligations. JSOF at ¶ 37. The System pursued exceptions to the ALJ's decision, which the NLRB ultimately rejected by its decision and order dated March 31, 2005. JSOF at ¶ 39.

The System then appealed the Board's decision and order to the United States Court of Appeals for the Eighth Circuit. On February 1, 2006, the appellate court rejected the System's appeal and affirmed the NLRB's ruling on the Union's third ULP involving the Agreement's union security provision.

The specific events that caused the claimants to file their claims for unemployment compensation benefits took place because of the expiration of the Agreement's term. The Union and the System began their negotiation of a successor agreement in July 2004. The Agreement's term expired on October 24, 2004, without their having reached an

agreement on a successor contract. The Union and the System then extended the term three times with the last of those extensions ending on December 3, 2004. On December 4, 2004, the Union issued a notice of its intention to conduct a strike, beginning December 15, 2004. On that date, the individual respondents initiated a strike against the System at the Medical Center. Ultimately, the strike ended on January 21, 2005. JSOF at ¶¶ 29, 32-35, 38.

On December 6, 2004, the Union filed ULP charges against the System. Those charges accused the System of the failure to bargain in good faith during the contract negotiations. Specifically, they alleged the System's making regressive proposals during contract negotiations, proposing the System's unilateral authority to change fringe benefits, proposing an open shop thereby eliminating the union security obligations in the contract, and inviting members of the bargaining unit to deal directly with the System. JSOF at ¶ 36; JX-9a.

On April 29, 2005, the NLRB's regional director dismissed the Union's December 6, 2004 ULP charges. The Union appealed the dismissal of those ULP charges to the Board. That appeal remained pending as of the date of the hearing before the Appeals Tribunal in this case. JSOF at ¶ 40.

The media covered the Union's strike against the Medical Center extensively. The media coverage addressed the reasons motivating the strike based upon information received from striking registered nurses and the Union's representatives. The media coverage identified the following issues that motivated the registered nurses' decision to strike: training, seniority, mandatory union membership, compensation, continuation of

the Professional Nurse Practice Committee, and benefits. EX-1 at SJMMC#0022-23, 0025-26, 0031-32, 0034-35, 0045-50, 0055-61, 0084, 0122-25, 0130-31, 0150, 0154, 0157, 0169, 0191, 0199, 0209, 0218, 0222-24; CX-1C, CX-1D, CX-1E, CX-1F, CX-1G; CX-3; Tr. 72-77, 79-80, 82-86. None of that coverage identified the Medical Center's failure to fire registered nurses that had violated their union security obligations as a reason for the strike. *Id.*

The Union's representatives told the striking nurses that their strike involved an unfair labor practice strike. They explained their basis for calling the strike an unfair labor practice strike during a meeting with members of the Union's bargaining unit on December 13, 2004. In relevant part, the Union's minutes from that meeting state as follows:

President Dougherty then introduced Jerry Diekemper, Local Union/Attorney, who reported on the notification that the Local Union received from the National Labor Relations Board in Washington, D.C. The notice was in regards to a decision that was made by an Administrative Law Judge with the NLRB. The ALJ found merit in the charges that were filed against St. John's Mercy Medical Center in regards to their violation of the Union Security Clause in the Collective Bargaining Agreement. Therefore the Medical Center had committed unfair labor practices and guilty [sic], according to the ALJ.

Mr. Diekemper further stated the union filed additional Unfair Labor [sic] Charges against the Medical Center, alleging they have engaged in regressive bargaining. In addition they have made proposals and that [sic] were regressive in nature from previous negotiations and taken positions on that we filed issues that were regressive.

Mr. Diekemper pointed out as a result of these most recent charges, including the one that the ALJ had ruled on, that our strike would be an *unfair labor practice strike*.

CX-4 at 2-3 (emphasis added).

After that December 13, 2004 meeting, the Union instructed the striking claimants to file claims for unemployment compensation benefits. In addition, the Union's representatives directed those claimants to identify the reasons for their claims as follows:

During your phone interview with the Unemployment Office when asked why you are filing for unemployment, your response is that you are unemployed due to honoring the picket line of UFCW Local 655 including supporting the Union in the Unfair Labor Practice Charges.

It is my understanding some of Local 655 Unfair Labor Practice charges have been upheld by the Labor Board's Administrative Law Judge and other charges are pending.

EX-2 at SJMMC#0082; Tr. 87. The claimants offered the testimony of only one witness at the hearing before the Appeals Tribunal. That witness, Nancy Dobbs, one of the Union's RN Union Representatives, furthermore, conceded that the Union directed even those registered nurses on strike for reasons other than any ULPs or alleged ULPs to identify the ALJ's ruling on the Union's ULPs against the System and the ULPs that the Board's regional director had recently dismissed as the reasons for her or his participation in the strike. Tr. 87.

The claimants each pursued claims for unemployment compensation benefits for the period of the Union's strike against the Medical Center, December 15, 2004 through January 21, 2005. Each received substantially the same determination from a deputy. Those determinations found the claimants ineligible because their participation in a strike had caused their unemployment. LF at 7.

Points Relied On

I. The Commission erred in ruling the claimants were not ineligible for benefits, because the record lacks the necessary threshold determination by a deputy that the claimants were eligible for benefits as either partially or totally unemployed in that a deputy never made that determination as required by Missouri Revised Statute § 288.040.1.

Cases/Legal Authority: Mo. Rev. Stat. § 288.040, 288.210 (online ed. August 28, 2007); *Blue Hills Homes Corporation v. Young*, 80 S.W.3d 471 (Mo. Ct. App. 2002).

II. The Commission erred in ruling the claimants were not ineligible for benefits, because of its unconstitutional construction of Missouri Revised Statute § 288.040, in that it found that the statute allowed an award of unemployment compensation benefits to the individual striking employees despite the absence of any evidence that a prior unfair labor practice finding by the National Labor Relations Board and an appellate court had any causal connection to the individual striker's decision to strike against the employer.

Cases/Legal Authority: *Kilmer v. Mun*, 17 S.W.3d 545, 552 n. 21 (Mo. 2000) (en banc); *General Motors Corp. v. Director of Revenue*, 981 S.W.2d 561, 566 (Mo. 1998) (en banc); *Ohio Bureau of Employment Services v. Hodory*, 431 U.S. 471, 489 (1977); U.S. Const., XIV amend., § 1; Mo. Const. art. I, § 2; Mo. Rev. Stat. § 288.040.

III. The Commission erred in ruling the claimants were not ineligible for benefits, because Missouri Revised Statute § 288.040 as interpreted is unconstitutional, in that Mo. Rev. Stat. § 288.040, on its face, violates the equal protection of the law

provision of either the federal or state, or both, constitution because of its vagueness and overbreadth.

Case/legal authority: *Romer v. Evans*, 517 U.S. 620 (1996); *City of Cleburne v. Cleburne Living Center*, 473 U.S. 432 (1985); *State v. Pike*, 162 S.W.3d 464, 471 (Mo. 2005); *Ohio Bureau of Employment Services v. Hodory*, 431 U.S. 471, 489 (1977); *Kansas City v. Webb*, 484 S.W.2d 817 (Mo. 1972) (en banc); U.S. Const. amend. XIV, § 1; Mo. Const. art. I, § 2; 29 U.S.C. § 160; Mo. Rev. Stat. § 288.040.6.

Argument

- I. **The Commission erred in ruling the claimants were not ineligible for benefits, because the record lacks the necessary threshold determination by a deputy that the claimants were eligible for benefits as either partially or totally unemployed in that a deputy never made that determination as required by Missouri Revised Statute § 288.040.1.**

Standard of Review: The “Commission’s findings as to the facts, if supported by competent and substantial evidence, shall be conclusive in the absence of fraud.” *Blue Hills Homes Corp. v. Young*, 80 S.W.3d 471, 474 (Mo. Ct. App. 2002). The appellate court’s jurisdiction is “confined to questions of law.” *Id.* The evidence must be viewed “in the light most favorable to [the] Commission’s decision” and only findings “clearly contrary to the overwhelming weight of the evidence” will be set aside. *Id.* The Commission’s decision may be modified, reversed, or remanded “only on the following grounds: that the commission acted without or in excess of its powers; (2) that the decision was procured by fraud; (3) that the facts found by the commission do not support the award; or (4) that there was no sufficient competent evidence in the record to warrant the making of the award.” *Id.* (citing Mo. Rev. Stat. § 288.210).

This case presents purely a question of law. Specifically, that question concerns whether the Commission exceeded its powers by upholding an award of benefits without the necessary threshold determination as to the claimants’ eligibility for benefits.

- A. **The Absence of a Deputy’s Threshold Determination That the Claimants Were Eligible for Benefits Requires This Case to be Remanded to a Deputy for Such a Determination.**

In this case, the Commission adopted the Appeals Tribunal’s decision as its own with a modification of the dates during which the claimants could collect benefits. LF at

53-54, 81-82. In so doing, the Commission specifically described the deputy's determinations for each of the claimants as follows:

A deputy or deputies ... determined that each of the claimants ... was ineligible for benefits beginning on December 12, 2004; on a finding that the claimants were unemployed due to a strike at the premises where the claimants were last employed.

LF at 81. The Appeals Tribunal, moreover, had described the deputy's determinations for each of the claimants in substantially the same manner. LF at 7. The deputy's determinations at issue on this appeal, furthermore, omit any findings as to the threshold eligibility of the claimants as either totally or partially unemployed. LF at 1, 4. None of the deputy's determinations ever addressed the threshold question as to the claimants' initial eligibility for benefits as either partially or totally unemployed in accordance with the Employment Security Law's requirements. *See* Mo. Rev. Stat. § 288.040.1 (online ed. August 28, 2007).

In *Blue Hills Homes Corporation v. Young*, 80 S.W.3d 471 (Mo. Ct. App. 2002), the employer appealed a decision of the Labor and Industrial Relations Commission ("Commission") awarding unemployment compensation benefits to eight teachers. The Commission had adopted the Appeals Tribunal's finding that the teachers were not disqualified from receiving benefits, because their employer was not an educational institution. The Appeals Tribunal's decision lacked any finding of the teacher's eligibility for benefits. *Id.* at 474. The employer appealed the Commission's decision, in part, because a deputy never determined the threshold issue as to the teacher's eligibility for benefits. *Id.* at 475.

The appellate court reversed the Commission's decision and granted the employer's appeal, reasoning as follows:

Section 288.040.1(4) requires the deputy to make a finding that a claimant is eligible for benefits by being totally or partially unemployed before considering whether the claimant is otherwise disqualified for benefits. Nevertheless, the deputies made no such finding as to the teachers' eligibility for benefits. There is nothing in the record to indicate why eligibility was not addressed. Although the deputies found that the teachers were not disqualified for benefits, this determination is not commensurate with a finding that a claimant is eligible for benefits.

Id. The record in this case closely resembles the record in *Young*. The Commission described the deputy's determinations without addressing whether the deputy or deputies had made threshold eligibility findings as required by the Employment Security Law's § 288.040.1. LF at 4. The record in this appeal, moreover, omits any evidence of any deputy that made any determinations as to the claimants' eligibility for benefits. *See* LF at 1, 4.

In *Young*, moreover, the Division of Employment Security opposed the employer's appeal, contending that the employer had waived any issue on appeal regarding the claimants' eligibility for benefits by its failure to raise that issue before the Commission. 80 S.W.3d at 475. The appellate court, however, rejected that contention, reasoning broadly that the deputy *must* decide the issue of eligibility for benefits even if the employer never raises that issue. The court further assigned the burdens of both going forward with the evidence and persuasion as to eligibility on the claimant. *Id.* Finally, the appellate court cited *Chemtech Industries, Inc. v. Labor and Industrial Relations Commission*, 617 S.W.2d 121 (Mo. Ct. App. 1981) for the proposition that a deputy must make the initial determination as to a claimant's eligibility for benefits.

Consequently, it remanded the case to the deputy for a determination as to the claimants' eligibility for benefits. *Young*, 80 S.W.3d at 476.

The facts in this case mirror those in *Young*. The record lacks any evidence of any deputy's determinations as to the claimants' eligibility for benefits. The Commission's decision essentially concedes the absence of any eligibility determinations by its omission of any reference to such findings and its failure to address the claimant's eligibility pursuant to Employment Security Law § 288.040.1. Under these circumstances, this Court's *Young* decision requires an order that remands this case to a deputy or deputies to accept evidence and to make specific rulings on the threshold issue of eligibility.

B. The Record on Appeal Lacks any Deputy's Determination of the Claimants' Eligibility for Benefits.

Missouri Revised Statute § 288.210 requires the Commission to provide the appellate court with "all documents and papers filed in the matter, together with a transcript of the evidence, the findings and the award, which shall become the record of the cause." The Commission did so by filing the legal file, the transcript, and all of the exhibits accepted in evidence at the appeals tribunal's hearing. The Commission certified the legal file as a "true and complete record in this matter." LF at Certificate on Appeal.

The record on appeal contains a representative deputy's determination. The record, otherwise, lacks any findings or determinations of any deputy. LF at 1, 4. Thus, the record omits any deputy's or deputies' determinations of any claimant's eligibility for benefits. This distinguishes this case from *Chemtech Inds., Inc. v. Labor and Ind.*

Relations Commission, Div. of Employment Security, 617 S.W.2d 121 (Mo. Ct. App. 1981), in which the court refused to remand the case for a determination by the deputy, because the record on appeal did not reveal whether the deputy had made such a determination. *Id.* at 125-26. The explanation contained at page 2 of the legal file, moreover, reveals there was only one deputy determination with respect to each claimant and those decisions were similar to the deputy's finding on page four of the legal file.

In this Court's *Young* decision, furthermore, it rejected *Chemtech* to the extent that it left the employer without a determination on the issue of the claimant's threshold eligibility for unemployment compensation benefits. Instead, the *Young* decision remanded the case to the Division of Employment Security for a deputy's determination on that issue. In so doing, this Court refused to presume either partial or total unemployment even if the employer raised no protest on that issue. It further assigned the burden of both going forward with the evidence and persuasion on that issue to the claimant to show eligibility for benefits. 80 S.W 3d at 475. This appeal like the one in *Young* involves facts which reveal the absence of any determinations by a deputy as to the threshold eligibility of the individual respondents for benefits. Therefore, the proper remedy concerns the remanding of their claims to the Division of Employment Security for a determination of the threshold eligibility issue by a deputy or deputies.

II. The Commission erred in ruling the claimants were not ineligible for benefits, because of its unconstitutional construction of Missouri Revised Statute § 288.040.6(2), in that it found that the statute allowed an award of unemployment compensation benefits to the individual striking employees despite the absence of any evidence that a prior unfair labor practice finding by the National Labor Relations Board and an appellate court had any causal connection to the individual striker’s decision to strike against the employer.

Standard of Review: The “Commission’s findings as to the facts, if supported by competent and substantial evidence, shall be conclusive in the absence of fraud.” *Blue Hills Homes Corp. v. Young*, 80 S.W.3d 471, 474 (Mo. Ct. App. 2002). The appellate court’s jurisdiction is “confined to questions of law.” *Id.* The evidence must be viewed “in the light most favorable to [the] Commission’s decision” and only findings “clearly contrary to the overwhelming weight of the evidence” will be set aside. *Id.* The Commission’s decision may be modified, reversed, or remanded “only on the following grounds: that the commission acted without or in excess of its powers; (2) that the decision was procured by fraud; (3) that the facts found by the commission do not support the award; or (4) that there was no sufficient competent evidence in the record to warrant the making of the award.” *Id.* (citing Mo. Rev. Stat. § 288.210).

This case presents a pure question of law as to the Commission’s unconstitutional construction of the Employment Security Law’s § 288.040.6(2). Specifically, the Commission exceeded its powers by interpreting the statute contrary to the federal and state constitutions, which guaranty the System’s right to equal protection of the law.

As previously discussed, the absence of a deputy’s threshold determination of the striking claimants’ eligibility for benefits deprived the Commission of the authority to decide whether the Employment Security Law’s § 288.040.6(2) disqualified them from

receiving benefits because of their participation in a work stoppage. Even if, however, the Commission could decide the disqualification issue, both the federal and the state constitutions obliged it to presume the constitutionality of § 288.040.6(2) and to adopt any reasonable reading of the statute upholding its validity and resolving any doubts in a constitutional manner. *See, e.g., General Motors Corp. v. Director of Revenue*, 981 S.W.2d 561, 566 (Mo. 1998) (en banc).

In this case, the Commission adopted the Appeals Tribunal's findings of fact and conclusions of law. LF at 54, 82. Those conclusions of law summarized the operative facts upon which the Commission framed the issue for it to decide in the following manner. First, the Union filed an ULP against the System on August 25, 2003. Second, the Union's ULP alleged the System's commission of an ULP by its failure to fulfill the union security obligations imposed by the Agreement, because it had disregarded the Union's request for it to fire certain registered nurses. Third, the NLRB upheld the Union's ULP charge against the System on March 31, 2005 and a federal appellate court affirmed the Board's decision on February 1, 2006. The Commission's adopted decision then identifies the issue as follows: "[W]hether the NLRB ruling has the effect of making the claimants eligible for benefits under Section 288.040.6(2) [?]" Legal File at 16.

The Commission's phrasing of the issue, however, misstates the effect of § 288.040.6(2). Instead of determining a claimant's eligibility for benefits, it defines the circumstances which disqualify otherwise eligible claimants from their right to collect unemployment compensation benefits. Section 288.040.6(2) makes striking claimants

generally ineligible for those benefits. It also includes an exemption from that general disqualification for those striking employees whose “employer has been found guilty of an unfair labor practice by the National Labor Relations Board or a federal court of law for an act or actions preceding or during a strike.” Mo. Rev. Stat. § 288.040.6(2).

The statute’s wording allows a wholly unconstitutional interpretation of its meaning. In fact, in the hearing before the Appeals Tribunal, the striking claimants’ counsel urged such an interpretation of § 288.040.6(2) in his opening statement.

Specifically, he stated as follows:

[T]he language of the statute does not even contain a hint of a suggestion that there must be a connection between the conduct that was the unfair labor practice and the strike. . . . [The Medical Center] has been found both by the NLRB and by a federal court to have committed an unfair labor practice by acts that occurred before the strike. Under the language of the statute, nothing further is required.

Tr. at 12.

Ultimately, both the Commission and the Appeals Tribunal accepted the striking claimants’ position regarding the meaning of § 288.040.6(2). It applied the exemption to the facts by finding that the System had committed an ULP before the strike began, which inevitably exempted the striking claimants from the Employment Security Law’s general disqualification of striking employees from eligibility for benefits during a strike. LF at 16. The Commission made no finding that the System’s conduct upon which the NLRB found that the System had committed an ULP had caused the striking claimants to strike. Thus, the Commission’s application of the exemption from the general disqualification of striking employees to the individual respondents in this appeal lacks

any finding of a causal connection between the conduct that produced the adjudicated ULP and the reasons for their strike against the System.

In so ruling, however, the Commission interpreted the statute in an irrational, overly broad, and unconstitutional manner. At a minimum, the equal protection provisions of the federal and state constitutions require any criteria by which a statute draws a distinction between favorable and unfavorable treatment to bear a rational relationship to a legitimate governmental interest. *See, e.g., Ohio Bureau of Employment Services v. Hodory*, 431 U.S. 471, 489 (1977); *State v. Pike*, 162 S.W.3d 464, 471 (Mo. 2005) (en banc). The consideration of the constitutionality of the statute's criteria requires an examination of the consequences that those criteria impose not only on the recipients of benefits, but also their effect on the contributors to the unemployment compensation benefits fund. 431 U.S. at 491; *see* Mo. Rev. Stat. §§ 288.090, 288.100, 288.113, 288.120. The statute has the constitutionally valid purpose of preventing "the subsidizing of union-initiated work stoppages." *See id.* at 491-92. The legislature enacted § 288.040.6(2) in recognition of the unfair disadvantage that the statute would impose on employers in labor negotiations if striking employees received benefits. *See id.* at 492.

In view of these rational purposes, the Commission's interpretation of § 288.040.6(2) negates those purposes if the employer has committed a prior ULP entirely unrelated to the reasons for which the striking claimants initiated their *economic strike*. That interpretation, furthermore, broadly exempts striking claimants from §

288.040.6(2)'s disqualification of strikers from benefits if the employer ever committed a prior ULP, whether the conduct sanctioned as an ULP preceded the onset of the strike by 10 years or 10 minutes. Such an interpretation lacks any rational basis. It further arbitrarily and capriciously gives employees conducting a purely economic strike against the employer an economic advantage in the strike unrelated to any reason that prompted the strike and merely because of the employer's status based upon its having had a prior adjudicated ULP. In so doing, it lacks any legitimate connection to the exemption's purpose of allowing employees provoked to strike by the employer's conduct sanctioned in an adjudicated ULP to collect unemployment compensation benefits during their *unfair labor practice strike*. Therefore, the Commission's decision applying the exemption to the striking claimants without finding any causal connection between the reasons for the strike and the prior ULP findings against the System denied equal protection of the laws to the System. *See Kilmer v. Mun*, 17 S.W.3d 545, 552 n. 21 (Mo. 2000) (en banc) (citing *Kansas City v. Webb*, 484 S.W.2d 817, 824-25 (Mo. 1972) (en banc)); U.S. Const. amend. XIV, § 1; Mo. Const. art. I, § 2.

Presumably, the legislature sought to create an exception to the disqualification of striking employees for benefits only if they go on strike *because of their employer's adjudicated ULP's*. The wording of the exemption, however, requires no such causal connection. Thus, it contradicts the legislature's express intention generally to disqualify striking employees from benefits. If the legislature had intended the Commission's reading of § 288.040.6(2)'s last sentence, then it would have repealed that section of the statute's second sentence. Since the legislature took no such action, the Commission

ignored the context in which the last sentence of that paragraph appears. In so doing, it misconstrued the legislature's intent and interpreted the statute in an unconstitutionally irrational manner. *See id.*

Consistently with the Commission's interpretation in this case, moreover, striking employees in a plant bargaining unit where the NLRB never found the employer to have committed an ULP would still benefit from the exemption if the Board had ten years earlier held their employer to have committed an ULP involving either non-union employees or employees in an office bargaining unit represented by a different union. Thus, § 288.040.6(2) defines a statutory classification for the exemption too broad to address the evil that it seeks to redress. Presumably, the legislature created the exemption to ameliorate the unemployment of unfair labor practice strikers provoked to strike by their employer's unlawful conduct. Ordinary economic strikers, however, deserve no such amelioration under the Employment Security Law, because they strike for their own lawful economic reasons in the give and take of collective bargaining. *See Hodory*, 431 U.S. at 491-92. The Commission's construction of the exemption, however, disqualifies strikers indiscriminately if either the Board or a court has previously found their employer to have committed an ULP despite the lack of any causal connection between the ULP and the reasons for their strike against the employer. In so doing, it uses an unconstitutionally overbroad and arbitrary classification in violation of the System's right to equal protection of the law pursuant to the federal and state constitutions. *See U.S. Const.*, amend. XIV, § 1; *Mo. Const.*, art. I, § 2.

The Commission, however, could have reached an entirely different result. It had a duty to adopt a reasonable reading of the statute that upheld its validity and resolved any doubts in favor of the statute's constitutionality. *See, e.g., General Motors Corp.*, 981 S.W.2d at 566. To fulfill that duty, the Commission should have interpreted the statutory text "an act or actions preceding or during the strike" to require a causal connection between the conduct upon which the Board or a court had found the employer "guilty" of an ULP and the striking claimants' reasons for their participation in a strike against their employer.

The Commission, instead, construed the statute irrationally, overbroadly, and unconstitutionally. It viewed its duty as interpreting the last sentence of § 288.040.6(2) both out of context and woodenly. In so doing, it allowed form to triumph over substance and reached an unconstitutional result at odds with the Employment Security Law's general disqualification of striking employees from eligibility for benefits. Simply stated, the Commission's interpretation of § 288.040.6(2) has no rational relationship to a legitimate governmental interest. At a minimum, both the Fourteenth Amendment to the United States Constitution and Article I, § 2 of the Missouri Constitution require a rational basis for the classifications made by statutes, such as § 288.040.6(2). The absence of any causal connection between the ULP that preceded the strike and the reasons for the strike in this case deprives the Commission's interpretation of § 288.040.6(2) of the necessary rational basis.

Consequently, the Commission exceeded its authority by construing § 288.040.6(2) in an unconstitutional manner. The System respectfully requests this Court

to reverse the Commission's decision and to construe the statute to require the finding of a causal connection between the ULP and the reasons for a strike to exempt striking employees from the Employment Security Law's disqualification of striking employees from eligibility for benefits.

III. The Commission erred in ruling the claimants were not ineligible for benefits, because it applied Missouri Revised Statute § 288.040.6(2), which unconstitutionally exempts the striking employees of employers with prior unfair labor practices from the Employment Security Law's disqualification of striking employees from unemployment compensation benefits, in that Mo. Rev. Stat. § 288.040.6(2), on its face, violates the equal protection of the law provision of either the federal or state, or both, constitution because it lacks any rational basis and the exemption serves no legitimate governmental interest.

Standard of Review: The "Commission's findings as to the facts, if supported by competent and substantial evidence, shall be conclusive in the absence of fraud." *Blue Hills Homes Corp. v. Young*, 80 S.W.3d 471, 474 (Mo. Ct. App. 2002). The appellate court's jurisdiction is "confined to questions of law." *Id.* The evidence must be viewed "in the light most favorable to [the] Commission's decision" and only findings "clearly contrary to the overwhelming weight of the evidence" will be set aside. *Id.* The Commission's decision may be modified, reversed, or remanded "only on the following grounds: that the commission acted without or in excess of its powers; (2) that the decision was procured by fraud; (3) that the facts found by the commission do not support the award; or (4) that there was no sufficient competent evidence in the record to warrant the making of the award." *Id.* (citing Mo. Rev. Stat. § 288.210).

This case presents purely a question of law as to facial unconstitutionality of the Employment Security Law's § 288.040.6(2). Specifically, that question involves two

sub-issues: (a) whether the § 288.040.6(2)'s exemption serves a legitimate governmental purpose and (b) whether § 288.040.6(2) uses such an arbitrary, overbroad, and irrational criteria by which to determine whether a statutory classification exists that it violates the equal protection of the law requirements of either the Fourteenth Amendment of the United States Constitution and Article I, § 2 of the Missouri Constitution, or both.

The Commission applied § 288.040.6(2) quite literally. It described this case's operative facts consistently with the statute's provisions that exempt striking employees from the disqualification of the eligibility of striking employees from benefits, namely:

[T]he claimants, through their union, initiated such an unfair labor practice charge against the employer that was ruled on by the NLRB in favor of the claimants. The complaint dealt with an act that preceded the strike.

LF at 16. The Commission's description of the operative facts omitted any that address whether the facts-in-issue in the underlying ULP had any causal connection to the strike. The statute, on its face, moreover, requires no such causal connection between an ULP preceding a strike and the reasons for the strike to exempt striking employees from the Employment Security Law's general disqualification of striking employees from eligibility for benefits. Mo. Rev. Stat. § 288.040.6(2).

Consequently, any striking employees of any employer that the NLRB or a court has found to have committed an ULP since the enactment of the National Labor Relations Act, 29 U.S.C. §§ 151-187 (2006 online ed.) on July 5, 1935 qualify for § 288.040.6(2)'s exemption from the general disqualification of strikers from unemployment compensation benefits. For example, assume the Board adjudicated an ULP against an employer for its conduct at its Detroit manufacturing plant in 2000. In addition, presume

its employees of its St. Louis sales facility initiate a strike against the employer in 2007. Further assume that the striking employees have neither common supervisors nor common terms and conditions of employment with the employer's Detroit plant employees. Section 288.040.6(2) literally requires the exemption of the employer's striking St. Louis sales employees from its disqualification of striking employees from eligibility for unemployment compensation benefits during a strike.

That result, however, defies the legislative intent of the Employment Security Law's general disqualification of striking employees from unemployment compensation benefits. Mo. Rev. Stat. § 288.040.6(2) ("This definition shall not apply to a strike where the employees in the bargaining unit who initiated the strike are participating in the strike. Such employees shall not be eligible for waiting week credit or benefits during the period when the strike is in effect."). Thus, the wording of the exemption in § 288.040.6(2) contradicts the legislature's intention to disqualify striking employees from eligibility for benefits generally during a strike.

As previously discussed, the legislature added the exemption to § 288.040.6(2) to exclude from the general disqualification of strikers' eligibility for benefits only those employees provoked to strike by their employer's adjudicated unlawful conduct—namely, unfair labor practice strikers. *Supra* at 18-19. As the example in the preceding paragraph amply demonstrates, the exemption's literal meaning excludes vast numbers of strikers beyond those for whom the legislature has a rational basis to exempt. In addition, it irrationally and arbitrarily disadvantages employers during an economic strike, simply because at any time since July 5, 1935, the Board or a court has adjudicated an ULP

against them. In effect, the exemption penalizes such employers for conduct wholly unrelated to either the striking employees or the reasons motivating their economic strike, or both. The impact, moreover, of an employer's striking employees collecting unemployment compensation benefits during an economic strike will increase the employer's contributions to the state's fund from which it pays such benefits. *See* Mo. Rev. Stat. §§ 288.090, 288.100, 288.113, 288.120.

The constitutional requirement of equal protection of the law requires the use of statutory criteria rationally related to a legitimate government purpose. *See, e.g., Romer v. Evans*, 517 U.S. 620, 633 (1996); *City of Cleburne v. Cleburne Living Center*, 473 U.S. 432, 446-47 (1985); *State v. Pike*, 162 S.W.3d 464, 471 (Mo. 2005) (en banc); *Kilmer*, 17 S.W.3d at 552 n. 21; *Webb*, 484 S.W.2d at 824-25. In this case, the legislature lacked any legitimate governmental purpose in penalizing employers with a previously adjudicated ULP. To the extent their conduct involved in the ULP warranted any sanction, only either the NLRB or a court had the authority to administer any such sanction. 29 U.S.C. § 160. By singling out any employer with a previously adjudicated ULP, § 288.040.6(2) creates a status-based classification divorced from any legitimate state interests. *See Romer*, 517 U.S. at 635.

For purposes of argument, the System assumes that the legislature could have a legitimate governmental purpose for the exemption if it excluded unfair labor practice strikers from the general disqualification for benefits. Such an exemption would allow unfair labor practice strikers to collect unemployment benefits during an unfair labor practice strike, because the employer's unlawful conduct in the adjudicated ULP

provoked its employees to strike. In that sense, the employer's unlawful conduct caused the unemployment of its workers during their unfair labor practice strike as opposed to the voluntary unemployment of economic strikers. In so doing, the legislature would have drawn a distinction between economic strikers who choose to strike for economic reasons in the give and take of collective bargaining and unfair labor practice strikers.

The exemption, however, uses an entirely arbitrary, irrational, and overbroad criteria to determine whether the general disqualification from benefits applies to strikers. It excludes striking employees from that disqualification if "the employer has been found guilty of an unfair labor practice ... for an act or actions preceding or during the strike." Thus, the exemption in § 288.040.6(2) from the general disqualification of strikers from benefits requires no causal connection between the "act or actions" at issue in the adjudicated ULP and the reasons that motivated the striking claimants to strike. It willy-nilly excludes both unfair labor practice strikers and economic strikers from the disqualification if the striker's employer has ever had an adjudicated ULP. In the absence of a rational means by which to meet a legitimate governmental purpose, § 288.040.6(2)'s exemption violates the System's right to equal protection of the law pursuant to both the federal and state constitutions. *See, e.g., Romer*, 517 U.S. at 633; *Cleburne Living Center*, 473 U.S. at 446-47; *Kilmer*, 17 S.W.3d at 552 n. 21; *Webb*, 484 S.W.2d at 824-25; U.S. Const. amend. XIV, § 1; Mo. Const. art. I, § 2.

As the preceding discussion has shown, the exemption in § 288.040.6(2) from the general disqualification of strikers from benefits facially violates the System's right to equal protection of law under both the federal and state constitutions. Consequently, the

System requests this Court to reverse the Commission's decision applying the exemption to the individual respondents. In addition, the System seeks an order from this Court both declaring the exemption to be unconstitutional and invalidating its effect.

Conclusion

In closing, the record in this appeal omits any determination of the eligibility of any one or more of the individual respondents for benefits pursuant to the Employment Security Law's § 288.040.1. The Commission's decision overlooked the absence of any such eligibility determinations by a deputy. Eligibility determinations must precede any consideration of a claimant's disqualification pursuant to the Employment Security Law. Therefore, the lack of any eligibility determinations for the individual respondents requires the reversing of the Commission's decision and the remanding of each respondent's claim to a deputy for an eligibility determination.

Alternatively, if this Court reaches the exemption and disqualification issues pursuant to § 288.040.6(2) despite the absence of any eligibility determinations, the Commission's decision deserves an order reversing that decision. The Commission applied the exemption to the general disqualification of striking employees from eligibility for benefits in an unconstitutional manner. It applied the exemption, merely because the Board had found the System to have committed an ULP before the strike began. The Commission's findings that applied the exemption from the general disqualification of strikers from eligibility for benefits to the individual respondents lacked any finding of a causal connection between the reasons that caused the claimants to strike and the System's unlawful conduct that produced the adjudicated ULP.

Consequently, the Commission's application of the exemption lacked a rational reason that served a legitimate governmental purpose and, thereby, denied the System of its right to equal protection of the law. The System seeks an order reversing the Commission's decision and finding that the exemption's application requires a finding of a causal connection between conduct that produced the adjudicated ULP and the reasons that motivated the claimants' strike.

Finally, § 288.040.6(2)'s exemption from the general disqualification of striking claimants from eligibility for benefits lacks either a legitimate governmental purpose or a rational basis for its selection criteria on its face. The exemption has no legitimate state purpose, because it penalizes employers that have ever had an adjudicated ULP. It excludes even the economic strikers of such employers from § 288.040.6(2)'s disqualification of strikers from eligibility for benefits, which irrationally and arbitrarily gives such strikers an advantage during an economic strike. It also irrationally and arbitrarily increases the employer's cost of contributions to the state's fund that pays unemployment compensation because of the exemption of such economic strikers from the general disqualification of strikers from eligibility for benefits. Similarly, the exemption's selection criteria, the employer's prior adjudicated ULP, irrationally and arbitrarily grants the exemption to strikers unaffected by either the conduct that produced the ULP or the actors responsible for that conduct, or both. Therefore, § 288.040.6(2)'s exemption, on its face, violates the System's equal protection of the law rights guaranteed by both the federal and state constitutions. The System requests an order reversing the

Commission's decision and invalidating § 288.040.6(2)'s exemption because of its unconstitutionality.

Rule 84.06(c), (g) Certificate of Compliance

The undersigned attorney hereby certifies that this brief complies with the page limits of Special Rule 360, contains 7,916 words in Times New Roman font, the information that is required by Missouri Supreme Court Rule 55.03, and otherwise complies with the dictates of Rule 84.06.

A CD-ROM containing an electronic copy of this brief has been submitted in accordance with Rule 84.06(g). The CD-ROM has been scanned for viruses and is virus-free.

Respectfully Submitted,

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**ATTORNEY FOR APPELLANT
ST. JOHN'S MERCY HEALTH SYSTEM**

Dated: November 9, 2007.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was served upon the counsel listed below by depositing both a written copy and a CD-ROM containing an electronic copy of the same in the U.S. mail, postage prepaid, this 9th day of November 2007:

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Before the
LABOR AND INDUSTRIAL RELATIONS COMMISSION
P. O. Box 599, Jefferson City, MO 65102
(573) 751-2461
<http://www.dolir.mo.gov/lrc>

DECISION OF COMMISSION

IN RE: Claim for benefits of: SEE ATTACHED LIST,
ST. JOHN'S MERCY HEALTH SYSTEM, Employer

MODIFIED

Discussion

A deputy or deputies of the Division of Employment Security (the "Division") determined that each of the claimants, whose names are set forth on the list attached to this decision (collectively hereinafter called the "claimants"), was ineligible for benefits beginning December 12, 2004; on a finding that the claimants were unemployed due to a strike at the premises where the claimants were last employed. The claimants filed timely appeals from those determinations.

After due notice to the interested parties, an Appeals Tribunal of the Division conducted a hearing regarding this matter on June 26, 2006, in St. Louis, Missouri. One witness testified on behalf of the claimants, who were represented by Richard Shinnars, Esq. One witness testified on behalf of St. John's Mercy Health System ("employer"), which was represented by Karen Milner, Esq. Larry Ruhmann, Esq., represented the Division.

On March 31, 2006, the Division filed a motion with the Appeals Tribunal to remand the matter back to the Division's deputies for reconsideration. On November 17, 2006, the Appeals Tribunal issued an order denying the Division's motion to remand. On that same date, the Appeals Tribunal issued its decision reversing the prior determinations. It held that the claimants were not ineligible for benefits for any weeks claimed from December 12, 2004, through January 24, 2005, as the result of the provisions of section 288.040.6(2), RSMo.

Employer filed an Application for Review to the Labor and Industrial Relations Commission (the "Commission"). The Commission has given the Application for Review due consideration. We have also read the briefs of the parties. The Commission finds the decision of the Appeals Tribunal should be affirmed because it is fully supported by the competent and substantial evidence on the whole record and it is in accordance with the relevant provisions of the Missouri Employment Security Law.

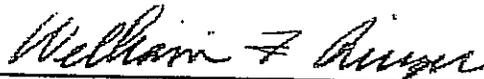
Because we disagree, however, solely with the closing date of eligibility set forth in the Appeals Tribunal's decision, we hereby modify that decision accordingly.

The record establishes that the strike relevant to this matter ended January 21, 2005. Thus, we conclude that the claimants are not ineligible for benefits for any week claimed from December 12, 2004, through January 22, 2005, as the result of the provisions of section 288.040.6(2).

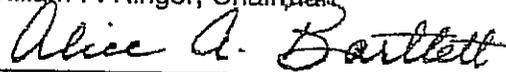
Decision

Except as specifically modified to reflect that the claimants are not ineligible for benefits for any week claimed from December 12, 2004, through January 22, 2005, the Commission hereby adopts the November 17, 2006, Decision of Appeals Tribunal as the decision of the Commission in this matter.

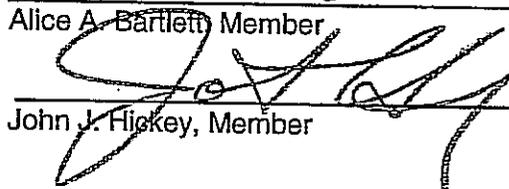
LABOR AND INDUSTRIAL RELATIONS COMMISSION



William F. Ringer, Chairman

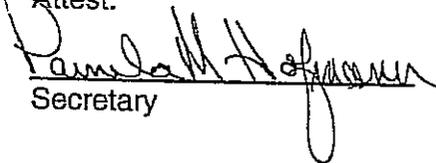


Alice A. Bartlett, Member

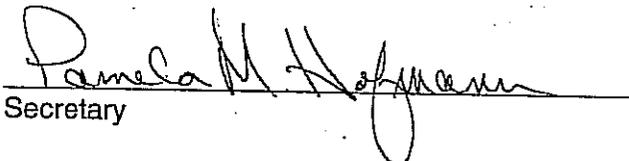


John J. Hickey, Member

Attest:


Secretary

I HEREBY CERTIFY that on JUL 16 2007 copies of this order were mailed to all interested parties on the OFFICIAL ADDRESS RECORD.


Secretary

The Commission decision becomes final ten days after the date of mailing pursuant to § 288.200.2 RSMo. Within twenty days after this decision becomes final, an aggrieved party may secure an appeal to the appropriate Missouri Court of Appeals provided in § 288.210 RSMo.

You will not receive additional notice. If you choose to appeal this decision to the Missouri Court of Appeals, a Form 8-B, Notice of Appeal, must be filed with the Commission within thirty days of the date of this Decision.

#	APPEAL NO.	CLAIMANTS NAME	LO	EMPLOYER
00219	05-08283	CARIANNE BRICKER	820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00220	05-08285	MARGARET BEDARD	830	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00221	05-08291	LYNN BROWN	820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00222	05-08294	ANGELA BURTON	230	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00223	05-08295	KELLY CLEAR	820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00224	05-08303	KERI CAROLUS	830	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00225	05-08305	KASANDRA CALLISON	820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00226	05-08307	KAREN DEUTSCH	820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00227	05-08308	KAREN FEDCHAK	380	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00228	05-08316	ELIZABETH HEITKAMP	880	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00229	05-08317	KIMBERLY MURESAN	800	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00230	05-08318	HAU NGUYEN	820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00231	05-08319	JUDY PFEIFFER	840	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00232	05-08322	SILAS SMITH	830	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00233	05-08323	BONITA E SONDERMANN	820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00234	05-08328	JULIE WILLIAMS	380	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT

#	APPEAL NO.	CLAIMANTS NAME	LO	EMPLOYER
-00235	05-08331	NANCY BAER	840	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
-00236	05-08336	REGENE BOON	820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
-00237	05-08337	AMANDA BORAWSKI	230	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
-00238	05-08338	KATY BRENNELL	880	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
-00239	05-08339	CATHY CHAMBLISS	720	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
-00240	05-08341	BARBARA CRIDER	800	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
-00241	05-08342	NANCY DAVIDSON	820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
-00242	05-08343	NORMA DELANTY	820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
-00243	05-08344	JEANETTIA DICKHERBER	800	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
-00244	05-08346	SHAY DOSS	440	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00245	05-08349	COLEEN EMKE	825	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00246	05-08353	JANICE ENGEMANN	880	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00247	05-08354	MARY HARRIS	820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00248	05-08355	JUDITH HAYES	440	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00249	05-08356	LYNNE IVES	820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00250	05-08360	MADONNA KLASER	800	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT

C#	APPEAL NO.	CLAIMANTS NAME
-00251	05-08363	BARBARA KLINKHARDT
-00252	05-08364	BEVERLY KLINKHARDT
-00253	05-08365	CHRISTOPH KLOTT
-00254	05-08366	LESLIE KOELLER
00255	05-08367	JOAN KRETSCHMER
00256	05-08370	JULIE HAINTZ
00257	05-08371	KATHLEEN HANN
00258	05-08375	WILLIAM MAHONEY
00259	05-08376	KAREN MARTIN
00260	05-08378	MELANIO MAURICIO
00261	05-08382	MARYROSE MELUSO
00262	05-08383	JESSICA MERLATI
00263	05-08385	DEBRA MONNIG
00264	05-08386	MARGARET MOSS
00265	05-08387	MARILYN NARDIN
00266	05-08388	CHRISTINE NEILSEN

LO	EMPLOYER
820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
880	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
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800	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
380	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT

APPEAL NO.	CLAIMANTS NAME	LD	EMPLOYER
0267	05-08389 KATHLEEN O'BRYAN	820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
0268	05-08392 TERI OBERMEIER	380	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
0269	05-08393 GLORIA PIERONI	820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
0270	05-08394 KAREN SCHOLZ	380	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
0271	05-08396 MARY SHAVER	800	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
0272	05-08401 CYNTHIA HARTRUM	800	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
0273	05-08403 CATHY STAFFORD	820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
0274	05-08405 KIMBERLY STUART	380	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
0275	05-08408 JANET SWARTZ	800	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
0276	05-08412 KERRY THACKER	840	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
0277	05-08413 DEBORAH VITALE	800	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
0278	05-08416 ANN WILSON	820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
0279	05-08420 BRANDI WILLIAMS	720	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
0280	05-08422 KATHLEEN YAEKEL	380	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
0281	05-08423 DEBORAH LINDSAY	230	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
0282	05-08425 SARAH RAFTERY	380	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT

#	APPEAL NO.	CLAIMANTS NAME
0283	05-08427	ANDREA RIPPEY
0284	05-08429	CATHY SCHLEEF
0285	05-08430	CHRISTOPH WILLIAMS
0286	05-08433	GINA AJSTER
0287	05-08435	BRENDA ALFERMANN
0288	05-08437	EDWARD ALLÉN
0289	05-08438	MEGAN ANDERSON
0290	05-08440	VICTORIA ARAGON
0291	05-08441	EUNICE ATWELL
0292	05-08442	REGINA AYDELOTT
0293	05-08445	NELDAD BAILEY
0294	05-08446	KARI BALZER-CONLEY
0295	05-08448	SUH-LIH BAMBERGER
0296	05-08449	MICHELLE BARRIER
0297	05-08450	MARK BARTON
0298	05-08451	KATHLEEN BAUER

LO EMPLOYER

380 ST JOHN'S MERCY HEALTH SYSTEM
ATTN PAYROLL DEPT

800 ST JOHN'S MERCY HEALTH SYSTEM
ATTN PAYROLL DEPT

800 ST JOHN'S MERCY HEALTH SYSTEM
ATTN PAYROLL DEPT

048 ST JOHN'S MERCY HEALTH SYSTEM
ATTN PAYROLL DEPT

800 ST JOHN'S MERCY HEALTH SYSTEM
ATTN PAYROLL DEPT

820 ST JOHN'S MERCY HEALTH SYSTEM
ATTN PAYROLL DEPT

830 ST JOHN'S MERCY HEALTH SYSTEM
ATTN PAYROLL DEPT

800 ST JOHN'S MERCY HEALTH SYSTEM
ATTN PAYROLL DEPT

230 ST JOHN'S MERCY HEALTH SYSTEM
ATTN PAYROLL DEPT

880 ST JOHN'S MERCY HEALTH SYSTEM
ATTN PAYROLL DEPT

230 ST JOHN'S MERCY HEALTH SYSTEM
ATTN PAYROLL DEPT

820 ST JOHN'S MERCY HEALTH SYSTEM
ATTN PAYROLL DEPT

380 ST JOHN'S MERCY HEALTH SYSTEM
ATTN PAYROLL DEPT

440 ST JOHN'S MERCY HEALTH SYSTEM
ATTN PAYROLL DEPT

800 ST JOHN'S MERCY HEALTH SYSTEM
ATTN PAYROLL DEPT

820 ST JOHN'S MERCY HEALTH SYSTEM
ATTN PAYROLL DEPT

APPEAL NO.	CLAIMANTS NAME	LO	EMPLOYER
0299	05-08453 WILLIAM BEAVERS	840	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
0300	05-08454 JANINE BELK	870	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
0301	05-08456 MARY BERTKE	820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
0302	05-08457 MARY BIDERMAN	820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
0303	05-08458 KATHLEEN BIRKE	820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
0304	05-08460 DONNA BLOES	230	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
0305	05-08461 ELIZABETH BLOUSE	820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
0306	05-08462 LISA BONAGURIO	820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
0307	05-08463 BRENDA BOUVATTE	230	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
0308	05-08464 LESLIE BRANCH	800	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
0309	05-08465 MARY BRANDT	820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
0310	05-08467 JENNIFER BREEN	800	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
0311	05-08468 TRACY BROCKMAN	380	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
0312	05-08470 CHRISTINE BROWN	380	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
0313	05-08471 CAROLYN BRUNJES	880	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
0314	05-08472 CATHERINE BUB	800	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT

#	APPEAL NO.	CLAIMANTS NAME
00315	05-08473	KELLY BUEHLER
00316	05-08474	REBECCA BUGALA
00317	05-08475	ANNE BUGANSKI
00318	05-08476	KATHERINE BURBA
00319	05-08477	THOMAS BURDICK
00320	05-08480	SHELLEY BURDIN
00321	05-08482	MINNIE BUTLER
00322	05-08484	MELISSA CALVIN
00323	05-08485	BARBARA CARRICO
00324	05-08486	DARLENE CARROLL
00325	05-08488	CARDLYN CHAPERLO
00326	05-08489	MARI CHESHER
00327	05-08490	DEBORAH CHOLAK
00328	05-08492	MELANIE S CLAYTON
00329	05-08494	DAPHNE CLEM
00330	05-08495	RENITA COMPTON

LO	EMPLOYER
230	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
380	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
380	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
620	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
750	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
750	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
800	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
880	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
830	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
800	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
800	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
800	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
250	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
870	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT

#	APPEAL NO.	CLAIMANTS NAME	LD	EMPLOYER
0331	05-08497	LAURA CORLEY	880	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
0332	05-08505	AUDRA CRAFT	840	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
0333	05-08513	JOYCE DAVIS	800	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
0334	05-08515	LADONNICA CROSBY	440	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
0335	05-08517	LINDA CUMMINGS	820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
0336	05-08518	PATRICIA CYR	820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
0337	05-08519	LINDA D'AUBERT	380	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
0338	05-08521	JUDITH DAVIDSON	820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
0339	05-08522	LINDA DAVIS	800	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
0340	05-08523	DEBORAH DEUSER	820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
0341	05-08524	DANIELLE DILL	820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
0342	05-08526	SHARON DITCH	820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
0343	05-08527	RHONDA DODSON	800	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
0344	05-08528	DEBBIE DONLEY	820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
0345	05-08530	RITA DOUGLAS	880	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
0346	05-08531	KAREN DRENNAN	820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT

#	APPEAL NO.	CLAIMANTS NAME
00347	05-08553	BETH DUDENHOEFFER
00348	05-08557	ELIZABETH GRILL
00349	05-08539	ANNE EDMUNDOWICZ
00350	05-08540	JANET EICH
00351	05-08542	ASUNCION ELAVSKY
00352	05-08547	DONNA ERHART
00353	05-08549	LUCY ESPINOSA-EAUR
00354	05-08551	BRIDGETTE FAHEY
00355	05-08554	MARY FELDMANN
00356	05-08556	ANDREA FILA
00357	05-08559	REBECCA FISTER
00358	05-08566	PENNY FOLEY
00359	05-08568	ROSE FOX
00360	05-08572	LINDA FRENCH
00361	05-08577	ELAINE GARRISON
00362	05-08578	PRINCE GIBSON

LD EMPLOYER

820 ST JOHN'S MERCY HEALTH SYSTEM
ATTN PAYROLL DEPT

825 ST JOHN'S MERCY HEALTH SYSTEM
ATTN PAYROLL DEPT

820 ST JOHN'S MERCY HEALTH SYSTEM
ATTN PAYROLL DEPT

840 ST JOHN'S MERCY HEALTH SYSTEM
ATTN PAYROLL DEPT

820 ST JOHN'S MERCY HEALTH SYSTEM
ATTN PAYROLL DEPT

440 ST JOHN'S MERCY HEALTH SYSTEM
ATTN PAYROLL DEPT

380 ST JOHN'S MERCY HEALTH SYSTEM
ATTN PAYROLL DEPT

820 ST JOHN'S MERCY HEALTH SYSTEM
ATTN PAYROLL DEPT

820 ST JOHN'S MERCY HEALTH SYSTEM
ATTN PAYROLL DEPT

800 ST JOHN'S MERCY HEALTH SYSTEM
ATTN PAYROLL DEPT

380 ST JOHN'S MERCY HEALTH SYSTEM
ATTN PAYROLL DEPT

380 ST JOHN'S MERCY HEALTH SYSTEM
ATTN PAYROLL DEPT

380 ST JOHN'S MERCY HEALTH SYSTEM
ATTN PAYROLL DEPT

880 ST JOHN'S MERCY HEALTH SYSTEM
ATTN PAYROLL DEPT

800 ST JOHN'S MERCY HEALTH SYSTEM
ATTN PAYROLL DEPT

820 ST JOHN'S MERCY HEALTH SYSTEM
ATTN PAYROLL DEPT

#	APPEAL NO.	CLAIMANTS NAME	LO	EMPLOYER
-00363	05-08580	MARGARET GIERER	800	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
-00364	05-08582	COURTNEY GRANT	800	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
-00365	05-08583	BELINDA GREEN	820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
-00366	05-08584	LEAH GREMAUD	800	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
-00367	05-08585	KELLY GRIFFIN	650	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
-00368	05-08587	JULIE GRITT	800	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
-00369	05-08589	PAULA GROW	820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
-00370	05-08591	KAREN GUERRA	800	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
-00371	05-08592	ANGELA HAILE	800	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
-00372	05-08594	JEFF HAILE	800	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00373	05-08595	KANDIE HALLERAN	580	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00374	05-08596	JOY HARRIS	820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00375	05-08598	SUSAN HARTMANN	820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00376	05-08600	MARY HAWKINS	825	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00377	05-08602	DORIS HELD	440	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00378	05-08603	KATHERINE HELMAN	800	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT

APPEAL NO.	CLAIMANTS NAME
00379 05-08604	JENNIFER HERBST
00380 05-08607	VICTORIA HISCHKE
00381 05-08609	JOANN HOLDWICK
00382 05-08610	BARBARA HOPPE
00383 05-08612	SHEILA HUFFMAN
00384 05-08613	REBECCA JAMES
00385 05-08615	STEPHANIE JANSEN
00386 05-08616	VICTORIA JAVAUX
00387 05-08617	KIMBERLY JOHNSON
00388 05-08620	SHARON JOHNSON
00389 05-08623	TRESA JOSEPH
00390 05-08625	DEBORAH KAISER
00391 05-08635	JANICE KASALKO
00392 05-08636	TEREASA KAUFMANN
00393 05-08639	KRISTIN KEETEMAN
00394 05-08642	BONNY KEHM

LO	EMPLOYER
880	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
800	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
380	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
800	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
230	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
380	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
840	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
800	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
800	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT

#	APPEAL NO.	CLAIMANTS NAME	LD	EMPLOYER
-00395	05-08645	PEGGY KELPE	800	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00396	05-08648	CASEY KEMPTER	230	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00397	05-08650	CARLA KENNEDY	880	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00398	05-08652	JEAN KENNEDY	800	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00399	05-08655	LISA KENNEDY	230	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00400	05-08657	KRISTY KENNON	440	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00401	05-08660	KIM KILLIAN	800	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00402	05-08662	CAROL KIMES	820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00403	05-08665	KATHLEEN KLEMP	820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00404	05-08669	SHERYL KNEEMILLER	800	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00405	05-08672	LISA KNUBLEY	380	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00406	05-08674	LYNDA KOONTZ	820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00407	05-08681	MICHELLE KRAFT	380	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00408	05-08682	SHERRY KREITLER	800	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00409	05-08684	BECKY KREPPS	380	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00410	05-08687	KATHLEEN KRUS	380	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT

#	APPEAL NO.	CLAIMHANTS NAME
00411	05-08689	KATHRYN KSIR
00412	05-08691	SHARON LAMPKIN
00413	05-08693	KATHERINE LANPE
00414	05-08694	MARY LANDIS
00415	05-08697	GINA LANHAM
00416	05-08699	LORI LANZONE
00417	05-08705	THERESA LEE
00418	05-08704	LINDA LEEK
00419	05-08705	SUSAN LEIWEKE
00420	05-08706	KATHRYN LENHARDT
00421	05-08708	JOANNE LEONARD
00422	05-08710	KRISTIN LEWELLEN
00423	05-08712	SHELLEY LEWELLEN
00424	05-08714	MARY LITTEKEN
00425	05-08716	PENNY LOEHNER
00426	05-08717	ELIZABETH LOTZ

LO	EMPLOYER
380	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
380	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
600	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
800	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
460	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
380	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
380	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
880	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
380	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
800	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT

#	APPEAL NO.	CLAIMANTS NAME	LD	EMPLOYER
00427	05-08722	LAURA MAHONEY	440	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00428	05-08724	JAIIME MARCOTTE	800	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00429	05-08727	SANDY MARKS	380	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00430	05-08728	RENEE HATULEK	820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00431	05-08732	JOHN MAXWELL	230	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00432	05-08734	PATRICIA MCCLURE	440	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00433	05-08735	MICHAEL MCCUDDEN	380	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00434	05-08736	MARY SUE MCDONOUGH	380	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00435	05-08737	DEBRA MCSPADDEN	230	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00436	05-08738	DEBORAH MELBROD	440	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00437	05-08739	KAREN HERTZ	620	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00438	05-08740	CHERYL METZLER	820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00439	05-08741	ALICE MEYER	820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00440	05-08742	JEAN MEYER	800	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00441	05-08743	TRACY HEYERS	880	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00442	05-08744	MARY ANN MILLER	800	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT

C#	APPEAL NO.	CLAIMANTS NAME
7-00443	05-08745	LISA HILLIGAN
7-00444	05-08746	BONNIE HITCHELL
7-00445	05-08748	SHERYLL MODEER
7-00446	05-08749	RACHEL MOEHLMANN
7-00447	05-08750	JANE MONTGOMERY
7-00448	05-08751	AMY MOORE
7-00449	05-08752	KATHERINE MOORMAN
7-00450	05-08753	DIANA MORELAND
7-00451	05-08754	MELINDA MULL
7-00452	05-08755	MARY MUSICK
7-00453	05-08756	GREGORY NEMEC
7-00454	05-08757	JEAN NESHEK-DOWE
7-00455	05-08758	TIFFANY NEUSTAEDTER
7-00456	05-08759	NIKI NEWMAN
7-00457	05-08760	CHARLOTTE NICHOLS
7-00458	05-08761	STEPHANIE NISSEN

LO	EMPLOYER
840	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
830	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
250	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
380	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
800	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
800	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
440	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
440	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
830	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
880	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT

#	APPEAL NO.	CLAIMANTS NAME	LD	EMPLOYER
-00459	05-08763	ROSINA NOLAN	800	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
-00460	05-08764	JANISE DESCH	820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
-00461	05-08765	TRISH O'LAUGHLIN	800	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
-00462	05-08768	MARLA OLISH	820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
-00463	05-08770	NICOLE OLSZEWSKI	880	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
-00464	05-08771	JOANNE OSBURN	820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
-00465	05-08772	JANET PARKS	230	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
-00466	05-08777	CHRISTINE PARSONS	820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
-00467	05-08779	JULIE PETERS	380	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
-00468	05-08780	KRISTINE FLEIMANN	380	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
-00469	05-08781	KIMBERLY POEHLMANN	820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
-00470	05-08782	KATIE PRINSTER	800	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
-00471	05-08783	JUDITH PROFETA	820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
-00472	05-08784	HOMER REEDY	800	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
-00473	05-08786	AMY FISCHER	820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
-00474	05-08787	LINDA REINHARDT	380	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT

#	APPEAL NO.	CLAIMANTS NAME
-00475	05-08788	JENNIFER RELLERGERT
-00476	05-08789	NANCY RIEBER
-00477	05-08790	JUDY L RIGDON
-00478	05-08791	KELLY RIGGS
-00479	05-08792	RITA RIXFORD
-00480	05-08795	GAIL ROBINSON
-00481	05-08797	ALICE RODEWALD
00482	05-08798	ANN ROGERS
00483	05-08799	JULI RUSSELL
00484	05-08802	CATHRYN COLEMAN
00485	05-08803	DAHRIS SALGE
00486	05-08805	JOAN SCARPACE
00487	05-08806	BARBARA SCHMANK
00488	05-08813	CHRISTINE SCHMIDT
00489	05-08814	DANYELLE SCHULER
00490	05-08815	ALICIA SCHULTE

LO	EMPLOYER
800	ST JOHN'S MERCY HEALTH SYSTEM ATTN: PAYROLL DEPT
380	ST JOHN'S MERCY HEALTH SYSTEM ATTN: PAYROLL DEPT
250	ST JOHN'S MERCY HEALTH SYSTEM ATTN: PAYROLL DEPT
800	ST JOHN'S MERCY HEALTH SYSTEM ATTN: PAYROLL DEPT
230	ST JOHN'S MERCY HEALTH SYSTEM ATTN: PAYROLL DEPT
820	ST JOHN'S MERCY HEALTH SYSTEM ATTN: PAYROLL DEPT
840	ST JOHN'S MERCY HEALTH SYSTEM ATTN: PAYROLL DEPT
800	ST JOHN'S MERCY HEALTH SYSTEM ATTN: PAYROLL DEPT
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820	ST JOHN'S MERCY HEALTH SYSTEM ATTN: PAYROLL DEPT
800	ST JOHN'S MERCY HEALTH SYSTEM ATTN: PAYROLL DEPT
380	ST JOHN'S MERCY HEALTH SYSTEM ATTN: PAYROLL DEPT
820	ST JOHN'S MERCY HEALTH SYSTEM ATTN: PAYROLL DEPT

#	APPEAL NO.	CLAIMANTS NAME	LD	EMPLOYER
-00491	05-08816	ERIN SCHULTE	800	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
-00492	05-08817	MARY SCHULTE	800	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
-00493	05-08818	CHRISTINE SCHULZ	800	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
-00494	05-08820	JULIE SCOTT	870	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
-00495	05-08822	AMIE SEAMON	880	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
-00496	05-08824	DARA SEE	820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
-00497	05-08825	DIANE SENKEL	820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
-00498	05-08828	THERESA SEXTRO	800	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
-00499	05-08831	THERESA SHEETS	230	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00500	05-08833	LINDA SIEVE	820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00501	05-08834	MARSHA SINGER	800	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00502	05-08836	JOAN SKURAT	820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00503	05-08838	LINDA SLATER-MULITSCH	800	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00504	05-08840	SHEILA SLAUGHTER	800	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00505	05-08841	CAROL SMITH	800	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00506	05-08843	LORI KOTTEMANN	820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT

#	APPEAL NO.	CLAIMANTS NAME	LO	EMPLOYER
-00507	05-08844	DANN SNODGRASS	800	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
-00508	05-08845	DONNA SNYDER	820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
-00509	05-08846	KAREN SOLVERUD	800	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
-00510	05-08847	LAURA SPANBERGER	830	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
-00511	05-08848	CRAIG SPANLEY	800	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
-00512	05-08849	TAMMY SPANLEY	800	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
-00513	05-08850	JOSEPH SPENCER	380	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
-00514	05-08852	YVONNE STEEL	830	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
-00515	05-08855	JILL STEIGER	380	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
-00516	05-08856	CAROL STINSON	820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00517	05-08859	JANE STUMPF	380	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00518	05-08860	NANCY SUBLETTE	800	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00519	05-08861	KATHRYN SUMMERS	250	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00520	05-08863	MEREDITH SWAFFORD	230	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00521	05-08865	MARLA SZYNOVICZ	440	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00522	05-08866	RAYMOND TAMASHIRO	820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT

#	APPEAL NO.	CLAIMANTS NAME	LO	EMPLOYER
-00523	05-08867	LANCE THOMAS	820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
-00524	05-08868	JANELLE THORNBURGH	440	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00525	05-08869	LYNN THORPE	820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00526	05-08870	CATHERINE TIGAS	440	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00527	05-08872	CHRISTINE TRENTMANN	800	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00528	05-08875	DEBRA VANKIRK	820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00529	05-08877	BARBARA VAUGHAN	820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00530	05-08879	KIM VAUGHN	820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00531	05-08880	MARY VOGEL	380	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00532	05-08881	MICHELLE WACHSNIKT	800	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00533	05-08882	PAT WALSH	800	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00534	05-08886	SUSAN WARD	230	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00535	05-08887	DORIS WAYMIRE	820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00536	05-08889	KAREN WEBER	440	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00537	05-08890	MARY WEHRHEIM	820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00538	05-08891	CHAVA WEIMAN	820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT

#	APPEAL NO.	CLAIMANTS NAME	LD	EMPLOYER
-00539	05-08893	TRACY WESSEL	380	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
-00540	05-08895	VALERIE WHITNEY	800	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
-00541	05-08896	MICHELE WIECHENS	800	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
-00542	05-08898	KRISTIN WILHELM	380	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
-00543	05-08900	MARY WILSON	380	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
-00544	05-08901	DONNA WOODFORD	800	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
-00545	05-08902	SUSAN HORSTENHOLM	440	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
-00546	05-08903	FUH-MEI WU	620	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00547	05-08905	PATRICIA YOUNG	820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00548	05-08907	JULIE ZARO	820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00549	05-08908	ANNETTE M ZIELINSKI	380	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00550	05-08910	LENORE R. ZVORAK	800	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00551	05-08913	MARGERY HERBERT	810	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00552	05-08915	JANICE JENDUSA	820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00553	05-08927	COLLEEN CURRAN-SCHULTE	380	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00554	05-08930	TERRY FIRTLE	800	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT

APPEAL NO.	CLAIMANTS NAME	LO	EMPLOYER
00555	DIANE SANFORD	800	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00556	MARY SCOTT	800	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00557	MEGHAN STENGEL	840	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00558	NANCY SUMMARY-THERINA	230	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00559	JANET WALSH	230	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00560	AUDRA ARAND	800	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00561	KIAH BROWN	440	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00562	GLORIA BRUZAITIS	440	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00563	PAUL DRASTAL	820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00564	JOANNE GANACHE	800	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00565	JENNIFER GROTE	800	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00566	LISA HALTEMAN	820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00567	KIMBERLY HEITERT	850	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00568	TARA HELFRICH	380	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00569	JAMIE JETTON	800	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00570	CHRISTINE KORTE	230	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT

APPEAL NO.	CLAIMANTS NAME	LO EMPLOYER
00571 05-08965	PATRICIA LAFEVER	820 ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00572 05-08966	PATRICIA MADDEN	820 ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00573 05-08967	DEANNA NEU	820 ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00574 05-08969	KAREN PFITZINGER	820 ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00575 05-08970	NANCY ROKITA	800 ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00576 05-08972	TAMARA RUNGE	380 ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00577 05-08973	JANICE SETZER	800 ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00578 05-08974	CAROL SIEBERT	440 ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00579 05-08975	RITA TAFFENHART	820 ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00580 05-08977	KAREN TIMPE	840 ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00581 05-08978	MARY WALLER	820 ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00582 05-08979	PEGGY WILKINSON	820 ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00583 05-08980	KATHRYN WUESTLING	820 ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00584 05-08981	LAURA YELTON	870 ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00585 05-08982	GWENDOLYN SPIEGEL	380 ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00586 05-08983	PATRICIA LUETKENHAUS	800 ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT

APPEAL NO.	CLAIMANTS NAME	LO	EMPLOYER
00587 05-08984	KATHY FELDER	800	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00588 05-08985	KRISTEN NORRIS	380	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00589 05-08986	SUSAN HORTON	380	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00590 05-08987	KELLY PERKINS	820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00591 05-08989	KAREN SCHLUND	720	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00592 05-08991	SUSAN CROWDUS	600	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00593 05-08992	CARDLYN DODSON	820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00594 05-08993	AMY STOWERS	820	ST JOHN'S MERCY HEALTH SYSTEM ATTN PAYROLL DEPT
00595 06-08088	HEATHER COMPARATO	800	ST. JOHN'S MERCY HEALTH SYSTEM
00596 06-08089	DEBORAH HAAKE	440	ST. JOHN'S MERCY HEALTH SYSTEM



MISSOURI DIVISION OF EMPLOYMENT SECURITY
APPEALS TRIBUNAL
P.O. Box 59 Jefferson City, MO 65104-0059
573-751-3913 FAX 573-751-7893

MODES 3422(01-04)

DECISION OF APPEALS TRIBUNAL

ST JOHN'S MERCY HEALTH SYSTEM
ATTN PAYROLL DEPT
12800 CORPORATE HILL DR
ST LOUIS MO 63131

Appeal No. SEE LIST TYPE L-160-1

SEE LIST

St. John's Mercy Health System

(Claimant) SSN SEE LIST

(Employer)

Deter. Date: SEE LIST

Appeal Filed: SEE LIST

Filed By: Claimant

A deputy determined under the Missouri Employment Security Law that each of the claimants, whose names appear on the list attached to this decision, was ineligible for benefits beginning December 12, 2004, on a finding that the claimants were unemployed due to a strike at the premises where the claimants were last employed. The claimants filed timely appeals from those determinations.

After due notice to the interested parties the appeal was heard by the Appeals Tribunal in St. Louis, Missouri, on June 26, 2006. One witness testified for the claimants. The claimants were represented by Richard Shinnars, Esq. One witness testified for the employer. The employer was represented by Karen Milner, Esq. The Division of Employment Security was represented by Larry Ruhmann, Esq.

FINDINGS OF FACT:

The parties submitted the following stipulation of facts.

The claimants and St. John's Mercy Health System d/b/a St. John's Mercy Medical Center hereby stipulate that the following facts are true for purposes of this proceeding:

1. The employer, St. John's Mercy Health System, d/b/a St. John's Mercy Medical

Center (hereinafter "the Medical Center") at all times relevant to this proceeding operated an acute care hospital 6. located in St. Louis County, Missouri and was the employer of the claimants.

2. On July 27, 1999, United Food and Commercial Workers Local 655 (hereinafter "the Union") was certified by the National Labor Relations Board as the exclusive collective bargaining representative of a bargaining unit of the Medical Center's registered nurses, which included all of the positions held by the claimants. All claimants were included in the bargaining unit of the Medical Center's registered nurses represented by the Union.

3. The first collective bargaining agreement (hereinafter "CBA") between the Medical Center and the Union was effective for the period October 23, 2001 through October 22, 2004. This Agreement followed more than 100 negotiating sessions over a two-year period from November, 1999 through October, 2001. Prior to ratification of the CBA, the Union called a three day economic strike in September 2001. The CBA is attached and marked Joint Exhibit 1. The parties agreed that RNs dues obligations under that CBA would not go into effect until February 2002.

4. The CBA contained the following union security clause in Article 4:

Section 4.1 Conditions of Employment. As a condition of continued employment, all RNs included in the collective bargaining unit shall, prior to ninety-one (91) days after the start of their employment with the Medical Center, or the effective date of this Agreement, whichever is later, become members of the Union and pay to the Union the periodic monthly dues and initiation fees uniformly required of all Union members. The Union shall certify to the Medical Center the amount that constitutes periodic monthly dues.

Section 4.2 Discharge of Non-members. The failure of any RN to become or remain a member of the Union at such required time by paying initiation fees and regular monthly dues uniformly required as a condition of membership shall obligate the Medical Center, upon written notice from the Union to such effect and to the further effect that Union membership was available to such RN on the same terms and conditions generally available to other members, to discharge such RN within ten (10) working days following the receipt of such notice.

Section 4.3 Hold Harmless. The Union recognizes and accepts sole responsibility for any action arising out of any Union demand for the discharge of any RN pursuant to the terms of this Agreement. In any and all cases where the Medical Center complies with the Union demand in reliance upon a written notice respecting membership in the Union, the Union shall indemnify and hold the Medical Center harmless for any resulting liability, including, but not limited to, back pay, lost benefits, other damages, interest, costs, expenses, and reasonable attorney's fees.

5. Article 15 of the CBA contains a mechanism for resolving grievances. Section 15.1, Step 5 of the agreement provides that in the event that the parties cannot come to a satisfactory agreement on a grievance, then an impartial arbitrator will be selected by the parties to resolve the dispute. The CBA provides that the impartial arbitrator's decision shall be final and binding on all parties. Section 15.1, Step 5 states further that "[t]he Arbitrator shall not have the power to add to, subtract from, or modify in any way the terms of this Agreement."

6. Beginning in early 2002, the Union provided written notices to the Medical Center that certain bargaining unit employees had not satisfied their periodic dues and fees obligations imposed by Article 4. In February, March, April, and May, 2002, the Union sent the Medical Center letters requesting the discharge of unit employees because they had not satisfied the obligations imposed by Article 4 of the CBA. The Medical Center refused to discharge these employees.

7. Pursuant to the grievance and arbitration procedure set forth in Article 15 of the CBA, the Union filed a class action grievance on April 19, 2002, alleging that the Medical Center violated the CBA by failing to discharge the unit employees who had not complied with the obligations imposed by Article 4.

8. On April 30, 2002, the Union filed an unfair labor practice charge with Region 14 in Case 14-CA-26897, alleging that the Medical Center had failed to discharge bargaining unit employees who had failed to comply with their obligations under Article 4, upon the Union's written request, after the Union had provided notification to said employees.

8. On April 30, 2002, the Union filed an unfair labor practice charge with Region 14 in Case 14-CA-26897, alleging that the Medical Center had failed to discharge bargaining unit employees who had failed to comply with their obligations under Article 4, upon the Union's written request, after the Union had provided notification to said employees.

9. On June 21, 2002, the Medical Center filed a charge in Case 14-CB-9602, alleging that the Union had (1) failed to provide adequate notice to employees regarding their dues obligations and (2) attempted to cause the Medical Center to discriminate against unit employees in order to encourage membership in the Union by seeking their discharge without having provided adequate notice to employees regarding their dues obligations, including their rights under *Communication Workers v. Beck*, 486 U.S. 735 (1988) ("Beck").

10. On July 30, 2002, the Medical Center withdrew the portion of the charge alleging any violations relating the Union's obligations under Beck. On August 27, 2002, the Regional Director for Region 14 approved of a settlement entered into by the Medical Center, the Union and the Region in Case 14-CB-9602, that contained a non-admissions clause. In accordance with the settlement, in September 2002, the Union withdrew its requests for discharge made between February and May 2002. The settlement required the Union, prior to seeking the discharge of unit employees for failure to tender period dues, to inform

employees of the amount of dues owed, the months for which dues are owed, or the method of calculation of dues owed. The Union's notices to employees of June 2002 and thereafter complied with the terms of the settlement, which is attached hereto as Joint Exhibit 1a.

11. On July 31, 2002, the Regional Director of Region 14 deferred to arbitration the allegations in Case 14-CA-26897 regarding the Medical Center's failure to discharge employees who had not tendered initiation fees and periodic dues to the Union, based upon written notices to unit employees in June 2002.

12. On May 9, 2002, the Union invoked arbitration of its April 19, 2002 grievance.

13. On January 10, 2003, the parties arbitrated the Union's grievance before Robert Bailey, a mutually selected arbitrator. At the hearing, the parties stipulated that the issue to be decided was whether the Medical Center violated the parties' Union Security Clause (Article 4) and/or the National Labor Relations Act, as amended, by failing to discharge registered nurse employees upon written notices from the Union beginning in June 2002 and thereafter (July-December 2002).

14. On or about April 9, 2003, the Union advised the Medical Center that it would not insist on the immediate discharge of the bargaining unit employees who had failed to comply with Article 4, even if Arbitrator Bailey ordered such discharge.

15. On April 16, 2003, Arbitrator Bailey issued his decision, attached hereto as Joint Exhibit 2. Arbitrator Bailey sustained the Union's grievance and directed the Medical Center:

(a) to discharge bargaining unit RNs who were not in compliance at any time between June 1, 2002 and December 31, 2002, and

(b) to reimburse the Union for those dues and fees which would have been paid but for the Medical Center's failure to comply with the Article 4 during the period June 1, 2002 and December 31, 2002.

On April 30, 2003, the Medical Center sent the bargaining unit employees encompassed by Arbitrator Bailey's remedy the letter that is attached as Joint Exhibit 3.

16. About May 5, 2003, the parties reached a settlement of Arbitrator Bailey's award wherein the Medical Center agreed to pay the Union the sum of \$20,000, which the Union credited to the delinquencies of the bargaining unit employees who were not in compliance with Article 4, in lieu of discharge. This settlement satisfied the dues obligations of these bargaining unit employees through May 2003. Both parties complied with all of their obligations imposed by their settlement agreement.

17. Beginning in June, 2003, the Union sent monthly letters to notify the Medical Center of unit employees who had failed to satisfy their Article 4 obligations after May, 2003. In July, 2003, the Union requested the discharge of the bargaining unit employees who had not complied with their obligations under Article 4. In this correspondence, the Union provided the Medical Center with copies of the notification letters it had sent to these bargaining unit employees.

18. On or about August 21 and 22, 2003, counsel for the parties had telephone communications in which counsel for the Medical Center advised that the Medical Center would not discharge bargaining unit employees pursuant to the Union's written requests under Article 4, due to nursing shortage and public policy concerns.

19. On August 25, 2003, the Union filed an unfair labor practice charge with the National Labor Relations Board in Case 14-CA-27536 alleging that the Medical Center had committed an unfair labor practice when it failed to give force and effect to the union security provisions of the CBA by refusing to discharge these bargaining unit employees upon the Union's written requests. On August 29, 2003, the Union filed another class action grievance regarding the Medical Center's failure to discharge these unit employees.

20. In accordance with the grievance procedures set forth in Section 15.1, Step 5, of the parties' CBA, the Union requested arbitration of its August 29, 2003 grievance. The parties mutually agreed to present the grievance to Arbitrator Thomas C. Cipolla. On December 15, 2003, Arbitrator Cipolla held a hearing on the Union's grievance.

21. After initially deferring the allegations in Case 14-CA-27536 on October 29, 2003, the Regional Director for Region 14 issued a Complaint and Notice of Hearing on December 19, 2003. On February 24, 2004, the Regional Director issued an Order again deferring to arbitration the charge in Case 14-CA-27536 and withdrawing the Complaint and Notice of hearing in light of the Board's policy set forth in *Dubo Manufacturing Corporation*, 142 NLRB 431 (1963) and the parties' submission of the matter to Arbitrator Cipolla.

22. On April 2, 2004, Arbitrator Cipolla issued the Award, attached hereto as Joint Exhibit 4, sustaining the Union's grievance. Arbitrator Cipolla ordered the Medical Center to:

Discharge bargaining unit RNs who were not in compliance with their Union dues and fees obligations under Article 4 at any time after the settlement of the award issued by Arbitrator Robert G. Bailey through the date of this arbitration hearing, December 15, 2003. The Medical Center should also reimburse the Union for those dues and fees, without interest, which should have been paid but for the Medical Center's failure to comply with Article 4 during the same period. Finally, the Medical Center is ordered to comply with all of its Article 4 obligations upon written notice by the Union of fee or Union due sicl deficiencies.

23. The Union sent the Medical Center a letter dated April 9, 2004, attached hereto as Joint Exhibit 5, asking the Medical Center to comply with Arbitrator Cipolla's award by immediately discharging approximately 33 bargaining unit employees who were not in compliance with Article 4 on December 15, 2003. In this letter, the Union also requested the discharge of another 13 employees whom it alleged had become delinquent in dues and fees owed after December 15, 2003. These additional 13 employees were identified in the discharge request letters dated December 19, 2003, February 25, 2004, and March 17, 2004, which are discussed below in paragraph 27.

24. The Medical Center sent the Union a letter dated April 21, 2004, attached hereto as Joint Exhibit 6, advising the Union that it would not discharge these unit employees because it believed the discharge of the bargaining unit employees would have a detrimental impact on patients, medical services and violate public policy. In that same letter, the Medical Center included a copy of a letter it had sent to the 46 unit employees.

25. On April 22, 2004, the Union filed an unfair labor practice charge with the National Labor Relations Board in Case 14-CA-27851 alleging the following violation: "The above-named Employer, by its officers, agents and representatives, has failed and refused to bargain collectively in good faith with Charging Party, the certified representative of employees in a unit appropriate for bargaining, by acts and conduct constituting repudiation of the current collective bargaining agreement by failing and refusing to comply with multiple arbitration awards holding that the Employer had violated the Act and violated provisions of the labor agreement in refusing to comply with contractual union security provisions.

26. On April 23, 2004, the Union filed a complaint in the United States District Court, Eastern District of Missouri, Eastern Division, Case No. 4: 04CV00480CDP, seeking enforcement of Arbitrator Cipolla's Arbitration Award and an Order requiring the Medical Center to discharge bargaining unit employees who were not in compliance with their dues and fees obligation.

27. By letters dated December 19, 2003, January 14, February 25, March 17, May 5, and July 16, 2004, pursuant to the CBA's union security provisions, the Union sought the discharge of certain bargaining unit employees because the Union had never received monies for dues and fees from said employees. The Union provided the Medical Center with copies of the correspondence it had previously sent these unit employees regarding their Article 4 obligations. As of the date of the hearing before the Administrative Law Judge of the National Labor Relations Board (September 14, 2004), the Medical Center had not discharged these unit employees pursuant to these written requests.

28. On June 24, 2004, the Regional Director for Region 14 issued a Complaint and Notice of Hearing in Case 14-CA-27851.

29. On July 8, 2004, the Union and Medical Center began negotiations for a successor collective bargaining agreement. The parties met over 20 times

during the course of negotiations and were able to reach tentative agreements on some issues but were unable to reach a complete agreement prior to a strike that commenced on December 15, 2004 as referenced in paragraph 38 below.

30. A hearing was held before Administrative Law Judge Paul Bogas of the National Labor Relations Board on September 14, 2004 on the Complaint which the National Labor Relations Board had issued in response to the Union's Unfair Labor Practice Charge filed on April 22, 2004.

31. A Stipulation of Facts was presented to the Judge. A copy is attached as Joint Exhibit 7.

32. On October 29, 2004, the Medical Center and Union agreed to an extension of time for the expiration of the current CBA to November 10, 2004.

33. On November 10, 2004, the Medical Center and Union agreed to another extension of time for the expiration of the current CBA to November 22, 2004.

34. On November 22, 2004, the Medical Center and Union agreed to another extension of time for the expiration of the current CBA to December 3, 2004.

35. On December 4, 2004, the Union provided the Medical Center with the statutorily required written 10 days notice of its intention to strike beginning on December 15, 2004 at 5:00am. Attached as Joint Exhibit 7a is the strike notice provided by the Union.

36. On December 6, 2004, the Union filed an unfair labor practice charge in Case 14-CA 28096 alleging that the Medical Center had failed to bargain in good faith as of November 29, 2004.

37. On December 6, 2004, Administrative Law Judge Bogas issued his decision, in Case 14-CA-27851 including the following Conclusion of Law:

"3. The Respondent (i.e. the Medical Center) has violated Section 8(a)(5) and (1) of the Act, since December 19, 2003, by refusing to give effect to the provision in its collective bargaining agreement with the Union that requires the Respondent, upon written notice from the Union, to discharge unit members who have not met the contractual requirement of paying dues or fees to the Union."

A copy is attached as Joint Exhibit 8.

38. On December 15, 2004, the Union commenced a strike against the Medical Center and the strike continued until January 21, 2005.

39. On March 31, 2005, the National Labor Relations Board entered its Decision and Order affirming the Administrative Law Judge's rulings, findings and conclusions and adopting the Judge's recommended Order in Case 14-CA-27851. The Decision and Order of the Board is attached as Joint Exhibit 9. The Medical Center appealed this Decision to the United States Court of Appeals for

the Eighth Circuit and the National Labor Relations Board petitioned the Eighth Circuit for enforcement of its Order.

40. On April 29, 2005, the Regional Director of Region 14 of the National Labor Relations Board issued a dismissal letter regarding Case 14-CA-28096 concluding that the Union's allegations were without merit. The Union filed an appeal of that decision which is still pending before the National Labor Relations Board. The Regional Director's dismissal letter is attached as Joint Exhibit 9a.

41. On September 22, 2005, the United States District Court for the Eastern District of Missouri, (Judge Catherine Perry) entered summary judgment in favor of the Union in its lawsuit seeking to enforce the Arbitration Award of Arbitrator Cipolla (see paragraphs 19 and 26). The Court's Order is attached as Joint Exhibit 10. The Medical Center appealed this Decision to the United States Court of Appeals for the Eighth Circuit.

42. In its opinion dated February 1, 2006, the United States Court of Appeals for the Eighth Circuit affirmed the National Labor Relations Board's Decision and Order, finding that the Medical Center had committed an unfair labor practice in violation of Section 8(a)(5) and (1) of the National Labor Relations Act (see paragraph 39). The Court's Opinion is attached as Joint Exhibit 11.

43. In its opinion dated May 24, 2006, the United States Court of Appeals for the Eighth Circuit affirmed the summary judgment entered by the District Court in favor of the Union, enforcing the Arbitration Award of Arbitrator Cipolla (see paragraph 41). The Court's Opinion is attached as Joint Exhibit 12.

44. Prior to and during the strike the St. Louis area media covered the negotiations between the Medical Center and the Union. Attached as Employer Exhibit 1 is a binder with media coverage both prior to and during the strike, including video and audio tape recordings. Attached as Union Exhibit 1 are copies of media coverage during the strike. The parties agree that these exhibits may be entered into the record without objection as to the authenticity of any item contained therein.

45. Prior to and during the strike, the Union provided information about negotiations and the strike via its website, mailings to members, information published in the Labor Tribune, and by other forms of correspondence. Employer Exhibit 2 is a binder with communication from the Union prior to and during the strike. The parties agree that Employer Exhibit 2 may be entered into the record without objection as to the authenticity of any item contained therein.

The Appeals Tribunal makes the following additional Findings of Fact:

Each of the claimants involved in this matter were members of the union. The strike began on December 15, 2004, and ended on January 21, 2005.

LAW:

The Missouri Employment Security Law, Chapter 288, RSMo 2000, as amended, provides in part as follows:

288.040.6. (1) A claimant shall be ineligible for waiting week credit or benefits for any week for which the deputy finds that such claimant's total or partial unemployment is due to a stoppage of work which exists because of a labor dispute in the factory, establishment or other premises in which such claimant is or was last employed. In the event the claimant secures other employment from which he or she is separated during the existence of the labor dispute, the claimant must have obtained bona fide employment as a permanent employee for at least the major part of each of two weeks in such subsequent employment to terminate his or her ineligibility. If, in any case, separate branches of work which are commonly conducted as separate businesses at separate premises are conducted in separate departments of the same premises, each such department shall for the purposes of this subsection be deemed to be a separate factory, establishment or other premises. This subsection shall not apply if it is shown to the satisfaction of the deputy that:

(a) The claimant is not participating in or financing or directly interested in the labor dispute which caused the stoppage of work; and

(b) The claimant does not belong to a grade or class of workers of which, immediately preceding the commencement of the stoppage, there were members employed at the premises at which the stoppage occurs, any of whom are participating in or financing or directly interested in the dispute.

(2) "Stoppage of work" as used in this subsection means a substantial diminution of the activities, production or services at the establishment, plant, factory or premises of the employing unit. This definition shall not apply to a strike where the employees in the bargaining unit who initiated the strike are participating in the strike. Such employees shall not be eligible for waiting week credit or benefits during the period when the strike is in effect, regardless of diminution, unless the employer has been found guilty of an unfair labor practice by the National Labor Relations Board or a federal court of law for an act or actions preceding or during the strike.

CONCLUSIONS OF LAW:

The evidence shows that each of the claimants involved in this appeal were members of a bargaining unit that went on strike against the employer on December 15, 2004, and that the strike ended on January 21, 2005. Under Section 288.040.6(2) RSMo, supra, the claimants are not eligible for waiting week credit or benefits claimed during that period unless the employer has been found guilty of an unfair labor practice by the National Labor Relations Board or a federal court of law for an act or actions preceding or during the strike.

The evidence also shows that the claimants' union initiated an unfair labor practice complaint against the employer on August 25, 2003, with the National Labor Relations Board alleging that the employer had committed an unfair labor practice when it failed to give force and effect to the union security provisions of the collective bargaining agreement by refusing to discharge certain bargaining unit employees upon the union's written requests.

The National Labor Relations Board (NLRB) ultimately ruled in the unions favor on this charge in a decision issued on March 31, 2005. In its opinion dated February 1, 2006, the United States Court of Appeals for the Eighth Circuit affirmed the National Labor Relations Board's Decision and Order, finding that the employer had committed an unfair labor practice in violation of Section 8(a) (5) and (1) of the National Labor Relations Act. St. John's Mercy Health Systems v. National Labor Relations Board, 436 F.3d 843 (8th Cir. 2006).

The issue therefore is whether the NLRB ruling has the effect of making the claimants eligible for benefits under Section 288.040.6(2), supra. This provision of law has not previously been ruled on in this state.

The court of appeals has held, "The primary rule of statutory construction is to determine the legislature's intent from the statute's language. We will give effect to the legislative intent if possible, and consider the words in their plain and ordinary meaning. When the language of the statute is unambiguous, we are afforded no room for construction. We presume that the legislature intended that every word and provision of a statute have effect." Christensen v. American Food & Vending Services, Inc., 191 S.W.3d 88, 90 (Mo. App. E.D. 2006) (Citations omitted).

In analyzing the NLRB provision, it is clear from the language used that the legislature intended that claimants on strike against an employer be ineligible for benefits unless there is a ruling of an unfair labor practice by the NLRB or federal court. In this matter, the claimants, through their union, initiated such an unfair labor practice charge against the employer that was ruled on by the NLRB in favor of the claimants. The complaint dealt with an act that preceded the strike.

Under the facts of this case, the claimants have established that although they were on strike against the employer, the employer was found by the NLRB to have engaged in an unfair labor practice as the result of acts by the employer prior to the strike. The claimants have satisfied the terms of the statute and the ineligibility provision of this section does not apply.

Constitutional Issues: Counsel for the employer has raised the issue that Section 288.040.6(2) is unconstitutional. The Appeals Tribunal is without authority to consider constitutional challenges to a statute. General Motors Corp. v. Director of Revenue, 981 S.W.2d 561, 563 (Mo. banc 1998). See also State Tax Commission v. Administrative Hearing Commission, 641 S.W.2d 69, 75-76 (Mo. banc 1982).

Counsel for the employer has also argued that the statute is preempted by the

National Labor Relations Act (NLRA). In Decker Coal Company v. Hartman, 706 F. Supp. 745 (D.Mont. 1988), the court addressed the preemption issue as it related to a provision of the Montana unemployment law. The Court held that the Montana statute was preempted by the NLRA, however it went on to say, "This does not say that the commission of an unfair labor practice by an employer may not ever be used as a criteria for determining benefit eligibility. However, that determination must be made in the first instance by the NLRB, the federal agency entrusted by Congress with the sole jurisdiction to make such a finding. " Decker Coal Company, supra, at 749. Once again, however, the Appeals Tribunal has no jurisdiction to rule that the statute is preempted by the NLRA.

The Appeals Tribunal concludes that each of the claimants, whose names appear on the list attached to this decision, are not ineligible for benefits for any week claimed that falls in the period from December 12, 2004, through January 24, 2005, by reason of Section 288.040.6(2), RSMo.

DECISION:

The deputy's determinations are reversed. The claimants, whose names appear on the list attached to this decision, are not ineligible for benefits for any week claimed from December 12, 2004, through January 24, 2005 because of Section 288.040.6(2) RSMo.

Dated and mailed at Jefferson City, Missouri, this 17th day of November, 2006.

JAMES R. SKAIN
REFEREE

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This decision will become the final decision of the Division unless a further appeal is filed as set out below.

APPEAL RIGHTS

If you disagree with the Decision of Appeals Tribunal, you may file an Application for Review (appeal) to the Labor and Industrial Relations Commission. No special form is needed to file an application but you or your attorney must send any comments, arguments, or original exhibits excluded at the hearing that you want the Commission to consider with your Application for Review.

An Application for Review must be filed within thirty (30) days from the date of this decision. The application may be filed by FAX or by mail to the address shown on the first page of this decision.

An Application for Review may be filed by the claimant, an individual who is a sole proprietor, a partner in a partnership, an officer or employee of a corporation, the Division of Employment Security or a licensed Missouri attorney on behalf of any interested party. An Application for Review must be signed by the interested party for whom it is filed or by a licensed Missouri attorney. The appeal number of the decision being appealed should be included in the application.

APPEAL NO.	CLAIMANTS NAME	SOC SEC NO	LO	EMPLOYER
05-08283	CARIANNE BRICKER	340-78-8093	820	St. John's Mercy Health System
05-08285	MARGARET BEDARD	325-38-5508	830	St. John's Mercy Health System
05-08291	LYNN BROWN	486-72-7723	820	St. John's Mercy Health System
05-08294	ANGELA BURTON	500-84-8157	230	St. John's Mercy Health System
05-08295	KELLY CLEAR	486-02-3047	820	St. John's Mercy Health System
05-08303	KERI CAROLUS	338-58-7571	830	St. John's Mercy Health System
05-08305	KASANDRA CALLISON	498-58-9906	820	St. John's Mercy Health System
05-08307	KAREN DEUTSCH	475-68-2426	820	St. John's Mercy Health System
05-08308	KAREN FEDCHAK	488-70-7085	380	St. John's Mercy Health System
05-08316	ELIZABETH HEITKAMP	489-84-0880	880	St. John's Mercy Health System
05-08317	KIMBERLY MURESAN	270-66-0591	800	St. John's Mercy Health System
05-08318	HAU NGUYEN	231-27-5507	820	St. John's Mercy Health System
05-08319	JUDY PFEIFFER	348-54-3681	840	St. John's Mercy Health System
05-08322	SILAS SMITH	379-50-3854	830	St. John's Mercy Health System
05-08323	BONITA E SONDERMANN	487-64-0169	820	St. John's Mercy Health System
05-08328	JULIE WILLIAMS	329-46-0418	380	St. John's Mercy Health System
05-08331	NANCY BAER	492-64-4361	840	St. John's Mercy Health System
05-08336	REGENE BOON	495-62-9354	820	St. John's Mercy Health System
05-08337	AMANDA BORAWSKI	498-92-7971	230	St. John's Mercy Health System
05-08338	KATY BRENNELL	491-92-5070	880	St. John's Mercy Health System
05-08339	CATHY CHAMBLISS	494-82-5999	720	St. John's Mercy Health System
05-08341	BARBARA CRIDER	500-50-1694	800	St. John's Mercy Health System
05-08342	NANCY DAVIDSON	486-50-9875	820	St. John's Mercy Health System
05-08343	NORMA DELANTY	348-34-1881	820	St. John's Mercy Health System

APPEAL NO.	CLAIMANTS NAME	SDC SEC NO	LD	EMPLOYER
05-08344	JEANETTIA DICKHERBER	488-66-4158	800	St. John's Mercy Health System
05-08346	SHAY DOSS	490-78-4830	440	St. John's Mercy Health System
05-08349	COLEEN EMKE	490-54-5195	825	St. John's Mercy Health System
05-08353	JANICE ENGEMANN	498-90-4662	880	St. John's Mercy Health System
05-08354	MARY HARRIS	326-44-4368	820	St. John's Mercy Health System
05-08355	JUDITH HAYES	499-56-2541	440	St. John's Mercy Health System
05-08356	LYNNE IVES	497-72-1109	820	St. John's Mercy Health System
05-08360	MADONNA KLASER	493-74-5327	800	St. John's Mercy Health System
05-08363	BARBARA KLINKHARDT	492-64-6801	820	St. John's Mercy Health System
05-08364	BEVERLY KLINKHARDT	285-54-4033	820	St. John's Mercy Health System
05-08365	CHRISTOPH KLOTT	499-80-1695	880	St. John's Mercy Health System
05-08366	LESLIE KOELLER	492-76-1210	820	St. John's Mercy Health System
05-08367	JOAN KRETSCHMER	509-42-5817	820	St. John's Mercy Health System
05-08370	JULIE MAINTZ	486-68-0556	440	St. John's Mercy Health System
05-08371	KATHLEEN MANN	496-60-2042	800	St. John's Mercy Health System
05-08375	WILLIAM MAHONEY	496-62-6802	380	St. John's Mercy Health System
05-08376	KAREN MARTIN	494-66-1181	230	St. John's Mercy Health System
05-08378	MELANIO MAURICIO	488-11-5403	820	St. John's Mercy Health System
05-08382	MARYROSE MELUSD	495-84-5256	820	St. John's Mercy Health System
05-08383	JESSICA MERLATI	500-96-7204	800	St. John's Mercy Health System
05-08385	DEBRA MONNIG	548-15-6855	820	St. John's Mercy Health System
05-08386	MARGARET MOSS	495-70-0623	820	St. John's Mercy Health System
05-08387	MARILYN NARDIN	355-40-7930	380	St. John's Mercy Health System
05-08388	CHRISTINE NEILSEN	497-62-8340	820	St. John's Mercy Health System

APPEAL NO.	CLAIMANTS NAME	SOC SEC NO	LO	EMPLOYER
05-08389	KATHLEEN O'BRYAN	495-66-3621	820	St. John's Mercy Health System
05-08392	TERI OBERMEIER	500-68-1541	380	St. John's Mercy Health System
05-08393	GLORIA PIERONI	492-72-4051	820	St. John's Mercy Health System
05-08394	KAREN SCHOLZ	494-90-6436	380	St. John's Mercy Health System
05-08396	MARY SHAVER	498-52-6427	800	St. John's Mercy Health System
05-08401	CYNTHIA HARTRUM	497-70-1481	800	St. John's Mercy Health System
05-08403	CATHY STAFFORD	341-40-0299	820	St. John's Mercy Health System
05-08405	KIMBERLY STUART	488-66-7512	380	St. John's Mercy Health System
05-08408	JANET SWARTZ	104-50-6793	800	St. John's Mercy Health System
05-08412	KERRY THACKER	500-60-1268	820	St. John's Mercy Health System
05-08413	DEBORAH VITALE	486-68-6127	800	St. John's Mercy Health System
05-08416	ANN WILSON	494-94-4960	820	St. John's Mercy Health System
05-08420	BRANDI WILLIAMS	489-90-7188	720	St. John's Mercy Health System
05-08422	KATHLEEN YAEKEL	336-50-2611	380	St. John's Mercy Health System
05-08423	DEBORAH LINDSAY	500-56-7172	230	St. John's Mercy Health System
05-08425	SARAH RAFTERY	492-94-4027	380	St. John's Mercy Health System
05-08427	ANDREA RIPPEY	489-86-4654	380	St. John's Mercy Health System
05-08429	CATHY SCHLEEF	497-60-0612	800	St. John's Mercy Health System
05-08430	CHRISTOPH WILLIAMS	359-72-9982	800	St. John's Mercy Health System
05-08433	GINA AJSTER	338-64-9349	048	St. John's Mercy Health System
05-08435	BRENDA ALFERMANN	500-78-7752	800	St. John's Mercy Health System
05-08437	EDWARD ALLEN	496-64-2897	820	St. John's Mercy Health System
05-08438	MEGAN ANDERSON	322-76-7896	830	St. John's Mercy Health System
05-08440	VICTORIA ARAGON	494-76-9025	800	St. John's Mercy Health System

APPEAL NO.	CLAIMANTS NAME	SOC SEC NO	LO	EMPLOYER
05-08441	EUNICE ATWELL	505-56-8276	230	St. John's Mercy Health System
05-08442	REGINA AYDELOTT	486-82-7611	880	St. John's Mercy Health System
05-08445	NELDAD BAILEY	486-54-2834	230	St. John's Mercy Health System
05-08446	KARI BALZER-CONLEY	479-84-9249	820	St. John's Mercy Health System
05-08448	SUH-LIH BAMBERGER	495-04-1592	380	St. John's Mercy Health System
05-08449	MICHELLE BARRIER	512-92-5420	820	St. John's Mercy Health System
05-08450	MARK BARTON	491-66-3009	800	St. John's Mercy Health System
05-08451	KATHLEEN BAUER	498-52-4855	820	St. John's Mercy Health System
05-08453	WILLIAM BEAVERS	496-74-4661	840	St. John's Mercy Health System
05-08454	JANINE BELK	494-70-8848	800	St. John's Mercy Health System
05-08456	MARY BERTKE	490-48-5159	820	St. John's Mercy Health System
05-08457	MARY BIDERMAN	488-60-9896	820	St. John's Mercy Health System
05-08458	KATHLEEN BIRKE	498-46-4151	820	St. John's Mercy Health System
05-08460	DONNA BLOES	486-72-0720	230	St. John's Mercy Health System
05-08461	ELIZABETH BLOUSE	465-60-4685	820	St. John's Mercy Health System
05-08462	LISA BONAGURIO	500-92-0430	820	St. John's Mercy Health System
05-08463	BRENDA BOUVATTE	491-56-8839	230	St. John's Mercy Health System
05-08464	LESLIE BRANCH	357-68-7159	800	St. John's Mercy Health System
05-08465	MARY BRANDT	322-54-8326	820	St. John's Mercy Health System
05-08467	JENNIFER BREEN	488-76-2346	800	St. John's Mercy Health System
05-08468	TRACY BROCKMAN	498-76-9038	380	St. John's Mercy Health System
05-08470	CHRISTINE BROWN	499-56-6181	380	St. John's Mercy Health System
05-08471	CARDLYN BRUNJES	499-50-3110	880	St. John's Mercy Health System
05-08472	CATHERINE BUB	499-56-3999	800	St. John's Mercy Health System

APPEAL NO.	CLAIMANTS NAME	SOC SEC NO	LO	EMPLOYER
05-08473	KELLY BUEHLER	497-88-0825	230	St. John's Mercy Health System
05-08474	REBECCA BUGALA	499-80-0010	380	St. John's Mercy Health System
05-08475	ANNE BUGANSKI	498-90-7002	380	St. John's Mercy Health System
05-08476	KATHERINE BURBA	462-92-2031	820	St. John's Mercy Health System
05-08477	THOMAS BURDICK	500-46-8014	750	St. John's Mercy Health System
05-08480	SHELLEY BURDIN	500-70-0932	750	St. John's Mercy Health System
05-08482	HINNIE BUTLER	258-88-6949	800	St. John's Mercy Health System
05-08484	MELISSA CALVIN	496-88-5624	880	St. John's Mercy Health System
05-08485	BARBARA CARRICO	361-64-3634	830	St. John's Mercy Health System
05-08486	DARLENE CARROLL	585-33-6253	800	St. John's Mercy Health System
05-08488	CAROLYN CHAPERLO	492-92-6941	800	St. John's Mercy Health System
05-08489	MARI CHESHER	499-80-8060	800	St. John's Mercy Health System
05-08490	DEBORAH CHOLAK	493-70-7078	820	St. John's Mercy Health System
05-08492	MELANIE S CLAYTON	500-80-2471	230	St. John's Mercy Health System
05-08494	DAPHNE CLEM	496-92-5541	800	St. John's Mercy Health System
05-08495	RENITA COMPTON	490-58-7974	820	St. John's Mercy Health System
05-08497	LAURA CORLEY	500-76-1672	880	St. John's Mercy Health System
05-08505	AUDRA CRAFT	488-96-5934	840	St. John's Mercy Health System
05-08515	LADONNICA CROSBY	498-72-1853	440	St. John's Mercy Health System
05-08517	LINDA CUMMINGS	494-52-7801	820	St. John's Mercy Health System
05-08518	PATRICIA CYR	558-11-3260	820	St. John's Mercy Health System
05-08519	LINDA D'AUBERT	500-54-9595	380	St. John's Mercy Health System
05-08521	JUDITH DAVIDSON	285-50-7868	820	St. John's Mercy Health System
05-08522	LINDA DAVIS	488-60-8253	800	St. John's Mercy Health System

APPEAL NO.	CLAIMANTS NAME	SOC SEC NO	LO	EMPLOYER
05-08523	DEBORAH DEUSER	402-84-1515	820	St. John's Mercy Health System
05-08524	DANIELLE DILL	494-84-8094	820	St. John's Mercy Health System
05-08526	SHARON DITCH	481-96-4445	820	St. John's Mercy Health System
05-08527	RHONDA DODSON	498-68-0758	800	St. John's Mercy Health System
05-08528	DEBBIE DONLEY	489-78-9501	820	St. John's Mercy Health System
05-08530	RITA DOUGLAS	492-84-1662	880	St. John's Mercy Health System
05-08531	KAREN DRENNAN	330-58-1205	820	St. John's Mercy Health System
05-08533	BETH DUDENHOEFFER	486-92-8666	820	St. John's Mercy Health System
05-08537	ELIZABETH GRILL	500-96-4073	825	St. John's Mercy Health System
05-08539	ANNE EDMUNDOWICZ	145-52-0522	820	St. John's Mercy Health System
05-08540	JANET EICH	491-76-9375	840	St. John's Mercy Health System
05-08547	DONNA ERHART	496-62-8575	440	St. John's Mercy Health System
05-08549	LUCY ESPINOSA-EAUR	498-80-0267	380	St. John's Mercy Health System
05-08551	BRIDGETTE FAHEY	489-94-1193	820	St. John's Mercy Health System
05-08554	MARY FELDMANN	488-86-1678	820	St. John's Mercy Health System
05-08556	ANDREA FILA	489-96-6781	800	St. John's Mercy Health System
05-08559	REBECCA FISTER	346-70-8136	380	St. John's Mercy Health System
05-08566	PENNY FOLEY	500-48-3691	380	St. John's Mercy Health System
05-08568	ROSE FOX	499-42-2215	380	St. John's Mercy Health System
05-08572	LINDA FRENCH	496-60-1884	880	St. John's Mercy Health System
05-08577	ELAINE GARRISON	496-58-8177	800	St. John's Mercy Health System
05-08578	PRINCE GIBSON	587-01-8745	820	St. John's Mercy Health System
05-08580	MARGARET GIERER	486-56-5181	800	St. John's Mercy Health System
05-08582	COURTNEY GRANT	493-96-2966	800	St. John's Mercy Health System

APPEAL NO.	CLAIMANTS NAME	SOC SEC NO	LO	EMPLOYER
05-08583	BELINDA GREEN	292-52-2439	820	St. John's Mercy Health System
05-08584	LEAH GREMAUD	494-84-6351	800	St. John's Mercy Health System
05-08585	KELLY GRIFFIN	333-62-1695	830	St. John's Mercy Health System
05-08587	JULIE GRITT	489-72-6655	800	St. John's Mercy Health System
05-08589	PAULA GROW	489-96-2022	820	St. John's Mercy Health System
05-08591	KAREN GUERRA	401-80-6120	800	St. John's Mercy Health System
05-08592	ANGELA HAILE	500-92-0585	800	St. John's Mercy Health System
05-08594	JEFF HAILE	488-82-2303	800	St. John's Mercy Health System
05-08595	KANDIE HALLERAN	341-52-4102	380	St. John's Mercy Health System
05-08596	JOY HARRIS	230-82-0816	820	St. John's Mercy Health System
05-08598	SUSAN HARTMANN	492-72-1439	820	St. John's Mercy Health System
05-08600	MARY HAWKINS	423-54-4788	825	St. John's Mercy Health System
05-08602	DORIS HELD	500-60-4722	440	St. John's Mercy Health System
05-08603	KATHERINE HELMAN	493-90-4138	800	St. John's Mercy Health System
05-08604	JENNIFER HERBST	497-92-1241	880	St. John's Mercy Health System
05-08607	VICTORIA HISCHKE	491-82-7864	820	St. John's Mercy Health System
05-08609	JOANN HOLDWICK	494-66-8871	800	St. John's Mercy Health System
05-08610	BARBARA HOPPE	496-64-7225	380	St. John's Mercy Health System
05-08612	SHEILA HUFFMAN	500-60-9608	800	St. John's Mercy Health System
05-08613	REBECCA JAMES	495-92-2622	820	St. John's Mercy Health System
05-08615	STEPHANIE JANSEN	489-94-3277	440	St. John's Mercy Health System
05-08616	VICTORIA JAVAUX	497-86-6842	820	St. John's Mercy Health System
05-08617	KIMBERLY JOHNSON	493-72-1992	820	St. John's Mercy Health System
05-08620	SHARON JOHNSON	497-72-6874	380	St. John's Mercy Health System

APPEAL NO.	CLAIMANTS NAME	SOC SEC NO	LO	EMPLOYER
05-08623	TRESA JOSEPH	511-11-6811	820	St. John's Mercy Health System
05-08625	DEBORAH KAISER	500-80-8656	840	St. John's Mercy Health System
05-08635	JANICE KASALCO	324-42-2891	820	St. John's Mercy Health System
05-08636	TEREASA KAUFMANN	487-66-7742	800	St. John's Mercy Health System
05-08639	KRISTIN KEETEMAN	332-74-8671	800	St. John's Mercy Health System
05-08642	BONNY KEHM	509-88-7082	820	St. John's Mercy Health System
05-08645	PEGGY KELPE	495-48-6551	800	St. John's Mercy Health System
05-08648	CASEY KEMPTER	499-94-7682	230	St. John's Mercy Health System
05-08650	CARLA KENNEDY	559-92-5366	880	St. John's Mercy Health System
05-08652	JEAN KENNEDY	486-74-5387	800	St. John's Mercy Health System
05-08655	LISA KENNEDY	489-86-1695	230	St. John's Mercy Health System
05-08657	KRISTY KENNON	486-96-7282	440	St. John's Mercy Health System
05-08660	KIM KILLIAN	489-52-9107	800	St. John's Mercy Health System
05-08662	CAROL KIHES	500-60-3949	820	St. John's Mercy Health System
05-08665	KATHLEEN KLEMP	494-62-1489	820	St. John's Mercy Health System
05-08669	SHERYL KNEEMILLER	490-80-9618	800	St. John's Mercy Health System
05-08672	LISA KNUBLEY	500-88-0449	380	St. John's Mercy Health System
05-08674	LYNDA KOONTZ	333-66-0611	820	St. John's Mercy Health System
05-08681	MICHELLE KRAFT	498-68-1991	380	St. John's Mercy Health System
05-08682	SHERRY KREITLER	490-76-7749	800	St. John's Mercy Health System
05-08684	BECKY KREPPTS	490-86-3292	380	St. John's Mercy Health System
05-08687	KATHLEEN KRUS	490-88-7163	380	St. John's Mercy Health System
05-08689	KATHRYN KSIR	495-72-8398	380	St. John's Mercy Health System
05-08691	SHARDN LAMPKIN	488-52-2547	380	St. John's Mercy Health System

APPEAL NO.	CLAIMANTS NAME	SOC SEC NO	LO	EMPLOYER
05-08693	KATHERINE LAMPE	492-62-7935	820	St. John's Mercy Health System
05-08694	MARY LANDIS	489-72-2649	800	St. John's Mercy Health System
05-08697	GINA LANHAM	500-64-4173	800	St. John's Mercy Health System
05-08699	LORI LAZONE	491-72-6629	460	St. John's Mercy Health System
05-08703	THERESA LEE	481-72-3902	820	St. John's Mercy Health System
05-08704	LINDA LEEK	494-80-1545	380	St. John's Mercy Health System
05-08705	SUSAN LEIWEKE	493-50-6347	820	St. John's Mercy Health System
05-08706	KATHRYN LENHARDT	495-48-5175	820	St. John's Mercy Health System
05-08708	JOANNE LEONARD	497-44-2512	380	St. John's Mercy Health System
05-08710	KRISTIN LEWELLEN	493-78-5364	820	St. John's Mercy Health System
05-08712	SHELLEY LEWELLEN	491-80-4776	880	St. John's Mercy Health System
05-08714	MARY LITTEKEN	495-54-9252	380	St. John's Mercy Health System
05-08716	PENNY LOEHNER	499-78-5798	800	St. John's Mercy Health System
05-08717	ELIZABETH LOTZ	360-36-3979	820	St. John's Mercy Health System
05-08722	LAURA MAHONEY	490-86-1425	440	St. John's Mercy Health System
05-08724	JAIME MARCOTTE	486-96-7346	800	St. John's Mercy Health System
05-08727	SANDY MARKS	486-52-9880	380	St. John's Mercy Health System
05-08728	RENEE MATULEK	287-76-5391	820	St. John's Mercy Health System
05-08732	JOHN MAXWELL	567-27-9491	230	St. John's Mercy Health System
05-08734	PATRICIA MCCLURE	498-74-9703	440	St. John's Mercy Health System
05-08735	MICHAEL MCCUDDEN	492-48-8119	380	St. John's Mercy Health System
05-08736	MARY SUE MCDONOUGH	498-56-7600	380	St. John's Mercy Health System
05-08737	DEBRA MCSPADDEN	490-62-8027	230	St. John's Mercy Health System
05-08738	DEBORAH MELBROD	486-64-6240	440	St. John's Mercy Health System

APPEAL NO.	CLAIMANTS NAME	SOC SEC NO	LO	EMPLOYER
05-08739	KAREN MERTZ	494-66-3777	820	St. John's Mercy Health System
05-08740	CHERYL METZLER	361-52-2613	820	St. John's Mercy Health System
05-08741	ALICE MEYER	497-48-6835	820	St. John's Mercy Health System
05-08742	JEAN MEYER	289-56-8483	800	St. John's Mercy Health System
05-08743	TRACY MEYERS	492-70-5706	880	St. John's Mercy Health System
05-08744	MARY ANN MILLER	392-58-9513	800	St. John's Mercy Health System
05-08745	LISA HILLIGAN	500-90-0275	840	St. John's Mercy Health System
05-08746	BONNIE MITCHELL	394-42-9800	820	St. John's Mercy Health System
05-08748	SHERYLL MODEER	499-64-0368	830	St. John's Mercy Health System
05-08749	RACHEL MOEHLMANN	493-88-7839	230	St. John's Mercy Health System
05-08750	JANE MONTGOMERY	500-50-7813	820	St. John's Mercy Health System
05-08751	AMY MOORE	491-84-6163	380	St. John's Mercy Health System
05-08752	KATHERINE MOORMAN	492-64-6318	820	St. John's Mercy Health System
05-08753	DIANA MORELAND	492-64-3149	800	St. John's Mercy Health System
05-08754	MELINDA MULL	499-54-3244	820	St. John's Mercy Health System
05-08755	MARY MUSICK	486-56-7454	800	St. John's Mercy Health System
05-08756	GREGORY NEMEC	498-68-2114	440	St. John's Mercy Health System
05-08757	JEAN NESHEK-DOWE	337-46-6867	820	St. John's Mercy Health System
05-08758	TIFFANY NEUSTAEDTER	498-86-9534	440	St. John's Mercy Health System
05-08759	NIKI NEWMAN	486-84-4236	830	St. John's Mercy Health System
05-08760	CHARLOTTE NICHOLS	493-44-2558	820	St. John's Mercy Health System
05-08761	STEPHANIE NISSEN	486-84-9798	880	St. John's Mercy Health System
05-08763	ROSINA NOLAN	489-62-1323	800	St. John's Mercy Health System
05-08764	JANISE OESCH	498-58-8870	820	St. John's Mercy Health System

APPEAL NO.	CLAIMANTS NAME	SOC SEC NO	LO	EMPLOYER
05-08765	TRISH O'LAUGHLIN	493-84-0695	800	St. John's Mercy Health System
05-08768	MARLA OLISH	483-70-7590	820	St. John's Mercy Health System
05-08770	NICOLE OLSZEWSKI	494-96-4815	880	St. John's Mercy Health System
05-08771	JOANNE OSBURN	131-46-2153	820	St. John's Mercy Health System
05-08772	JANET PARKS	131-46-0463	230	St. John's Mercy Health System
05-08777	CHRISTINE PARSONS	460-35-0538	820	St. John's Mercy Health System
05-08779	JULIE PETERS	489-90-9176	380	St. John's Mercy Health System
05-08780	KRISTINE PLEIMANN	489-64-6052	380	St. John's Mercy Health System
05-08781	KIMBERLY POEHLMANN	489-94-9080	820	St. John's Mercy Health System
05-08782	KATIE PRINSTER	490-92-7405	800	St. John's Mercy Health System
05-08783	JUDITH PROFETA	498-70-8332	820	St. John's Mercy Health System
05-08784	HOMER REEDY	353-60-4887	800	St. John's Mercy Health System
05-08786	AMY FISCHER	500-82-4378	820	St. John's Mercy Health System
05-08787	LINDA REINHARDT	492-60-1634	380	St. John's Mercy Health System
05-08788	JENNIFER RELLERGERT	352-50-3212	800	St. John's Mercy Health System
05-08789	NANCY RIEBER	487-62-9057	380	St. John's Mercy Health System
05-08790	JUDY L RIGDON	494-48-6365	230	St. John's Mercy Health System
05-08791	KELLY RIGGS	494-74-5086	800	St. John's Mercy Health System
05-08792	RITA RIXFORD	560-35-5827	230	St. John's Mercy Health System
05-08795	GAIL ROBINSON	222-32-6160	820	St. John's Mercy Health System
05-08797	ALICE RODEWALD	492-90-6443	840	St. John's Mercy Health System
05-08798	ANN ROGERS	498-94-4351	800	St. John's Mercy Health System
05-08799	JULI RUSSELL	499-68-8072	800	St. John's Mercy Health System
05-08802	CATHRYN COLEMAN	499-92-5505	800	St. John's Mercy Health System

APPEAL NO.	CLAIMANTS NAME	SOC SEC NO	LO	EMPLOYER
05-08803	DAHRIS SALGE	490-90-0218	800	St. John's Mercy Health System
05-08805	JOAN SCARPACE	496-56-1481	800	St. John's Mercy Health System
05-08806	BARBARA SCHMANK	476-72-2126	820	St. John's Mercy Health System
05-08813	CHRISTINE SCHMIDT	346-52-2714	800	St. John's Mercy Health System
05-08814	DANYELLE SCHULER	497-98-8107	380	St. John's Mercy Health System
05-08815	ALICIA SCHULTE	499-94-3192	820	St. John's Mercy Health System
05-08816	ERIN SCHULTE	499-94-1629	800	St. John's Mercy Health System
05-08817	MARY SCHULTE	344-34-8940	800	St. John's Mercy Health System
05-08818	CHRISTINE SCHULZ	139-62-7636	800	St. John's Mercy Health System
05-08820	JULIE SCOTT	490-86-3571	800	St. John's Mercy Health System
05-08822	AMIE SEAMON	496-82-0809	880	St. John's Mercy Health System
05-08824	DARA SEE	489-58-0272	820	St. John's Mercy Health System
05-08825	DIANE SENKEL	481-58-7308	820	St. John's Mercy Health System
05-08828	THERESA SEXTRD	486-94-0263	800	St. John's Mercy Health System
05-08831	THERESA SHEETS	487-82-9591	230	St. John's Mercy Health System
05-08833	LINDA SIEVE	490-54-9461	820	St. John's Mercy Health System
05-08834	MARSHA SINGER	513-52-8548	800	St. John's Mercy Health System
05-08836	JOAN SKURAT	492-62-8050	820	St. John's Mercy Health System
05-08838	LINDA SLATER-HULITSCH	491-60-5760	800	St. John's Mercy Health System
05-08840	SHEILA SLAUGHTER	491-58-1478	820	St. John's Mercy Health System
05-08841	CAROL SHITH	491-50-6567	800	St. John's Mercy Health System
05-08843	LORI KOTTEMANN	488-54-0921	820	St. John's Mercy Health System
05-08844	DAWN SNODGRASS	491-66-1422	800	St. John's Mercy Health System
05-08845	DONNA SNYDER	497-48-1127	820	St. John's Mercy Health System

APPEAL NO.	CLAIMANTS NAME	SOC SEC NO	LO	EMPLOYER
05-08846	KAREN SOLVERUD	496-90-1020	800	St. John's Mercy Health System
05-08847	LAURA SPANBERGER	330-68-3999	830	St. John's Mercy Health System
05-08848	CRAIG SPANLEY	496-82-6019	800	St. John's Mercy Health System
05-08849	TAMMY SPANLEY	429-17-5493	800	St. John's Mercy Health System
05-08850	JOSEPH SPENCER	500-54-2002	380	St. John's Mercy Health System
05-08852	YVONNE STEEL	354-66-9358	830	St. John's Mercy Health System
05-08855	JILL STEIGER	329-60-6179	380	St. John's Mercy Health System
05-08856	CAROL STINSON	497-42-3300	820	St. John's Mercy Health System
05-08859	JANE STUMPF	339-44-3677	380	St. John's Mercy Health System
05-08860	NANCY SUBLETTE	152-36-5468	800	St. John's Mercy Health System
05-08861	KATHRYN SUMMERS	490-80-3337	840	St. John's Mercy Health System
05-08863	MEREDITH SWAFFORD	490-96-1390	230	St. John's Mercy Health System
05-08865	MARLA SZYMOVICZ	338-48-5683	440	St. John's Mercy Health System
05-08866	RAYMOND TAMASHIRO	576-58-6236	820	St. John's Mercy Health System
05-08867	LANCE THOMAS	493-60-7259	820	St. John's Mercy Health System
05-08868	JANELLE THORNBURGH	484-70-7646	440	St. John's Mercy Health System
05-08869	LYNN THORPE	498-50-3631	820	St. John's Mercy Health System
05-08870	CATHERINE TIGAS	137-78-6746	440	St. John's Mercy Health System
05-08872	CHRISTINE TRENTMANN	499-82-1117	800	St. John's Mercy Health System
05-08875	DEBRA VANKIRK	500-70-5520	820	St. John's Mercy Health System
05-08877	BARBARA VAUGHAN	369-82-8147	820	St. John's Mercy Health System
05-08879	KIM VAUGHN	303-64-3736	820	St. John's Mercy Health System
05-08880	MARY VOGEL	497-68-9440	380	St. John's Mercy Health System
05-08881	MICHELLE WACHSNICHT	512-82-3139	800	St. John's Mercy Health System

APPEAL NO.	CLAIMANTS NAME	SOC SEC NO	LO	EMPLOYER
05-08882	PAT WALSH	487-58-3200	800	St. John's Mercy Health System
05-08886	SUSAN WARD	331-62-6706	230	St. John's Mercy Health System
05-08887	DORIS WAYMIRE	492-48-6603	820	St. John's Mercy Health System
05-08889	KAREN WEBER	337-46-0505	440	St. John's Mercy Health System
05-08890	MARY WEHRHEIM	494-66-0963	820	St. John's Mercy Health System
05-08891	CHAVA WEIMAN	487-78-0357	820	St. John's Mercy Health System
05-08893	TRACY WESSEL	487-96-4422	380	St. John's Mercy Health System
05-08895	VALERIE WHITNEY	490-70-4423	800	St. John's Mercy Health System
05-08896	MICHELE WIECHENS	490-62-2607	800	St. John's Mercy Health System
05-08898	KRISTIN WILHELM	332-84-1930	380	St. John's Mercy Health System
05-08900	MARY WILSON	332-40-7050	380	St. John's Mercy Health System
05-08901	DONNA WOODFORD	492-64-2899	800	St. John's Mercy Health System
05-08902	SUSAN WORSTENHOLM	332-40-5520	440	St. John's Mercy Health System
05-08903	FUH-MEI WU	313-86-1971	820	St. John's Mercy Health System
05-08905	PATRICIA YOUNG	497-44-1848	820	St. John's Mercy Health System
05-08907	JULIE ZARO	498-94-1280	820	St. John's Mercy Health System
05-08908	ANNETTE M ZIELINSKI	495-66-3589	380	St. John's Mercy Health System
05-08910	LENORE R. ZVORAK	493-76-0394	800	St. John's Mercy Health System
05-08913	MARGERY HERBERT	500-46-2401	380	St. John's Mercy Health System
05-08915	JANICE JENDUSA	500-58-4202	820	St. John's Mercy Health System
05-08927	COLLEEN CURRAN-SCHULTE	489-58-3189	380	St. John's Mercy Health System
05-08930	TERRY PIRTLE	036-34-1715	800	St. John's Mercy Health System
05-08932	DIANE SANFORD	499-90-9757	800	St. John's Mercy Health System
05-08935	MARY SCOTT	498-66-8314	800	St. John's Mercy Health System

APPEAL NO.	CLAIMANTS NAME	SOC SEC NO	LO	EMPLOYER
05-08940	MEGHAN STENDEL	490-92-8161	820	St. John's Mercy Health System
05-08941	NANCY SUMMARY-THERINA	341-48-0969	230	St. John's Mercy Health System
05-08942	JANET WALSH	322-44-4633	230	St. John's Mercy Health System
05-08943	AUDRA ARAND	499-82-8737	800	St. John's Mercy Health System
05-08944	KIAH BROWN	496-84-6060	840	St. John's Mercy Health System
05-08945	GLORIA BRUZAITIS	498-64-6019	440	St. John's Mercy Health System
05-08946	PAUL DRASTAL	089-46-4530	820	St. John's Mercy Health System
05-08947	JOANNE GAMACHE	497-78-8850	800	St. John's Mercy Health System
05-08948	JENNIFER GROTE	491-96-1240	800	St. John's Mercy Health System
05-08949	LISA HALTEMAN	498-86-6522	820	St. John's Mercy Health System
05-08950	KIMBERLY HEITERT	495-80-0108	830	St. John's Mercy Health System
05-08952	TARA HELFRICH	496-82-8350	380	St. John's Mercy Health System
05-08963	JAMIE JETTON	497-88-4466	800	St. John's Mercy Health System
05-08964	CHRISTINE KORTE	499-82-8238	230	St. John's Mercy Health System
05-08965	PATRICIA LAFAYER	491-82-1337	820	St. John's Mercy Health System
05-08966	PATRICIA MADDEN	493-64-8975	820	St. John's Mercy Health System
05-08967	DEANNA NEU	497-78-9885	820	St. John's Mercy Health System
05-08969	KAREN PFITZINGER	490-62-8309	820	St. John's Mercy Health System
05-08970	NANCY ROKITA	190-38-3438	800	St. John's Mercy Health System
05-08972	TAMARA RUNGE	492-86-2417	380	St. John's Mercy Health System
05-08973	JANICE SETZER	499-52-9023	800	St. John's Mercy Health System
05-08974	CAROL SIEBERT	490-74-7843	440	St. John's Mercy Health System
05-08975	RITA TAFFENHART	358-42-6570	820	St. John's Mercy Health System
05-08977	KAREN TIMPE	497-84-8434	840	St. John's Mercy Health System

BAP063C 11/01/06 APPEALS ON ST JOHN'S MERCY HEALTH SYSTEM
ATTN PAYROLL DEPT
12800 CORPORATE HILL DR
ST LOUIS MO 63131

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APPEAL NO.	CLAIMANTS NAME	SOC SEC NO	LO	EMPLOYER
05-08978	MARY WALLER	487-64-1101	820	St. John's Mercy Health System
05-08979	PEGGY WILKINSON	494-52-7281	820	St. John's Mercy Health System
05-08980	KATHRYN WUESTLING	498-58-9674	820	St. John's Mercy Health System
05-08981	LAURA YELTON	487-86-5739	800	St. John's Mercy Health System
05-08982	GWENDOLYN SPIEGEL	495-66-4696	380	St. John's Mercy Health System
05-08983	PATRICIA LUETKENHAUS	492-48-8948	800	St. John's Mercy Health System
05-08984	KATHY FELDER	488-76-4782	800	St. John's Mercy Health System
05-08985	KRISTEN NORRIS	499-74-7508	380	St. John's Mercy Health System
05-08986	SUSAN MORTON	494-84-2006	380	St. John's Mercy Health System
05-08987	KELLY PERKINS	514-82-0474	820	St. John's Mercy Health System
05-08989	KAREN SCHLUND	570-98-8548	720	St. John's Mercy Health System
05-08991	SUSAN CROWDUS	491-58-0982	800	St. John's Mercy Health System
05-08992	CARDOLYN DODSON	493-50-6879	820	St. John's Mercy Health System
05-08993	AMY STOWERS	497-92-8741	820	St. John's Mercy Health System

BAP063C 11/01/06 APPEALS ON ST. JOHN'S MERCY HEALTH
SYSTEM
ATTN PAYROLL DEPT
12800 CORPORATE HILL DR
ST LOUIS MO 63131

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APPEAL NO.	CLAIMANTS NAME	SOC SEC NO	LO	EMPLOYER
06-08088	HEATHER COMPARATO	493-72-1815	800	St. John's Mercy Health System
06-08089	DEBORAH HAAKE	500-58-3049	440	St. John's Mercy Health System

Missouri Revised Statutes

Chapter 288 Employment Security Section 288.040

August 28, 2007

Eligibility for benefits--exceptions--report, contents.

288.040. 1. A claimant who is unemployed and has been determined to be an insured worker shall be eligible for benefits for any week only if the deputy finds that:

(1) The claimant has registered for work at and thereafter has continued to report at an employment office in accordance with such regulations as the division may prescribe;

(2) The claimant is able to work and is available for work. No person shall be deemed available for work unless such person has been and is actively and earnestly seeking work. Upon the filing of an initial or renewed claim, and prior to the filing of each weekly claim thereafter, the deputy shall notify each claimant of the number of work search contacts required to constitute an active search for work. No person shall be considered not available for work, pursuant to this subdivision, solely because he or she is a substitute teacher or is on jury duty. A claimant shall not be determined to be ineligible pursuant to this subdivision because of not actively and earnestly seeking work if:

(a) The claimant is participating in training approved pursuant to Section 236 of the Trade Act of 1974, as amended, (19 U.S.C.A. Sec. 2296, as amended);

(b) The claimant is temporarily unemployed through no fault of his or her own and has a definite recall date within eight weeks of his or her first day of unemployment; however, upon application of the employer responsible for the claimant's unemployment, such eight-week period may be extended not to exceed a total of sixteen weeks at the discretion of the director;

(3) The claimant has reported in person to an office of the division as directed by the deputy, but at least once every four weeks, except that a claimant shall be exempted from the reporting requirement of this subdivision if:

(a) The claimant is claiming benefits in accordance with division regulations dealing with partial or temporary total unemployment; or

(b) The claimant is temporarily unemployed through no fault of his or her own and has a definite recall date within eight weeks of his or her first day of unemployment; or

(c) The claimant resides in a county with an unemployment rate, as published by the division, of ten percent or more and in which the county seat is more than forty miles from the nearest division office;

(d) The director of the division of employment security has determined that the claimant belongs to a group or class of workers whose opportunities for reemployment will not be enhanced by reporting in person, or is prevented from reporting due to emergency conditions that limit access by the general public to an office that serves the area where the claimant resides, but only during the time such circumstances exist.

Ineligibility pursuant to this subdivision shall begin on the first day of the week which the claimant was scheduled to claim and shall end on the last day of the week preceding the week during which the claimant does

report in person to the division's office;

(4) Prior to the first week of a period of total or partial unemployment for which the claimant claims benefits he or she has been totally or partially unemployed for a waiting period of one week. No more than one waiting week will be required in any benefit year. During calendar year 2008 and each calendar year thereafter, the one-week waiting period shall become compensable once his or her remaining balance on the claim is equal to or less than the compensable amount for the waiting period. No week shall be counted as a week of total or partial unemployment for the purposes of this subsection unless it occurs within the benefit year which includes the week with respect to which the claimant claims benefits;

(5) The claimant has made a claim for benefits;

(6) The claimant is participating in reemployment services, such as job search assistance services, as directed by the deputy if the claimant has been determined to be likely to exhaust regular benefits and to need reemployment services pursuant to a profiling system established by the division, unless the deputy determines that:

(a) The individual has completed such reemployment services; or

(b) There is justifiable cause for the claimant's failure to participate in such reemployment services.

2. A claimant shall be ineligible for waiting week credit or benefits for any week for which the deputy finds he or she is or has been suspended by his or her most recent employer for misconduct connected with his or her work. Suspensions of four weeks or more shall be treated as discharges.

3. (1) Benefits based on "service in employment", defined in subsections 7 and 8 of section 288.034, shall be payable in the same amount, on the same terms and subject to the same conditions as compensation payable on the basis of other service subject to this law; except that:

(a) With respect to service performed in an instructional, research, or principal administrative capacity for an educational institution, benefits shall not be paid based on such services for any week of unemployment commencing during the period between two successive academic years or terms, or during a similar period between two regular but not successive terms, or during a period of paid sabbatical leave provided for in the individual's contract, to any individual if such individual performs such services in the first of such academic years (or terms) and if there is a contract or a reasonable assurance that such individual will perform services in any such capacity for any educational institution in the second of such academic years or terms;

(b) With respect to services performed in any capacity (other than instructional, research, or principal administrative capacity) for an educational institution, benefits shall not be paid on the basis of such services to any individual for any week which commences during a period between two successive academic years or terms if such individual performs such services in the first of such academic years or terms and there is a contract or a reasonable assurance that such individual will perform such services in the second of such academic years or terms;

(c) With respect to services described in paragraphs (a) and (b) of this subdivision, benefits shall not be paid on the basis of such services to any individual for any week which commences during an established and customary vacation period or holiday recess if such individual performed such services in the period immediately before such vacation period or holiday recess, and there is reasonable assurance that such individual will perform such services immediately following such vacation period or holiday recess;

(d) With respect to services described in paragraphs (a) and (b) of this subdivision, benefits payable on the basis of services in any such capacity shall be denied as specified in paragraphs (a), (b), and (c) of this subdivision to any individual who performed such services at an educational institution while in the employ of an educational service agency, and for this purpose the term "educational service agency" means a governmental agency or governmental entity which is established and operated exclusively for the purpose of providing such services to one or more educational institutions.

(2) If compensation is denied for any week pursuant to paragraph (b) or (d) of subdivision (1) of this subsection to any individual performing services at an educational institution in any capacity (other than instructional, research or principal administrative capacity), and such individual was not offered an opportunity to perform such services for the second of such academic years or terms, such individual shall be entitled to a retroactive payment of the compensation for each week for which the individual filed a timely claim for compensation and for which compensation was denied solely by reason of paragraph (b) or (d) of subdivision (1) of this subsection.

4. (1) A claimant shall be ineligible for waiting week credit, benefits or shared work benefits for any week for which he or she is receiving or has received remuneration exceeding his or her weekly benefit amount or shared work benefit amount in the form of:

(a) Compensation for temporary partial disability pursuant to the workers' compensation law of any state or pursuant to a similar law of the United States;

(b) A governmental or other pension, retirement or retired pay, annuity, or other similar periodic payment which is based on the previous work of such claimant to the extent that such payment is provided from funds provided by a base period or chargeable employer pursuant to a plan maintained or contributed to by such employer; but, except for such payments made pursuant to the Social Security Act or the Railroad Retirement Act of 1974 (or the corresponding provisions of prior law), the provisions of this paragraph shall not apply if the services performed for such employer by the claimant after the beginning of the base period (or remuneration for such services) do not affect eligibility for or increase the amount of such pension, retirement or retired pay, annuity or similar payment.

(2) If the remuneration referred to in this subsection is less than the benefits which would otherwise be due, the claimant shall be entitled to receive for such week, if otherwise eligible, benefits reduced by the amount of such remuneration, and, if such benefit is not a multiple of one dollar, such amount shall be lowered to the next multiple of one dollar.

(3) Notwithstanding the provisions of subdivisions (1) and (2) of this subsection, if a claimant has contributed in any way to the Social Security Act or the Railroad Retirement Act of 1974, or the corresponding provisions of prior law, no part of the payments received pursuant to such federal law shall be deductible from the amount of benefits received pursuant to this chapter.

5. A claimant shall be ineligible for waiting week credit or benefits for any week for which or a part of which he or she has received or is seeking unemployment benefits pursuant to an unemployment insurance law of another state or the United States; provided, that if it be finally determined that the claimant is not entitled to such unemployment benefits, such ineligibility shall not apply.

6. (1) A claimant shall be ineligible for waiting week credit or benefits for any week for which the deputy finds that such claimant's total or partial unemployment is due to a stoppage of work which exists because of a labor dispute in the factory, establishment or other premises in which such claimant is or was last employed. In the event the claimant secures other employment from which he or she is separated during the existence of the labor dispute, the claimant must have obtained bona fide employment as a permanent employee for at least the major part of each of two weeks in such subsequent employment to terminate his or her ineligibility. If, in any case, separate branches of work which are commonly conducted as separate businesses at separate premises are conducted in separate departments of the same premises, each such department shall for the purposes of this subsection be deemed to be a separate factory, establishment or other premises. This subsection shall not apply if it is shown to the satisfaction of the deputy that:

(a) The claimant is not participating in or financing or directly interested in the labor dispute which caused the stoppage of work; and

(b) The claimant does not belong to a grade or class of workers of which, immediately preceding the commencement of the stoppage, there were members employed at the premises at which the stoppage occurs, any of whom are participating in or financing or directly interested in the dispute.

(2) "Stoppage of work" as used in this subsection means a substantial diminution of the activities, production or services at the establishment, plant, factory or premises of the employing unit. This definition shall not apply to a strike where the employees in the bargaining unit who initiated the strike are participating in the strike. Such employees shall not be eligible for waiting week credit or benefits during the period when the strike is in effect, regardless of diminution, unless the employer has been found guilty of an unfair labor practice by the National Labor Relations Board or a federal court of law for an act or actions preceding or during the strike.

7. On or after January 1, 1978, benefits shall not be paid to any individual on the basis of any services, substantially all of which consist of participating in sports or athletic events or training or preparing to so participate, for any week which commences during the period between two successive sport seasons (or similar periods) if such individual performed such services in the first of such seasons (or similar periods) and there is a reasonable assurance that such individual will perform such services in the later of such seasons (or similar periods).

8. Benefits shall not be payable on the basis of services performed by an alien, unless such alien is an individual who was lawfully admitted for permanent residence at the time such services were performed, was lawfully present for purposes of performing such services, or was permanently residing in the United States under color of law at the time such services were performed (including an alien who was lawfully present in the United States as a result of the application of the provisions of Section 212(d)(5) of the Immigration and Nationality Act).

(1) Any data or information required of individuals applying for benefits to determine whether benefits are not payable to them because of their alien status shall be uniformly required from all applicants for benefits.

(2) In the case of an individual whose application for benefits would otherwise be approved, no determination that benefits to such individual are not payable because of such individual's alien status shall be made except upon a preponderance of the evidence.

9. The directors of the division of employment security and the division of workforce development shall submit to the governor, the speaker of the house of representatives, and the president pro tem of the senate no later than October 15, 2006, a report outlining their recommendations for how to improve work search verification and claimant reemployment activities. The recommendations shall include, but not limited to how to best utilize "greathires.org", and how to reduce the average duration of unemployment insurance claims. Each calendar year thereafter, the directors shall submit a report containing their recommendations on these issues by December thirty-first of each year.

(L. 1951 p. 564, A.L. 1957 p. 531, A.L. 1965 p. 420, A.L. 1967 p. 395, A.L. 1969 S.B. 109, A.L. 1972 S.B. 474, H.B. 1017, A.L. 1975 S.B. 358, A.L. 1977 H.B. 707, A.L. 1978 H.B. 1824, A.L. 1982 H.B. 1521, A.L. 1984 H.B. 1251 & 1549, A.L. 1987 S.B. 153, A.L. 1988 H.B. 1485, A.L. 1991 H.B. 422, et al., A.L. 1993 H.B. 502, A.L. 1995 H.B. 300 & 95, A.L. 1997 H.B. 472, A.L. 1999 H.B. 162 merged with S.B. 32, A.L. 2004 H.B. 1268 & 1211, A.L. 2006 H.B. 1456)

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(1972) Where employees were available for work and their failure to work was solely because of decision of employer to annually shut down plant for maintenance, employees were available for work within the meaning of the statute at their old and customary jobs, and the fact that they intended to return to those jobs did not disqualify them from the benefits sought. *Western Electric Company v. Industrial Commission (A.)*, 489 S.W.2d 475

(1973) Work stoppage resulting from a lockout arising from a disagreement in matters subject to collective bargaining is a labor dispute entailing disqualification from unemployment benefits. *Adams v. Industrial Commission (Mo.)*, 490 S.W.2d 77.

(1974) For discussion of "substantial stoppage of work" see *Tri-State Motor Transit Co. v. Industrial Com'n, D. of E.S. (A.)*, 509 S.W.2d 217.

(1975) College student who limits his availability for work to times that do not conflict with full-time college attendance is not available for work within meaning of this section. *Golden v. Industrial Commission, Division of Employment Security (A.)*, 524 S.W.2d 34.

(1977) Where credit union business was being conducted outside of picket lines of struck company, credit union employees who did not report for work at temporary location were ineligible for unemployment benefits as not actively seeking work and were not available for work. *Weber v. Labor and Industrial Relations Commission (A.)*, 557 S.W.2d 669.

(1981) Payment made to retired employee from profit sharing plan which vested ownership interest irrevocably in employees from year to year during course of employment and entitled employees to distribution whenever they terminated their employment for any reason was neither a pension nor a termination allowance. *First Bank of Commerce v. Labor & Industrial Relations Commission (A.)*, 612 S.W.2d 3

(1984) Claimant, although not available for work the entire week because of the illness and death of her mother, was nevertheless "available for work" as required by this section. Mo. Division of Employment Security v. Jones (Mo. App. E.D.), 679 S.W.2d 413.

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Missouri General Assembly

Missouri Revised Statutes

Chapter 288 Employment Security Section 288.090

August 28, 2007

Contributions required, when--payments in lieu of contributions, procedures--common paymaster arrangements.

288.090. 1. Contributions shall accrue and become payable by each employer for each calendar year in which he is subject to this law. Such contributions shall become due and be paid by each employer to the division for the fund on or before the last day of the month following each calendar quarterly period of three months except when regulation requires monthly payment. Any employer upon application, or pursuant to a general or special regulation, may be granted an extension of time, not exceeding three months, for the making of his or her quarterly contribution and wage reports or for the payment of such contributions. Payment of contributions due shall be made to the treasurer designated pursuant to section 288.290.

(1) In the payment of any contributions due, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to one cent;

(2) Contributions shall not be deducted in whole or in part from the wages of individuals in employment.

2. As of June thirtieth of each year, the division shall establish an average industry contribution rate for the next succeeding calendar year for each of the industrial classification divisions listed in the industrial classification system established by the federal government. The average industry contribution rate for each standard industrial classification division shall be computed by multiplying total taxable wages paid by each employer in the industrial classification division during the twelve consecutive months ending on June thirtieth by the employer's contribution rate established for the next calendar year and dividing the aggregate product for all employers in the industrial classification division by the total of taxable wages paid by all employers in the industrial classification division during the twelve consecutive months ending on June thirtieth. Each employer will be assigned to an industrial classification code division as determined by the division in accordance with the definitions contained in the industrial classification system established by the federal government, and shall pay contributions at the average industry rate established for the preceding calendar year for the industrial classification division to which it is assigned or two and seven-tenths percent of taxable wages paid by it, whichever is the greater, unless there have been at least twelve consecutive calendar months immediately preceding the calculation date throughout which its account could have been charged with benefits. The division shall classify all employers meeting this chargeability requirement for each calendar year in accordance with their actual experience in the payment of contributions on their own behalf and with respect to benefits charged against their accounts, with a view to fixing such contribution rates as will reflect such experience. The division shall determine the contribution rate of each such employer in accordance with sections 288.113 to 288.126. Notwithstanding the provisions of this subsection, any employing unit which becomes an employer pursuant to the provisions of subsection 7 or 8 of section 288.034 shall pay contributions equal to one percent of wages paid by it until its account has been chargeable with benefits for the period of time sufficient to enable it to qualify for a computed rate on the same basis as other employers.

3. Benefits paid to employees of any governmental entity and nonprofit organizations shall be financed in accordance with the provisions of this subsection. For the purpose of this subsection, a "nonprofit organization" is an organization (or group of organizations) described in Section 501(c)(3) of the United States Internal Revenue Code which is exempt from income tax under Section 501(a) of such code.

(1) A governmental entity which, pursuant to subsection 7 of section 288.034, or nonprofit organization which, pursuant to subsection 8 of section 288.034, is, or becomes, subject to this law on or after April 27, 1972, shall pay contributions due under the provisions of subsections 1 and 2 of this section unless it elects, in accordance with this subdivision, to pay to the division for the unemployment compensation fund an amount equal to the amount of regular benefits and of one-half of the extended benefits paid, that is attributable to service in the employ of such governmental entity or nonprofit organization, to individuals for weeks of unemployment which begin during the effective period of such election; except that, with respect to benefits paid for weeks of unemployment beginning on or after January 1, 1979, any such election by a governmental entity shall be to pay to the division for the unemployment compensation fund an amount equal to the amount of all regular benefits and all extended benefits paid that is attributable to service in the employ of such governmental entity.

(a) A governmental entity or nonprofit organization which is, or becomes, subject to this law on or after April 27, 1972, may elect to become liable for payments in lieu of contributions for a period of not less than one calendar year, provided it files with the division a written notice of its election within the thirty-day period immediately following the date of the determination of such subjectivity. The provisions of paragraphs (a) through (e) of subdivision (4) of subsection 1 of section 288.100 shall not apply in the calendar year 1998 and each calendar year thereafter, in the case of an employer who has elected to become liable for payments in lieu of contributions.

(b) A governmental entity or nonprofit organization which makes an election in accordance with paragraph (a) of this subdivision will continue to be liable for payments in lieu of contributions until it files with the division a written notice terminating its election not later than thirty days prior to the beginning of the calendar year for which such termination shall first be effective.

(c) A governmental entity or any nonprofit organization which has been paying contributions under this law for a period subsequent to January 1, 1972, may change to a reimbursable basis by filing with the division not later than thirty days prior to the beginning of any calendar year a written notice of election to become liable for payments in lieu of contributions. Such election shall not be terminable by the organization for that and the next calendar year.

(d) The division, in accordance with such regulations as may be adopted, shall notify each governmental entity or nonprofit organization of any determination of its status of an employer and of the effective date of any election which it makes and of any termination of such election. Such determination shall be subject to appeal as is provided in subsection 4 of section 288.130.

(2) Payments in lieu of contributions shall be made in accordance with the provisions of paragraph (a) of this subdivision, as follows:

(a) At the end of each calendar quarter, or at the end of any other period as determined by the director, the division shall bill the governmental entity or nonprofit organization (or group of such organizations) which has elected to make payments in lieu of contributions for an amount equal to the full amount of regular benefits plus one-half of the amount of extended benefits paid during such quarter or other prescribed period that is attributable to service in the employ of such organization; except that, with respect to extended benefits paid for weeks of unemployment beginning on or after January 1, 1979, which are attributable to service in the employ of a governmental entity, the governmental entity shall be billed for the full amount of such extended benefits.

(b) Payment of any bill rendered under paragraph (a) of this subdivision shall be due and shall be made not later than thirty days after such bill was mailed to the last known address of the governmental entity or nonprofit organization or was otherwise delivered to it.

(c) Payments made by the governmental entity or nonprofit organization under the provisions of this subsection shall not be deducted or deductible, in whole or in part, from the remuneration of individuals in the employ of the organization.

(d) Past due payments of amounts in lieu of contributions shall be subject to the same interest and penalties that apply to past due contributions. Also, unpaid amounts in lieu of contributions, interest, penalties and surcharges

are subject to the same assessment, civil action and compromise provisions of this law as apply to unpaid contributions. Further, the provisions of this law which provide for the adjustment or refund of contributions shall apply to the adjustment or refund of payments in lieu of contributions.

(3) If any governmental entity or nonprofit organization fails to timely file a required quarterly wage report, the division shall assess such entity or organization a penalty as provided in subsections 1 and 2 of section 288.160.

(4) Except as provided in subsection 4 of this section, each employer that is liable for payments in lieu of contributions shall pay to the division for the fund the amount of regular benefits plus the amount of one-half of extended benefits paid that are attributable to service in the employ of such employer; except that, with respect to benefits paid for weeks of unemployment beginning on or after January 1, 1979, a governmental entity that is liable for payments in lieu of contributions shall pay to the division for the fund the amount of all regular benefits and all extended benefits paid that are attributable to service in the employ of such employer. If benefits paid to an individual are based on wages paid by more than one employer in the base period of the claim, the amount chargeable to each employer shall be obtained by multiplying the benefits paid by a ratio obtained by dividing the base period wages from such employer by the total wages appearing in the base period.

(5) Two or more employers that have become liable for payments in lieu of contributions, in accordance with the provisions of subdivision (1) of this subsection, may file a joint application to the division for the establishment of a group account for the purpose of sharing the cost of benefits paid that are attributable to service in the employ of such employers. Each such application shall identify and authorize a group representative to act as the group's agent for the purposes of this subdivision. Upon approval of the application, the division shall establish a group account for such employers effective as of the beginning of the calendar quarter in which the application was received and shall notify the group's representative of the effective date of the account. Such account shall remain in effect for not less than two years and thereafter until terminated at the discretion of the director or upon application by the group. Upon establishment of the account, each member of the group shall be liable for payments in lieu of contributions with respect to each calendar quarter in the amount that bears the same ratio to the total benefits paid in such quarter that are attributable to service performed in the employ of all members of the group as the total wages paid for service in employment by such member in such quarter bears to the total wages paid during such quarter for service performed in the employ of all members of the group. The director shall prescribe such regulations as he or she deems necessary with respect to applications for establishment, maintenance and termination of group accounts that are authorized by this subdivision, for addition of new members to, and withdrawal of active members from, such accounts, and for the determination of the amounts that are payable under this subdivision by members of the group and the time and manner of such payments.

4. Any employer which elects to make payments in lieu of contributions into the unemployment compensation fund as provided in subdivision (1) of subsection 3 of this section shall not be liable to make such payments with respect to the benefits paid to any individual whose base period wages include wages for previous work not classified as insured work as defined in section 288.030 to the extent that the unemployment compensation fund is reimbursed for such benefits pursuant to Section 121 of Public Law 94-566.

5. Any employer which elects to make payments in lieu of contributions pursuant to subsection 3 of this section shall be liable for an additional surcharge to the division for the unemployment compensation trust fund in an amount equal to the interest rate on United States treasury bills, averaged for the previous four calendar quarters, multiplied by the total benefit payments charged to the employer's account. Governmental entities except cities, counties and the state of Missouri which elect to make payments in lieu of contributions pursuant to subsection 3 of this section shall be liable for an additional surcharge to the division for the unemployment compensation fund in an amount equal to one-half of the interest rate on United States treasury bills, averaged for the previous four calendar quarters, multiplied by the total benefit payments charged to the employer's account. The cumulative benefits charged plus the cumulative surcharges pursuant to this subsection for all employers electing to make payments in lieu of contributions shall not exceed the summation of total benefit payments chargeable and not chargeable for the calendar quarter. The provisions of this subsection shall not be effective after September 30, 1993.

6. Beginning October 1, 1993, through December 31, 1993, any employer which elects to make payments in lieu

of contributions pursuant to subsection 3 of this section shall be liable for an additional surcharge to the division for the unemployment compensation trust fund in an amount equal to the interest rate of United States treasury bills, averaged for the previous four calendar quarters, multiplied by the total benefit payments charged to the employer's account. The cumulative benefits charged plus the cumulative surcharges pursuant to this subsection for all employers electing to make payments in lieu of contributions shall not exceed the summation of total benefit payments chargeable and not chargeable for the calendar quarter.

7. Beginning January 1, 1994, through December 31, 1995, any employer which elects to make payments in lieu of contributions pursuant to subsection 3 of this section shall be liable for an additional surcharge to the division for the unemployment compensation trust fund. The calendar year surcharge rate will be the base prime rate on corporate loans posted by at least seventy-five percent of the nation's thirty largest banks as of November thirtieth of the preceding year. The additional surcharge will be the surcharge rate multiplied by the total benefit payments charged to the employer's account. The cumulative benefits charged plus the cumulative surcharges pursuant to this subsection for all employers electing to make payments in lieu of contributions shall not exceed the summation of total benefit payments chargeable and not chargeable for the calendar quarter.

8. Beginning January 1, 1996, through December 31, 1996, any employer which elects to make payments in lieu of contributions pursuant to subsection 3 of this section shall be liable for the total benefit payments chargeable to its account pursuant to the provisions of section 288.100 plus one-third of the total benefit payments not charged to its account pursuant to paragraphs (a) through (e) of subdivision (4) of subsection 1 of section 288.100. The remaining two-thirds of the benefit payments not charged to its account pursuant to paragraphs (a) through (e) of subdivision (4) of subsection 1 of section 288.100 shall be paid by the unemployment compensation trust fund.

9. Beginning January 1, 1997, through December 31, 1997, any employer which elects to make payments in lieu of contributions pursuant to subsection 3 of this section shall be liable for the total benefit payments chargeable to its account pursuant to the provisions of section 288.100 plus two-thirds of the total benefit payments not charged to its account pursuant to paragraphs (a) through (e) of subdivision (4) of subsection 1 of section 288.100. The remaining one-third of the benefit payments not charged to its account pursuant to paragraphs (a) through (e) of subdivision (4) of subsection 1 of section 288.100 shall be paid by the unemployment compensation trust fund.

10. Beginning January 1, 1998, and each calendar year thereafter, any employer which elects to make payments in lieu of contributions pursuant to subsection 3 of this section shall be liable for all benefit payments and shall not have charges relieved pursuant to the provisions of paragraphs (a) through (e) of subdivision (4) of subsection 1 of section 288.100.

11. (1) For the purposes of this chapter, a common paymaster arrangement will not exist unless approval has been obtained from the division. To receive a division-approved common paymaster arrangement, the related corporation designated to be the common paymaster for the related corporations must notify the division in writing at least thirty days prior to the beginning of the quarter in which the common paymaster reporting is to be effective. The common paymaster shall furnish the name and account number of each corporation in the related group that will be utilizing the one corporation as the common paymaster. The common paymaster shall also notify the division at least thirty days prior to any change in the related group of corporations or termination of the common paymaster arrangement. The common paymaster shall be responsible for keeping books and records for the payroll with respect to its own employees and the concurrently employed individuals of the related corporations. In order for remuneration to be eligible for the provisions applicable to a common paymaster, the individuals must be concurrently employed and the remuneration must be disbursed through the common paymaster. The common paymaster shall have the primary responsibility for remitting all required quarterly contribution and wage reports, contributions due with respect to the remuneration it disburses as the common paymaster and/or payments in lieu of contributions. The common paymaster shall compute the contributions due as though it were the sole employer of the concurrently employed individuals. If the common paymaster fails to remit the quarterly contribution and wage reports, contributions due and/or payments in lieu of contributions, in whole or in part, it shall remain liable for submitting the quarterly contribution and wage reports and the full amount of the unpaid portion of the contributions due and/or payments in lieu of contributions. In addition, each of the related corporations using the common paymaster shall be jointly and severally liable for submitting quarterly contribution and wage reports, its share of the contributions due and/or payments in lieu of

contributions, penalties, interest and surcharges which are not submitted and/or paid by the common paymaster. All contributions due, payments in lieu of contributions, penalties, interest and surcharges which are not timely paid to the division under a common paymaster arrangement shall be subject to the collection provisions of this chapter.

(2) For the purposes of this subsection, "concurrent employment" means the simultaneous existence of an employment relationship between an individual and two or more related corporations for any calendar quarter in which employees are compensated through a common paymaster which is one of the related corporations, those corporations shall be considered one employing unit and be subject to the provisions of this chapter.

(3) For the purposes of this subsection, "related corporations" means that corporations shall be considered related corporations for an entire calendar quarter if they satisfy any one of the following tests at any time during the calendar quarter:

(a) The corporations are members of a "controlled group of corporations". The term "controlled group of corporations" means:

a. Two or more corporations connected through stock ownership with a common parent corporation, if the parent corporation owns stock possessing at least fifty percent of the total combined voting power of all classes of stock entitled to vote or at least fifty percent of the total value of shares of all classes of stock of each of the other corporations; or

b. Two or more corporations, if five or less persons who are individuals, estates or trusts own stock possessing at least fifty percent of the total combined voting power of all classes of stock entitled to vote or at least fifty percent of the total value of shares of all classes of stock of each of the other corporations; or

(b) In the case of corporations which do not issue stock, at least fifty percent of the members of one corporation's board of directors are members of the board of directors of the other corporations; or

(c) At least fifty percent of one corporation's officers are concurrently officers of the other corporations; or

(d) At least thirty percent of one corporation's employees are concurrently employees of the other corporations.

(L. 1951 p. 564, A.L. 1965 p. 420, A.L. 1967 p. 396, A.L. 1972 S.B. 474, H.B. 1017, A.L. 1975 S.B. 275, A.L. 1977 H.B. 707, A.L. 1980 S.B. 583, A.L. 1984 H.B. 1251 & 1549, A.L. 1991 H.B. 422, et al., A.L. 1992 S.B. 626, A.L. 1993 H.B. 502, A.L. 1994 S.B. 559, A.L. 1995 H.B. 300 & 95, A.L. 1998 S.B. 922, A.L. 2004 H.B. 1268 & 1211)

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Missouri Revised Statutes

Chapter 288 Employment Security Section 288.100

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Experience rating--employer accounts, credits and charges.

288.100. 1. (1) The division shall maintain a separate account for each employer which is paying contributions, and shall credit each employer's account with all contributions which each employer has paid. A separate account shall be maintained for each employer making payments in lieu of contributions to which shall be credited all such payments made. The account shall also show payments due as provided in section 288.090. The division may close and cancel such separate account after a period of four consecutive calendar years during which such employer has had no employment in this state subject to contributions. Nothing in this law shall be construed to grant any employer or individuals in the employer's service prior claims or rights to the amounts paid by the employer into the fund either on the employer's own behalf or on behalf of such individuals. Except as provided in subdivision (4) of this subsection, regular benefits and that portion of extended benefits not reimbursed by the federal government paid to an eligible individual shall be charged against the accounts of the individual's base period employers who are paying contributions subject to the provisions of subdivision (4) of subsection 3 of section 288.090. With respect to initial claims filed after December 31, 1984, for benefits paid to an individual based on wages paid by one or more employers in the base period of the claim, the amount chargeable to each employer shall be obtained by multiplying the benefits paid by a ratio obtained by dividing the base period wages from such employer by the total wages appearing in the base period. Except as provided in paragraph (a) of this subdivision, the maximum amount of extended benefits paid to an individual and charged against the account of any employer shall not exceed one-half of the product obtained by multiplying the benefits paid by a ratio obtained by dividing the base period wages from such employer by the total wages appearing in the base period.

(a) The provisions of subdivision (1) of this subsection notwithstanding, with respect to weeks of unemployment beginning after December 31, 1978, the maximum amount of extended benefits paid to an individual and charged against the account of an employer which is an employer pursuant to subdivision (3) of subsection 1 of section 288.032 and which is paying contributions pursuant to subsections 1 and 2 of section 288.090 shall not exceed the calculated entitlement for the extended benefit claim based upon the wages appearing within the base period of the extended benefit claim.

(2) Beginning as of June 30, 1951, and as of June thirtieth of each year thereafter, any unassigned surplus in the unemployment compensation fund which is five hundred thousand dollars or more in excess of five-tenths of one percent of the total taxable wages paid by all employers for the preceding calendar year as shown on the division's records on such June thirtieth shall be credited on a pro rata basis to all employer accounts having a credit balance in the same ratio that the balance in each such account bears to the total of the credit balances subject to use for rate calculation purposes for the following year in all such accounts on the same date. As used in this subdivision, the term "unassigned surplus" means the amount by which the total cash balance in the unemployment compensation fund exceeds a sum equal to the total of all employer credit account balances. The amount thus prorated to each separate employer's account shall for tax rating purposes be considered the same as contributions paid by the employer and credited to the employer's account for the period preceding the calculation date except that no such amount can be credited against any contributions due or that may thereafter become due from such employer.

(3) At the conclusion of each calendar quarter the division shall, within thirty days, notify each employer by mail of the benefits paid to each claimant by week as determined by the division which have been charged to such

employer's account subsequent to the last notice.

(4) (a) No benefits based on wages paid for services performed prior to the date of any act for which a claimant is disqualified pursuant to section 288.050 shall be chargeable to any employer directly involved in such disqualifying act.

(b) In the event the deputy has in due course determined pursuant to paragraph (a) of subdivision (1) of subsection 1 of section 288.050 that a claimant quit his or her work with an employer for the purpose of accepting a more remunerative job with another employer which the claimant did accept and earn some wages therein, no benefits based on wages paid prior to the date of the quit shall be chargeable to the employer the claimant quit.

(c) In the event the deputy has in due course determined pursuant to paragraph (b) of subdivision (1) of subsection 1 of section 288.050 that a claimant quit temporary work in employment with an employer to return to the claimant's regular employer, then, only for the purpose of charging base period employers, all of the wages paid by the employer who furnished the temporary employment shall be combined with the wages actually paid by the regular employer as if all such wages had been actually paid by the regular employer. Further, charges for benefits based on wages paid for part-time work shall be removed from the account of the employer furnishing such part-time work if that employer continued to employ the individual claiming such benefits on a regular recurring basis each week of the claimant's claim to at least the same extent that the employer had previously employed the claimant and so informs the division within thirty days from the date of notice of benefit charges.

(d) No charge shall be made against an employer's account in respect to benefits paid an individual if the gross amount of wages paid by such employer to such individual is four hundred dollars or less during the individual's base period on which the individual's benefit payments are based. Further, no charge shall be made against any employer's account in respect to benefits paid any individual unless such individual was in employment with respect to such employer longer than a probationary period of twenty-eight days, if such probationary period of employment has been reported to the division as required by regulation.

(e) In the event the deputy has in due course determined pursuant to paragraph (c) of subdivision (1) of subsection 1 of section 288.050 that a claimant is not disqualified, no benefits based on wages paid for work prior to the date of the quit shall be chargeable to the employer the claimant quit.

(f) Nothing in paragraph (b), (c), (d) or (e) of this subdivision shall in any way affect the benefit amount, duration of benefits or the wage credits of the claimant.

2. The division may prescribe regulations for the establishment, maintenance, and dissolution of joint accounts by two or more employers, and shall, in accordance with such regulations and upon application by two or more employers to establish such an account, or to merge their several individual accounts in a joint account, maintain such joint account as if it constituted a single employer's account.

3. The division may by regulation provide for the compilation and publication of such data as may be necessary to show the amounts of benefits not charged to any individual employer's account classified by reason no such charge was made and to show the types and amounts of transactions affecting the unemployment compensation fund.

(L. 1951 p. 564, A.L. 1957 p. 531, A.L. 1959 S.B. 231, A.L. 1961 p. 430, A.L. 1972 H.B. 1017, A.L. 1977 H.B. 707, A.L. 1979 S.B. 477, A.L. 1980 S.B. 583, A.L. 1984 H.B. 1251 & 1549, A.L. 1988 H.B. 1485, A.L. 1994 S.B. 559, A.L. 1996 H.B. 1368, A.L. 2004 H.B. 1268 & 1211)

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Chapter 288 Employment Security Section 288.113

August 28, 2007

Employer's rate, how determined.

288.113. Each employer's rate for the twelve months commencing January first of any calendar year shall be determined on the basis of the employer's record through the preceding June thirtieth. In the event the division has been unable to calculate the rate, or the calculation of such rate by the division has not yet become final, in time to advise such employer of such rate a reasonable time before the date any contribution payment may be due, the rate in effect for the preceding calendar year shall be paid by each employer and an adjustment of any overpayment shall be permitted or additional payment demanded in the event of an underpayment, in connection with any different rate established for such calendar year, but no interest shall accrue on any such underpayment until the expiration of thirty days from the mailing of such demand.

(L. 1951 p. 564 § 288.110, A.L. 1957 p. 531, A.L. 1965 p. 420, A.L. 1965 2d Ex. Sess. p. 927, A.L. 1967 pp. 396 and 401, subdiv. (1) of subsec. 1 of §288.120, A.L. 1994 S.B. 559, A.L. 1996 H.B. 1368)

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Missouri Revised Statutes

Chapter 288 Employment Security Section 288.120

August 28, 2007

Employer's contribution rate, how determined—exception shared work plan, how computed— surcharges for employers taxed at the maximum rate.

288.120. 1. On each June thirtieth, or within a reasonable time thereafter as may be fixed by regulation, the balance of an employer's experience rating account, except an employer participating in a shared work plan under section 288.500, shall determine his contribution rate for the following calendar year as determined by the following table:

Percentage the Employer's Experience Rating

Account is to that Employer's Average Annual Payroll Equals or Exceeds Less Than Contribution Rate

----- -12.0 6.0%

-12.0 -11.0 5.8%

-11.0 -10.0 5.6%

-10.0 -9.0 5.4%

-9.0 -8.0 5.2%

-8.0 -7.0 5.0%

-7.0 -6.0 4.8%

-6.0 -5.0 4.6%

-5.0 -4.0 4.4%

-4.0 -3.0 4.2%

-3.0 -2.0 4.0%

-2.0 -1.0 3.8%

-1.0 0 3.6%

0 2.5 2.7%

2.5 3.5 2.6%

3.5	4.5	2.5%
4.5	5.0	2.4%
5.0	5.5	2.3%
5.5	6.0	2.2%
6.0	6.5	2.1%
6.5	7.0	2.0%
7.0	7.5	1.9%
7.5	8.0	1.8%
8.0	8.5	1.7%
8.5	9.0	1.6%
9.0	9.5	1.5%
9.5	10.0	1.4%
10.0	10.5	1.3%
10.5	11.0	1.2%
11.0	11.5	1.1%
11.5	12.0	1.0%
12.0	12.5	0.9%
12.5	13.0	0.8%
13.0	13.5	0.6%
13.5	14.0	0.4%
14.0	14.5	0.3%
14.5	15.0	0.2%
15.0	----	0.0%

2. Using the same mathematical principles used in constructing the table provided in subsection 1 of this section, the following table has been constructed. The contribution rate for the following calendar year of any employer participating in a shared work plan under section 288.500 during the current calendar year or any calendar year during a prior three-year period shall be determined from the balance in such employer's experience rating account as of the previous June thirtieth, or within a reasonable time thereafter as may be fixed by regulation, from the following table:

Percentage the Employer's Experience Rating

Account is to that Employer's Average Annual Payroll Equals or Exceeds Less Than Contribution Rate

----- -27.0 9.0%

-27.0 -26.0 8.8%

-26.0 -25.0 8.6%

-25.0 -24.0 8.4%

-24.0 -23.0 8.2%

-23.0 -22.0 8.0%

-22.0 -21.0 7.8%

-21.0 -20.0 7.6%

-20.0 -19.0 7.4%

-19.0 -18.0 7.2%

-18.0 -17.0 7.0%

-17.0 -16.0 6.8%

-16.0 -15.0 6.6%

-15.0 -14.0 6.4%

-14.0 -13.0 6.2%

-13.0 -12.0 6.0%

-12.0 -11.0 5.8%

-11.0 -10.0 5.6%

-10.0 -9.0 5.4%

-9.0 -8.0 5.2%

-8.0 -7.0 5.0%

-7.0 -6.0 4.8%

-6.0 -5.0 4.6%

-5.0 -4.0 4.4%

-4.0 -3.0 4.2%

-3.0 -2.0 4.0%

-2.0 -1.0 3.8%
-1.0 0 3.6%
0 2.5 2.7%
2.5 3.5 2.6%
3.5 4.5 2.5%
4.5 5.0 2.4%
5.0 5.5 2.3%
5.5 6.0 2.2%
6.0 6.5 2.1%
6.5 7.0 2.0%
7.0 7.5 1.9%
7.5 8.0 1.8%
8.0 8.5 1.7%
8.5 9.0 1.6%
9.0 9.5 1.5%
9.5 10.0 1.4%
10.0 10.5 1.3%
10.5 11.0 1.2%
11.0 11.5 1.1%
11.5 12.0 1.0%
12.0 12.5 0.9%
12.5 13.0 0.8%
13.0 13.5 0.6%
13.5 14.0 0.4%
14.0 14.5 0.3%
14.5 15.0 0.2%
15.0 ---- 0.0%

3. Notwithstanding the provisions of subsection 2 of section 288.090, any employer participating in a shared work plan under section 288.500 who has not had at least twelve calendar months immediately preceding the calculation date throughout which his account could have been charged with benefits shall have a contribution rate equal to the highest contribution rate in the table in subsection 2 of this section, until such time as his account has been chargeable with benefits for the period of time sufficient to enable him to qualify for a computed rate on the same basis as other employers participating in shared work plans.

4. Employers who have been taxed at the maximum rate pursuant to this section for two consecutive years shall have a surcharge of one-quarter percent added to their contribution rate calculated pursuant to this section. In the event that an employer remains at the maximum rate pursuant to this section for a third or subsequent year, an additional surcharge of one-quarter percent shall be annually assessed, but in no case shall the surcharge authorized in this subsection cumulatively exceed one percent. Additionally, if an employer continues to remain at the maximum rate pursuant to this section an additional surcharge of one-half percent shall be assessed. In no case shall the total surcharge assessed to any employer exceed one and one-half percent in any given year.

(L. 1972 H.B. 1017, A.L. 1979 S.B. 477, A.L. 1984 H.B. 1251 & 1549, A.L. 1987 S.B. 153, A.L. 2004 H.B. 1268 & 1211, A.L. 2006 H.B. 1456)

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Chapter 288 Employment Security Section 288.210

August 28, 2007

Judicial review of decisions of industrial commission, grounds—division to be a party, when.

288.210. Within twenty days after a decision of the commission has become final, the director or any party aggrieved by such decision may appeal the decision to the appellate court having jurisdiction in the area where the claimant or any one of the claimants reside. In such cases involving a claimant who is not a resident of this state, and in all cases not involving a claimant, the Missouri court of appeals for the western district shall have jurisdiction of the appeal. Such appeal may be taken by filing notice of appeal with the commission, whereupon the commission shall, under its certificate, return to the court all documents and papers filed in the matter, together with a transcript of the evidence, the findings and the award, which shall become the record of the cause. The commission shall notify the division of the commencement of the appeal, and, upon receipt of such notice, the division shall be a party to any judicial action involving any such decision and may be represented by any qualified attorney who may be employed or appointed by the director and designated by the director for this purpose. Upon appeal no additional evidence shall be heard. The findings of the commission as to the facts, if supported by competent and substantial evidence and in the absence of fraud, shall be conclusive, and the jurisdiction of the appellate court shall be confined to questions of law. The court, on appeal, may modify, reverse, remand for rehearing, or set aside the decision of the commission on the following grounds and no other:

- (1) That the commission acted without or in excess of its powers;
- (2) That the decision was procured by fraud;
- (3) That the facts found by the commission do not support the award; or
- (4) That there was no sufficient competent evidence in the record to warrant the making of the award. An appeal shall not act as a supersedeas or stay unless the commission shall so order.

(L. 1951 p. 564 § 288.180, A.L. 1961 p. 435, A.L. 1978 H.B. 1634, A.L. 1985 H.B. 373, A.L. 1995 H.B. 300 & 95)

(1975) A determination that a person is an "employer" must be reviewed by the circuit court of Cole County. *Hansen v. Division of Employment Security (A.)*, 520 S.W.2d 150.

(1976) Held, exclusive jurisdiction of appeals from industrial commission is in circuit court of Cole County. *Springfield Gen. Osteo. Hosp. v. Indus. Comm. (A.)*, 538 S.W.2d 364.

(1977) Claimant is disqualified from receiving unemployment benefits when reason for leaving job was her inability to find a baby-sitter. *Lyell v. Labor and Industrial Relations Commission (A.)*, 553 S.W.2d 899.

(1985) The residence of a claimant is determined for circuit court jurisdiction at the time the aggrieved party files its original claim. *Magdala Foundation v. Labor and Indus. Rel. (A.)*, 693 S.W.2d 193.

(1995) Statutory requirement of naming defendants is for administrative convenience and is not jurisdictional. *Clay v. Labor and Industrial Relations Commission of Missouri*, 908 S.W.2d 351 (Mo.banc).

(1997) Commission may not reconsider and reverse itself after the time for appeal expires. *Burch Food Services v. Division of Employment Security*, 945 S.W.2d 478 (Mo.App. W.D.).

(2005) Claimant's unsigned letter to Division of Employment Security's Appeals Tribunal constitutes valid notice of appeal from the deputy's determination. *Rector v. Kelly*, 183 S.W.3d 256 (Mo.App. W.D.).

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