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November 26, 1968

Mr. W.E. Sears
Director
Board of Training Schools
Box 447
Jefferson City, Missouri 65102

Dear Mr. Sears:

This is in response to your request for an opinion stated as follows:

"In accordance with Sections 105.500 through 105.530 Cumulative Supplement 1967, pages 317 and 318, may teachers employed by the State Board of Training Schools present bargaining proposals to the Board of Training Schools through a labor organization or the exclusive bargaining representative?

"In addition, are such employed teachers of the Board of Training Schools to be counted in determining a majority of employees for an appropriate unit for purposes of collective bargaining?"

In the statute establishing the State Board of Training Schools, it is declared that such ". . . schools are hereby classified as educational institutions . . ." (Section 219.020 RSMo 1959). Furthermore, ". . . the state department of education [is] to set standards of education and school attendance in the training schools . . ." (Section 219.320 RSMo 1959).

We think it clear beyond question that individuals employed in the State Training Schools for the purpose of conducting academic classes are teachers within the meaning of Section 105.510 RSMo 1967 Cum. Supp. which states:

"Employees, . . . of any public body shall have the right to form and join labor organizations and to present proposals to any public

body relative to salaries and other conditions of employment through the representative of their own choosing . . ."

The quoted statute, conferring upon public employees the right to present proposals to public bodies relating to salaries and other conditions of employment, contains a specific exemption applying, inter alia, to ". . . all teachers of all Missouri schools, colleges and universities . . ."

Consequently teachers employed in the State Training Schools are not empowered to present proposals to the Board of Training Schools through a labor organization under the provisions of Sections 105.500 to 105.530 RSMo Supp., 1967. That being the case, they may not be counted in determining if a majority of those employed at a State Training School desire to form a unit for the purpose of presenting proposals to the governing body through a representative of their own choosing under provisions of Sections 105.500 to 105.530 RSMo Supp., 1967.

Very truly yours,

NORMAN H. ANDERSON
Attorney General