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Labor and Employment Alert: Missouri May Become a Right-To-Work State

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With the enactment of Senate Bill 19 on February 6, 2017, Missouri became the latest state to enact a right-to-work law making it illegal to require employees to become or remain union members, pay union dues, or pay fair share fees in lieu of union dues as a condition of employment or continued employment. The law applies to all individuals, organizations, partnerships, political subdivisions, corporations, or other entities that employ one or more persons. The law is scheduled to take effect on August 28, 2017.

The law does not apply to federal employees, to employees covered by the federal Railway Labor Act, or to any collective bargaining agreement entered into before the law's effective date. A union, employer, or other person who violates this law is guilty of a misdemeanor, and an aggrieved person may bring a civil action for injunctive relief, damages, costs, and reasonable attorney fees.

Missouri's branches of the AFL-CIO and NAACP have filed a referendum petition with the Missouri Secretary of State that would delay the law until voters can decide its fate. If enough signatures are gathered by August 28 (5% of voters from two-thirds of Missouri's congressional districts), the law will not become effective and, instead, will be placed on the 2018 ballot.

Missouri is now the 28th state to have enacted a right-to-work law, behind Alabama, Arizona, Arkansas, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Nebraska, Nevada, North Carolina, North Dakota, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, West Virginia, Wisconsin and Wyoming. It remains to be seen, however, whether Missouri's law will ultimately take effect. Contact your Vorys lawyer if you have questions about Missouri's new law or about right-to-work laws in general.