

# Missouri Has Become the 28th Right-to-Work State

## Labor & Employment Law Update

By Beverly Alfon on February 10, 2017

On February 6, 2017, the newly elected GOP Governor Eric Greitens, signed into law a right-to-work (RTW) bill that passed the state's Republican-controlled state legislature.

### Nuts and Bolts of the Missouri RTW law

- *Effective date:* August 28, 2017
- *Who it applies to:* Both private and public sector employers (except those in the airline and railroad industries, as well as certain federal employers).
- *What it prohibits:*
  - No employee can be required to become or remain a union member as a condition of employment.
  - No employee can be required to pay dues, fees or assessments of any kind to a union (or any equivalent of a dues payment to any charitable organization).
- *Penalties for violations:* Criminal sanctions – a violation is a class C misdemeanor, punishable by a fine of \$750 and up to 15 days in jail. Civil sanctions – private parties may obtain injunctive relief, damages and an award of attorneys' fees.
- *Effect on collective bargaining agreements:* For collective bargaining agreements (CBA's) entered into before August 28, 2017, the law has no effect. However, the law will apply to any CBA renewal, extension, amendment or modification after August 28, 2017. This will likely jolt Missouri unions to seek contract extensions of existing CBA's in order to delay the impact of the law.

### Unions Continue to Battle

The Missouri AFL-CIO has submitted different versions of a proposed initiative petition to the secretary of state's office that is aimed at reversing the RTW law. Basically, with enough signatures, it would present the opportunity for Missouri voters to decide in 2018 whether to adopt a constitutional amendment that would protect contracts that require employees to pay union representation fees.

### Perspective

Seven of eight states that surround Missouri have existing right-to-work laws, including Kentucky, which passed a right-to-work law last month. The current tally of RTW states includes: Alabama, Arizona, Arkansas, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Nebraska, Nevada, North Carolina, North Dakota, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, West Virginia, Wisconsin, Wyoming. Just last week, the New Hampshire senate passed a RTW bill, which is awaiting passage by the state House.

On a federal level, two Republican Congressmen re-introduced the National Right to Work Act last week. The bill would amend the National Labor Relations Act and the Railway Labor Act to prohibit the use of union security clauses which require union membership and payment of dues and fees.

If there was any doubt, this flurry of activity confirms that the right-to-work movement is recharged.

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