

Missouri Enacts Right to Work Law

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Missouri has become 28th state to adopt a right-to-work law.

Governor Eric Greitens campaigned on promises to sign “right-to-work” law if given the opportunity and the Missouri House of Representatives gave him that opportunity by passing Senate Bill 19 ([SB 19](#)) after hours of floor debates on February 2, 2017. Governor Greitens signed SB 19 on February 6, 2017, and the new law becomes effective on August 28, 2017.

Highlights of the new law include a “grandfather” provision.

Employees Cannot be Required to Join Union, Pay Union Dues

Under Missouri’s new law, no person (including applicants and employees) can be required as a condition of employment or continuation of employment to:

- Become, remain, or refrain from becoming a member of a labor organization;
- Pay any dues, fees, assessments, or other similar charges (of any kind or amount) to a labor organization; or
- In lieu of the payment listed above, pay to any charity or other third party any amount equivalent to (or on a pro rata basis) any dues, fees, assessments, or other charges required of members of a labor organization.

Union Shop Provisions are Not Permitted

Any agreement, understanding, or practice, written or oral, implied or expressed, between any labor organization and employer that violates the rights of employees as guaranteed above is unlawful, null and void, and of no legal effect.

Violations of this prohibition are subject to criminal investigation and prosecution as a class C misdemeanor. Any person injured as a result of any violation or threatened violation is entitled to injunctive relief and may recover “any and all damages of any character” resulting from such violation or threatened violation, including costs and reasonable attorney’s fees.

Effective Date and “Grandfather” Provision

Missouri’s right-to-work law is *effective August 28, 2017*, and will apply to all contracts entered into on or after that date. The law does *not* apply to any agreement (including a union contract) between an employer and a labor organization entered into before August 28, 2017 (those contracts are “grandfathered” outside the law), but it will apply to any such agreement upon its renewal, extension, amendment, or modification in any respect after August 28, 2017.

Exclusions

Missouri’s right-to-work law does not apply:

- To employers and employees covered by the federal Railway Labor Act;
- To federal employers and employees;
- To employers and employees on exclusive federal enclaves; or
- Where the law conflicts with or is preempted by federal law.

Employees Not Required to Remain Union Members

Once the law takes effect on August 28, 2017, current union members will have the option to not be union members. They cannot be terminated (or otherwise disciplined or retaliated against) for exercising that right.

If a union member so desires, the employee may resign his or her union membership at any time on or after August 28 by notifying the union in writing of the decision to resign the union membership effective immediately. Union members desiring to withdraw their union membership should review the union’s Constitution and other governing documents and make sure they follow proper procedures, including the proper recipient of the notification of withdrawal. After resigning, the employee is no longer subject to union rules, fines, assessments, and the like.

Employees who would like more information or have questions about their rights can contact the National

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Right to Work Legal Defense Foundation at (800) 336-3600.

Union Members Required to Continue Paying Dues

Although employees are not required to join a union or pay union dues as a condition of their employment following August 28, 2017, employees who elect to remain union members must continue to follow the union's rules, including those set out in its Constitution, by-laws, and any other governing documents. If the union requires its members to pay dues, fees, or assessments, then union members must pay them.

Right-to-Work States

The 28 states with right-to-work laws are:

1. Alabama
2. Arizona
3. Arkansas
4. Florida
5. Georgia
6. Idaho
7. Indiana
8. Iowa
9. Kansas
10. Kentucky
11. Louisiana
12. Michigan
13. Mississippi
14. Missouri
15. Nebraska
16. Nevada
17. North Carolina
18. North Dakota
19. Oklahoma
20. South Carolina
21. South Dakota
22. Tennessee
23. Texas
24. Utah
25. Virginia
26. West Virginia
27. Wisconsin
28. Wyoming

In addition, New Hampshire is considering enacting right-to-work legislation.

Jackson Lewis attorneys are available to answer any management inquiries regarding this and other workplace developments.

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