

Missouri Becomes 28th Right-to-Work State

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On February 6, 2017, **Missouri Governor Eric Greitens signed [Senate Bill 19](#)**, making Missouri our nation's 28th right-to-work state. In the last five years, five other states have passed right to work legislation (Indiana, Michigan, Wisconsin, West Virginia, and Kentucky). As per Article III, Secs. 20(a) and 29 of the Missouri Constitution, Missouri's right to work statute will become on effective August 28, 2017.

Under the new Section 290.590.2 of the Missouri Revised Statutes, no person can be required, as a condition of employment, to be a union member or to pay dues, fees, assessments, or similar charges to a union, or to pay any charity or third party the charges, fees, or assessments that are charged to union members.

As per the new Section 290.590.3, any agreement in violation of the foregoing is unlawful, null, and void. In addition to making the agreement null and void, the new statutory scheme contains both criminal and civil remedies. A violation of the new right-to-work law is a class C misdemeanor. Any person injured by a violation is entitled to injunctive relief as well as damages, costs, and attorneys' fees.

The statute provides a carve-out for certain employers and employees: the federal sector is carved out as are federal enclaves and employers and employees covered by the Railway Labor Act. The new statute also spells out that it is inapplicable if preempted by federal law and contains a grandfather clause.

The grandfather clause contains two related provisions. First, it makes clear that the new statute does not apply to an agreement entered into between a union and an employer before the law's effective date. Thus, union contracts entered into before August 28, 2017, may generally require union membership under pain of discharge. Second, the grandfather clause provides that a union contract that is renewed, extended, amended, or modified in any respect on or after August 28, 2017, will be subject to the new right-to-work rules.

Key Takeaways

Unionized employers in Missouri may anticipate significant bargaining activity in the next seven months. Where the contract has an expiration date before August 28, 2017, unions will likely be vigilant to make sure a new agreement is reached before August 28—and will do their best to attain a very long-term contract. Where an existing contract is set to expire on or after August 28, 2017—even a year or two thereafter—an employer might well see the union propose a very long-term extension. Right to work in Missouri is likely to give employers significant leverage and bargaining power in these next seven months as unions struggle to maintain their economic viability.

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