

Missouri Legislative Update – Is the Tide Finally Turning?

AUTHOR: TIMM SCHOWALTER

The Republican controlled General Assembly is getting a head start on the labor and employment front by pre-filing several pro-business labor and employment bills.

- **Right to work** - In general, the various bills in one form or another make contract clauses that require union membership as a condition of employment or continued employment null and void. Most of the bills do NOT apply retroactive. Accordingly, all present union security clauses in current collective bargaining agreements would remain in full force and effect. The “right to work” bills include Missouri House Bills 91, 42, and 131; and Missouri Senate Bills 19 and 21.
- **Employment Discrimination** - (SB 43): Revises the standard of proof under the Missouri Human Rights Act to mirror the “motivating” standard under federal law (Title VII of the Civil Rights Act); removes individual liability, and sets forth identical punitive damage caps as under federal law. The bill also sets forth a new whistleblower retaliation claim
- **Prevailing Wage** - House Bill 104 repeals the entire act and simply requires a public body to pay minimum wage on public work projects. Other bills allow a public body to opt out of the act. The opt out bills allow a certain school districts to opt out of the act while others allow a public body to opt out for contracts under \$750,000. The prevailing wage bills are House Bills 44, 78, 79, 104, 132, 133; and Missouri Senate Bills 20 and 29.

Follow Sandberg Phoenix’s Employer Law blog for updates on the various employment and labor law bills.