



# Kentucky Becomes 27th Right-To-Work State

Insights

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On January 9, 2017, Kentucky Governor Matt Bevin signed into law a bill that made Kentucky a right-to-work state. The law took effect immediately. Employers in the state should familiarize themselves with this significant new development, as it could have an impact on your workplace.

## What Does Right-To-Work Mean?

Right-to-work laws generally make it unlawful to require a person to be or become a union member, or to pay union dues, as a condition of initial or continued employment. The name comes from the idea that people should be allowed to work without having to financially support organizations or causes that they do not morally support.

Union advocates make the counterargument that employees who work in unionized workplaces should have to share the cost of union representation. It is important to note that right-to-work laws do not prevent people from joining or supporting unions, they just prohibit requiring them to do so.

## The New Law's Key Features

Kentucky's new law prohibits any employer (public or private sector) from compelling a person to join or remain a union member as a condition of being hired or remaining employed. It also prohibits requiring any employee to pay dues, fees, assessments, or similar charges to a labor organization. This law also prohibits requiring any employee to make payments to charities in lieu of payments to labor organizations.

The new law in Kentucky has a few special provisions that apply only to public sector employees. For example, it prohibits deducting dues and similar payments from public sector employees' pay without written consent, and allows them to easily withdraw consent. It also prohibits public sector employees from engaging in strikes or other work stoppages (private sector employees remain free to do so).

The new law does not apply to labor agreements entered prior to January 9, 2017, but it does apply to extensions and renewals of such contracts made from here on out. The law expressly prohibits local governments from enacting inconsistent legislation.

It is a Class A misdemeanor to violate the law, and persons who are aggrieved by actual or threatened violations may file suit in a court of law. They may be awarded injunctive relief, as well as damages, attorneys' fees, and costs.

Indiana started a flurry of right-to-work legislation in 2012, when it became the 23rd right-to-work state in the country. It was the first state to enact such a law in 12 years. Since then, Michigan, Wisconsin, and West Virginia – and now Kentucky – have enacted right-to-work laws.

### **What The New Law Means For Kentucky Employers**

Employers who are currently bargaining a contract with a union must ensure that the final agreement does not run afoul of the new law. This includes existing contracts that are being renewed, renegotiated or extended. Employers who currently have union contracts that include mandatory union membership and dues payment should make a note to remove such language when the contract comes up for renegotiation. All employers should educate supervisors and higher level managers regarding the new law, to ensure no one violates employees' rights.

Unions are likely to challenge the new law in court. Unless and until a court strikes it down or blocks its enforcement through an injunction, however, you are required to abide by the new law.

For more information about how these changes will affect your workplace, contact any attorney in our [Louisville](#) office at 502.561.3990, or your regular Fisher Phillips attorney.

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*This Legal Alert provides information about a specific state law. It is not intended to be, and should not be construed as, legal advice for any particular fact situation.*

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