

Employment & Labor **INSIDER**

Legalese is not spoken here.

W. Va. will go right-to-work in July

By Robin Shea on February 13, 2016

Wild, wonderful West Virginia is going right-to-work.

Republicans in the state legislature passed the Workplace Freedom Act and yesterday overrode a veto by Democratic Gov. Earl Ray Tomblin. Also yesterday, the West Virginia Republicans overrode Gov. Tomblin's veto of legislation that repeals the state's prevailing wage law.

“Right to work” is often confused with “employment at will.” Right to work means that an individual cannot be required to join a union or pay union dues as a condition of employment. (Employment at will means that, absent a contract of employment for a definite term, an employer can terminate an employee at any time for any reason that is not unlawful.)

In an article on the West Virginia override in *Bloomberg BNA*, the president of the United Food and Commercial Workers Union was quoted as saying the legislation is simply a “right to work for less.” UFCW President Marc Perrone said that “Republicans have chosen to pursue a radical agenda” that will hurt families.

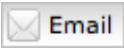
However, Senate Majority Leader Mitch Carmichael, who was one of the sponsors of the bill, called it a “much-needed tool in the economic development box.”

At this point, just more than half of the U.S. states have right to work laws (West Virginia is the 26th). Until recently, the divide has historically fallen roughly along “red state-blue state” lines, but inroads are being made into “heavy-industrial” states like Indiana, Michigan, and Wisconsin — and now, West Virginia. Right-to-work states are currently Alabama, Arizona, Arkansas, Florida, Georgia, Indiana, Iowa, Idaho, Kansas, Louisiana, Michigan, Mississippi, Nebraska, Nevada, North Carolina, North Dakota, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, West Virginia, Wisconsin, and Wyoming.

The West Virginia right-to-work legislation will become effective July 1. The prevailing wage repeal will take effect in 90 days.

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