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LEGISLATIVE ACTION ALERT



Illinois Bans Right to Work

The Democratic Governor signed the ban after it was vetoed by his Republican predecessor

by [Brian Young](#) on
Apr 17, 2019

In a complete 180, the new Governor of Illinois J.B. Pritzker has signed a bill into law that would make local Right to Work laws illegal in the state. The new law, which takes effect immediately, was passed with overwhelming support from the State Senate and the State Assembly. It had been previously blocked by the Republican Governor Bruce Rauner.

The change comes after four years of anti-union policies coming out of the Governor's mansion. Rauner was not only a major proponent of local Right to Work, but he was also a catalyst for encouraging Mark Janus to sue his union, AFSCME so that he would not have to pay fair share fees.

The need for the ban came after Lincolnshire, a northern suburb of Chicago, passed a local Right to Work law in 2015. The law created a legal gray area for Lincolnshire employees since Illinois is a free bargaining state. The new law also brings state law into line with lower court rulings that have affirmed the states right to determine whether local employees should pay agency fees.

"From the start, right-to-work was an idea cooked up to lower wages, slash benefits and hurt our working families," Pritzker said. " 'Right-to-work' has always meant, 'right to work for less money,' and it's wrong for Illinois."



New Mexico Voids Local “Right to Work” Laws

March 13, 2019 [admin](#) [Law](#), [Politics](#)

The New Mexico legislature passed a bill to invalidate “right to work” (RTW) laws passed by local governments in the state. **Aided by billionaire-funded right-wing group Americans for Prosperity (AFP)**, ten of the state’s thirty-three counties have passed anti-worker RTW laws that ban collection of union fees from non-members. The legislation began as House Bill 85, attracting a lot of attention as it moved through the New Mexico House. **The Koch brothers-funded AFP paid for small rallies outside the House featuring Mark Janus, the plaintiff in Janus v. AFSCME, who left his Illinois state job to work for a right-wing think tank after the decision.** The legislature was not moved by the astroturf advocacy campaign.

The Senate voted 23-19 to approve the bill, with all Republicans and three Democrats voting against it. Debate centered around the balance of power between the state and local governments. Supporters of the law advocated unity in New Mexico’s laws rather than a hodge-podge of differing labor standards around the state; a

community cannot implement RTW any more than it can unilaterally slash the state corporate tax rate. Republicans parroted the unsupported AFP talking points that RTW spurs economic development and gives workers “freedom.”

New Mexico Attorney General Hector Balderas issued an opinion in 2018 declaring local RTW ordinances “illegal.” Opposition groups warned that such laws would unnecessarily invite expensive litigation. Several counties moved forward anyway, eager to enact the billionaires’ agenda. Sandoval County passed its RTW ordinance in January 2018, and is now spending taxpayer money to fight a lawsuit filed by the New Mexico Federation of Labor (NMFL).

The bill now goes to the desk of Governor Michelle Lujan Grisham. Her office has not yet issued a statement on the bill, though Grisham has staunchly opposed RTW while previously serving in Congress.

UPDATE:

POLITICALREPORT

Lujan Grisham signs bill invalidating counties’ right-to-work laws

By [Andy Lyman](#) March 29, 2019

Supporters of right-to-work legislation in New Mexico were dealt a big blow when Gov. Michelle Lujan Grisham signed into law a bill to prohibit counties from passing their own right-to-work laws.

Compulsory union fees in the public sector was struck down by the U.S. Supreme Court in [June 2018](#), but private sector unions can still require workers to pay union fees. It's against the law for all unions to require workers to pay dues, but they can collect fees to pay for the wage and benefit bargaining.

With the governor's signature, House Bill 85—sponsored by Democratic Reps. Daymon Ely of Albuquerque and Andrea Romero of Santa Fe—invalidates resolutions passed, over a span of about 14 months in 10 New Mexico counties and one village, that barred union membership as a condition of employment.

Lujan Grisham spokesman Tripp Stelnicki bluntly said state law takes precedence over local government.

“New Mexico is not a so-called ‘right-to-work’ state,” Stelnicki said. “That’s the reality in every county.”

The bill was a direct answer to [a push by right-leaning organizations](#), led by Americans for Prosperity, to localize efforts that failed to pass the Legislature in 2015. That year, with a majority in the House, Republicans passed a bill that would have made it illegal for employers or labor unions to require workers to join a union as part of the job. That bill never made it past the Democratically controlled Senate.

A couple of years after that bill failed, Americans for Prosperity, a politically right-leaning group, began working with county commissions across the state to slowly pass their own right-to-work measures. [Sandoval County was the first in the state](#) to pass the law, but was quickly answered by a federal lawsuit from a labor union. The local labor union in that case argued the county did not have the authority to pass such a law and used an advisory letter from New Mexico Attorney General Hector Balderas to back up its claim.

Supporters of right-to-work often argue individual workers should not have to rely on unions to advocate for pay raises and safe working conditions.

Americans for Prosperity-New Mexico State Director Burly Cain said Thursday that Lujan Grisham ignored New Mexicans who wanted a right-to-work law.

“We’re disappointed that the governor sought to limit worker freedom, despite the clear enthusiasm you’re seeing at these local county levels,” Cain said.

Even with HB 85 signed into law, there will likely be a legal challenge.

Cain said there are “ongoing legal discussions going on” about whether the New Mexico Constitution allows for the state to retroactively repeal local county laws and whether the [National Labor Relations Act](#) allows counties to pass such legislation.

State law allows for a process to repeal a law through a referendum process, but it requires a very high bar to even make it onto a ballot. House Republicans tried to repeal a gun law recently signed by Lujan Grisham using that process, but failed because laws providing for the preservation of the public peace, health or safety are exempt. The Secretary of State said the law to require background checks on most gun purchases was under this exemption.