

LEGAL UPDATES

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## Service

Labor & Employment

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# Two Bills May Mean Big Changes for Missouri Employers

The Missouri General Assembly is already positioned to have a significant impact on Missouri employers this term. The Senate recently followed the example of the House in passing a right-to-work bill. The Senate also began considering a bill that would bring substantial change to employment discrimination lawsuits.

The first bill, SB19, is a second attempt to pass right-to-work legislation. The Senate version is similar to one passed by the House earlier this month. Both bills would prohibit requiring union dues for continued employment. SB19 passed 21-12 and is now under consideration in the House. Likewise, the House bill is currently in the Senate. (For more information on right-to-work legislation, see Husch Blackwell's blog post [Right-To-Work in Missouri – What Does It All Mean?](#))

The second bill, SB43, proposes significant changes to the way courts analyze employment discrimination claims. The bill would abrogate the current “contributing factor” standard in favor of a higher “motivating factor” standard for when discrimination is actionable. SB43 also explicitly requires courts to “rely heavily” upon judicial interpretations of federal anti-discrimination statutes and specifies certain federal case law that Missouri courts should consider when analyzing motions for summary judgment in employment law cases. Finally, SB43 would codify a cause of action for whistleblowing. As proposed, the whistleblower cause of action would not extend to managerial employees, and punitive damages would not be recoverable.

SB43 has received two readings in the Senate and has had one hearing in the Small Business and Industry Committee.

## What This Means to You

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If enacted, these bills will change the labor and employment landscape in Missouri. No action is necessary at this time. We are monitoring these issues and will provide future legislative updates to keep you informed.

### **Contact Us**

For more information on how pending employment legislation in Missouri may affect your business, contact a member of Husch Blackwell's Labor & Employment team.