

Federal Court Shoots Down Illinois Town's Right-To-Work Law

October 2, 2018 | [Unions And Union Membership, Labor And Employment](#)



**David J.
Pryzbylski**
Partner

Illinois is completely surrounded by right-to-work states that have laws making it unlawful for companies to require union dues as a condition of employment. While the state of Illinois is [unlikely to pass](#) such legislation of its own, the Illinois village of Lincolnshire attempted to enact a [right-to-work ordinance in 2015](#) that would have been applicable to companies and unions within its borders. Unions filed a lawsuit to have the village's ordinance voided, and a federal judge agreed to set aside the ordinance in 2017.

Lincolnshire appealed that ruling to the U.S. Court of Appeals for the Seventh Circuit. On Sept. 28, the court [issued its ruling](#) in the case, and it agreed with the lower court judge that the town's ordinance was preempted by federal law. The court ruled that while a state can enact right-to-work legislation, political subdivisions of a state (e.g., cities, towns, etc.) cannot. Accordingly, the law has been blocked from going into effect.

This issue is not unique to Illinois. Before Kentucky enacted its own statewide right-to-work law, [several counties there attempted](#) to pass their own ordinances similar to the one at issue in the Lincolnshire, Illinois, case. In that case, however, the U.S. Court of Appeals for the Sixth Circuit ultimately ruled that the Kentucky counties' right-to-work laws were permitted and not preempted by federal law. The Seventh Circuit's recent ruling is thus at odds with the ruling by the [Sixth Circuit's decision on the same issue](#), so this may be ripe for review at the Supreme Court.

Right-to-work laws are permitted under Section 14(b) of the Taft-Hartley Act and make it unlawful for companies to require union dues as a condition of employment. In states where right-to-work laws are not enacted, most unionized employers have clauses in their labor agreements that require dues payments as a condition of employment – the clauses generally are known as “union seniority clauses.” At present, [28 states have right-to-work laws](#) on the books. The National Right to Work Foundation maintains a current list.

RELATED PRACTICE AREAS

Collective Bargaining
Labor and Employment
Labor Relations
Union Avoidance

RELATED TOPICS

Sixth Circuit