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New Mexico Moves To Prohibit Local Right-to-Work Ordinances

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At present, 27 states have right-to-work laws on the books, which make it illegal for companies and unions to condition employment on union membership and/or dues payments. In states that do not have such statewide legislation on the topic, some local governments have tried to take matters into their own hands by enacting their own “right-to-work” ordinances.

For example, some [Kentucky](#) municipalities enacted these types of ordinances before Kentucky enacted its own statewide law and prevailed against legal challenges. However, [an Illinois village’s efforts](#) along the same lines were struck down by a federal court.

Perhaps watching these legal fights from afar, the state of New Mexico – a state that does not have a right-to-work law on the books – appears to be moving ahead with legislation that would prohibit local governments within the state from promulgating any right-to-work ordinances of their own.

[US News & World Report](#) reported: “The New Mexico House of Representative is poised to vote on a measure that would prohibit local governments from enacting right-to-work ordinances that prevent employees from being required to join a union or pay union fees... Several counties in New Mexico have approved ordinances that prevent employees from being required to join a union or pay union fees. The proposed legislation asserts the state’s exclusive jurisdiction over the issue.”

The New Mexico bill is still in its very early stages, so we will see if it passes

and what it may look like in its final form.

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.” The National Right to Work Foundation maintains a [current list](#) of states with right-to-work laws.