



For Immediate Release:
Thursday, August 11, 2016

Contact: Steve Roberts
(304) 342-1115

W.Va Chamber Responds to Right-to-Work Hearing

Charleston, W.Va. – A hearing was held yesterday afternoon in Kanawha County Circuit Court regarding West Virginia’s recently enacted Workplace Freedom Act (“Right to Work” law).

Numerous labor unions filed suit challenging the validity of the new law and sought a temporary injunction to block enforcement of the new law until the case could be fully decided.

Court testimony centered around an issue involving members-only contracts that was clearly decided and has been continuously upheld as permissible for nearly 80 years: *Consolidated Edison co. vs. NLRB, 305 U.S. 197 (1938)* and *Retail Clerks v. Dry Lion Goods, 369 U.S. 17 (1962)*.

At the conclusion of the hearing Judge Jennifer Bailey granted a temporary *Preliminary Injunction*, effectively barring SB 1 from taking effect in West Virginia. Judge Bailey stated that she saw no harm in granting the temporary injunction until the case can be fully resolved. Judge Bailey further directed parties to craft a Scheduling Order whereby a final ruling can be issued in Kanawha County Circuit Court within 90 days.

West Virginia Chamber President Steve Roberts stated, “The West Virginia Chamber is attempting to understand Judge Bailey’s decision, which we believe is contrary to the clear intent of the West Virginia Legislature to put West Virginia in the majority of states that have enacted right to work legislation. The language used in West Virginia’s law is almost identical to the language that has been used – *and upheld* – in the majority of states that have Right-to-Work laws.”

Roberts added, “We note that Judge Bailey issued her injunction speedily, before all of the Answers have been filed in this case.”

The West Virginia Chamber anticipates that additional legal pleadings will soon be filed – notably from *Attorney General Patrick Morrisey*’s office which is aggressively defending the new law on behalf of the state of West Virginia.

###