Summary of SC98412, *Missouri National Education Association, et al. v. Missouri Department of Labor and Industrial Relations, et al.*

Appeal from the St. Louis County circuit court, Judge Joseph Walsh III
Argued and submitted November 16, 2020; opinion issued June 1, 2021

Attorneys: The state was represented by State Solicitor D. John Sauer and Alyssa M. Mayer of the attorney general's office in Jefferson City, (573) 751-3321. The unions were represented by Jason Walta of the National Education Association in Washington, D.C., (202) 822-7035; and Sally E. Barker and Loretta K. Haggard of Schuchat, Cook & Werner in St. Louis, (314) 621-2626.

Several organizations and individuals filed briefs as friends of the Court. The Economic Policy Institute was represented by Michael A. Evans of Hartnett Reyes-Jones LLC in St. Louis, (314) 531-1054; certain labor law and sociology professors and the Missouri AFL-CIO were represented by James P. Faul of Hartnett Reyes-Jones LLC in St. Louis, (314) 531-1054; and the Missouri Fraternal Order of Police was represented by James P. Towey Jr. of McCarthy, Leonard & Kaemmerer LC in Town & Country, (314) 392-5200.

This summary is not part of the opinion of the Court. It is provided by communications counsel for the convenience of the reader. It neither has been reviewed nor approved by the Supreme Court and should not be quoted or cited.

Overview: The state appeals from a judgment finding legislation pertaining to public-sector labor laws violated multiple provisions of the state constitution – including the right to collective bargaining and equal protection – and enjoining the bill's operation and enforcement. In a 5-2 decision written by Judge Mary R. Russell, the Supreme Court of Missouri affirms the judgment. The exemption for public safety labor organizations violates the equal protection provision of the state constitution because it serves no rational basis. Because the exemption cannot be severed from the remainder of the legislation, the bill is void in its entirety.

Judge W. Brent Powell dissents in a separate opinion joined by one judge. He would hold the bill does not violate the state constitution because there is adequate justification for treating public safety labor organizations differently given the unique nature of public safety employees.

Facts: In 2018, through House Bill No. 1413, the legislature amended several statutory provisions relating to public-sector employee labor laws. Seven labor unions subsequently filed a petition for declaratory judgment and injunctive relief against several state agencies, school districts, county officials and municipal entities (collectively, the state) challenging the constitutional validity of the statutes HB 1413 amended. The circuit court entered a preliminary injunction preventing the implementation and enforcement of HB 1413. The labor unions then moved for summary judgment (judgment on the court filings, without a trial). In response, the state filed expert affidavits regarding the rationale for implementing several of HB 1413's provisions. The circuit court granted summary judgment in the labor unions' favor, finding various provisions of HB 1413 violated the Missouri Constitution and could not be severed from the remainder of the bill. The circuit court, therefore, permanently enjoined enforcement of HB 1413 in its entirety. The state appeals.

AFFIRMED.

Court en banc holds: (1) HB 1413's exemption of public safety labor organizations violates the equal protection provision of the Missouri Constitution. Under rational basis review, the party challenging a statute's constitutional validity must overcome the presumption the statute has a rational basis by a clear showing of arbitrariness and irrationality. HB 1413 defines public safety labor organizations as labor organizations that "primarily," but not exclusively, represent public safety employees. Therefore, the composition of public safety labor organizations and non-public safety labor organizations, by definition, may be quite similar. HB 1413, however, would treat the two drastically different. The only effect (and, therefore, the only evident purpose) of the exemption for public safety labor organizations is to give preferential treatment to some labor organizations over others for some reason other than the employees represented. Accordingly, the state's asserted rational bases for the exemption, given the important work performed by public safety employees, are neither rational nor apparent bases for the provision. As a result, the exemption is constitutionally invalid.

(2) Severing the public safety labor organizations exemption is inappropriate under the facts and circumstances of this case. This Court's precedent counsels against severance if it would effectuate an outcome the legislature avoided. Severing the exemption would make the reform applicable to public safety labor organizations, which the legislature specifically excluded from the statute. The exemption is not concerned with a singular provision or aspect of the bill, but rather, it provides an exemption from the overall statutory scheme itself. As such, this Court cannot say the legislature would have enacted the valid provisions of HB 1413 without this now void exemption. By its plain language, the exemption is essentially and inseparably connected with all other provisions of HB 1413; therefore, HB 1413 must be declared void in its entirety.

Dissenting opinion by Judge Powell: The author disagrees with the principal opinion's conclusion that HB 1413 violates the equal protection provision and, therefore, would not enjoin the bill's operation and enforcement. He would hold the exemption withstands rational basis review because there are adequate justifications for treating public safety labor unions differently, including lower rates of turnover and higher unionization rates among public safety employees than non-public safety employees. He would conclude these distinctions provide plausible explanations and justifications for the dissimilar regulatory framework for public safety and non-public safety labor groups and, therefore, the framework is not unconstitutional.