

State of Wisconsin



2015 Senate Bill 44

Date of enactment: **March 9, 2015**
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2015 WISCONSIN ACT 1

AN ACT *to repeal* 111.01 and 111.06 (1) (c) 2., 3. and 4.; *to renumber and amend* 111.04 and 111.06 (1) (c) 1.; *to amend* 111.02 (3), 111.06 (1) (e), 111.06 (1) (i), 111.39 (6) and 175.05 (6); and *to create* 111.02 (9g), 111.04 (3) and 947.20 of the statutes; **relating to:** prohibiting as a condition of employment membership in a labor organization or payments to a labor organization and providing a penalty.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 111.01 of the statutes is repealed.

SECTION 2. 111.02 (3) of the statutes is amended to read:

111.02 (3) "Collective bargaining unit" means all of the employees of one employer, employed within the state, except that where a majority of the employees engaged in a single craft, division, department or plant have voted by secret ballot as provided in s. 111.05 (2) to constitute such group a separate bargaining unit they shall be so considered, but, in appropriate cases, and to aid in the more efficient administration of ss. ~~111.01 to 111.19~~ this subchapter, the commission may find, where agreeable to all parties affected in any way thereby, an industry, trade or business comprising more than one employer in an association in any geographical area to be a "collective bargaining unit". A collective bargaining unit thus established by the commission shall be subject to all rights by termination or modification given by ss. ~~111.01 to 111.19~~ this subchapter in reference to collective bargaining units otherwise established under ss. ~~111.01 to 111.19~~ this subchapter. Two or more collective bargaining units may bargain collectively through the same representative where a majority of the employees in each

separate unit have voted by secret ballot as provided in s. 111.05 (2) so to do.

SECTION 3. 111.02 (9g) of the statutes is created to read:

111.02 (9g) "Labor organization" means any employee organization in which employees participate and that exists for the purpose, in whole or in part, of engaging in collective bargaining with any employer concerning grievances, labor disputes, wages, hours, benefits, or other terms or conditions of employment.

SECTION 4. 111.04 of the statutes is renumbered 111.04 (1) and amended to read:

111.04 (1) Employees shall have the right of self-organization and the right to form, join or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in lawful, concerted activities for the purpose of collective bargaining or other mutual aid or protection; ~~and such employees.~~

(2) Employees shall also have the right to refrain from ~~any or all of such activities~~ self-organization; forming, joining, or assisting labor organizations; bargaining collectively through representatives; or engaging in activities for the purpose of collective bargaining or other mutual aid or protection.

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

SECTION 5. 111.04 (3) of the statutes is created to read:

111.04 (3) (a) No person may require, as a condition of obtaining or continuing employment, an individual to do any of the following:

1. Refrain or resign from membership in, voluntary affiliation with, or voluntary financial support of a labor organization.

2. Become or remain a member of a labor organization.

3. Pay any dues, fees, assessments, or other charges or expenses of any kind or amount, or provide anything of value, to a labor organization.

4. Pay to any 3rd party an amount that is in place of, equivalent to, or any portion of dues, fees, assessments, or other charges or expenses required of members of, or employees represented by, a labor organization.

(b) This subsection applies to the extent permitted under federal law. If a provision of a contract violates this subsection, that provision is void.

SECTION 6. 111.06 (1) (c) 1. of the statutes is renumbered 111.06 (1) (c) and amended to read:

111.06 (1) (c) To encourage or discourage membership in any labor organization, employee agency, committee, association, or representation plan by discrimination in regard to hiring, tenure, or other terms or conditions of employment ~~except in a collective bargaining unit where an all-union agreement is in effect. Any all-union agreement in effect on October 4, 1975, made in accordance with the law in effect at the time it is made is valid.~~

SECTION 7. 111.06 (1) (c) 2., 3. and 4. of the statutes are repealed.

SECTION 8. 111.06 (1) (e) of the statutes is amended to read:

111.06 (1) (e) To bargain collectively with the representatives of less than a majority of the employer's employees in a collective bargaining unit, or to enter into an all-union agreement ~~except in the manner provided in par. (e).~~

SECTION 9. 111.06 (1) (i) of the statutes is amended to read:

111.06 (1) (i) To deduct labor organization dues or assessments from an employee's earnings, unless the employer has been presented with an individual order therefor, signed by the employee personally, and terminable ~~at the end of any year of its life~~ by the employee giving to the employer at least ~~thirty~~ 30 days' written notice of ~~such the~~ termination ~~unless there is an all-union agreement in effect. The employer shall give notice to the labor organization of receipt of such notice of termination. This paragraph applies to the extent permitted under federal law.~~

SECTION 10. 111.39 (6) of the statutes is amended to read:

111.39 (6) If an order issued under sub. (4) is unenforceable against any labor organization in which membership is a privilege, ~~the an~~ employer with whom the labor organization has an enforceable all-union ~~shop~~ agreement shall not be held accountable under this chapter ~~when~~ if the employer is not responsible for the discrimination, the unfair honesty testing, or the unfair genetic testing.

SECTION 11. 175.05 (6) of the statutes is amended to read:

175.05 (6) RIGHTS OF LABOR. Nothing in this section shall be construed to impair, curtail or destroy the rights of employees and their representatives to self-organization, to form, join or assist labor organization, to strike, to bargain collectively through representatives of their own choosing, and to engage in concerted activities, for the purpose of collective bargaining or other mutual aid or protection, under either the federal labor relations act or ~~ss. 111.01 to 111.19~~ subch. I of ch. 111.

SECTION 12. 947.20 of the statutes is created to read:

947.20 Right to work. Anyone who violates s. 111.04 (3) (a) is guilty of a Class A misdemeanor.

SECTION 13. Initial applicability.

(1) This act first applies to a collective bargaining agreement containing provisions inconsistent with this act upon the renewal, modification, or extension of the agreement occurring on or after the effective date of this subsection.