



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2015 Wisconsin Act 1
[2015 Senate Bill 44]

“Right-to-Work”

2015 Wisconsin Act 1 creates what is commonly referred to as a “right-to-work” law for private sector employers and employees in that the Act prohibits an employer and labor organization from entering into an agreement that requires membership in a labor organization as a condition of employment.

PRIOR LAW

Under prior state law, a private sector employer and a labor organization representing the employer’s employees could enter into an all-union agreement, subject to federal law. An “all-union agreement” is an agreement in which all or any of the employees in a collective bargaining unit are required to be members of a single labor organization.

In addition, under prior law, an employer could deduct labor organization dues from an employee’s earnings if the employee authorized the deduction. The authorization could be terminated at the end of any year of its life if the employee provided at least 30 days’ written notice of the termination, unless there was an all-union agreement in effect. In addition, the employer was required to notify the labor organization if the employer received such a termination notice.

Lastly, under prior law, the statutes contained a declaration of policy in subch. I of ch. 111, 2013 Stats., that related to collective bargaining between private sector employers and employees.¹

¹ For the text of the declaration of policy, see s. 111.01, 2013 Stats.

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature’s Web site at: <http://www.legis.wisconsin.gov>.

2015 WISCONSIN ACT 1

Under the Act, a private sector employer may not enter into an all-union agreement with a labor organization.

In addition, the Act prohibits a person from requiring an individual to do any of the following as a condition of obtaining or continuing employment:

- Refrain or resign from membership in, voluntary affiliation with, or voluntary financial support of a labor organization.
- Become or remain a member of a labor organization.
- Pay any dues, fees, assessment, or other charges or expenses of any kind or amount, or provide anything of value, to a labor organization.
- Pay to any third 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.

This prohibition applies to the extent permitted under federal law. If a provision of a contract violates this prohibition, that provision is void. Anyone who violates this prohibition is guilty of a Class A misdemeanor. The penalty for a Class A misdemeanor is a fine up to \$10,000 or imprisonment up to nine months, or both.

The Act also provides that an employee may terminate an authorization that allows the employer to deduct labor organization dues from the employee's earnings at any time, rather than at the end of any year of the authorization's life, but the employee must provide at least 30 days' written notice of the termination. This provision applies to the extent permitted under federal law. The Act also repeals the requirement that the employer notify the labor organization if the employer receives such a termination notice.

Lastly, the Act repeals the declaration of policy in subch. I of ch. 111, 2013 Stats.

Effective date: March 11, 2015. The Act applies to a collective bargaining agreement containing provisions inconsistent with the Act upon the renewal, modification, or extension of the agreement occurring on or after March 11, 2015.

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