



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-0956/1
CMH:all:wj

2015 SENATE BILL 44

February 23, 2015 – Introduced by COMMITTEE ON SENATE ORGANIZATION. Referred to Committee on Labor and Government Reform.

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

Analysis by the Legislative Reference Bureau

This bill creates a state right to work law. This bill generally prohibits a person from requiring, as a condition of obtaining or continuing employment, an individual to refrain or resign from membership in a labor organization, to become or remain a member of a labor organization, to pay dues or other charges to a labor organization, or to pay any other person an amount that is in place of dues or charges required of members of a labor organization. Any person who violates this prohibition is guilty of a Class A misdemeanor.

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

7 **SECTION 1.** 111.01 of the statutes is repealed.

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

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

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

18 111.02 (9g) “Labor organization” means any employee organization in which
19 employees participate and that exists for the purpose, in whole or in part, of engaging
20 in collective bargaining with any employer concerning grievances, labor disputes,
21 wages, hours, benefits, or other terms or conditions of employment.

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

24 111.04 (1) Employees shall have the right of self-organization and the right to
25 form, join or assist labor organizations, to bargain collectively through

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1 representatives of their own choosing, and to engage in lawful, concerted activities
2 for the purpose of collective bargaining or other mutual aid or protection; and such
3 employees.

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

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

9 111.04 (3) (a) No person may require, as a condition of obtaining or continuing
10 employment, an individual to do any of the following:

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

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

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

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

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

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

23 111.06 (1) (c) To encourage or discourage membership in any labor
24 organization, employee agency, committee, association, or representation plan by
25 discrimination in regard to hiring, tenure, or other terms or conditions of

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1 employment ~~except in a collective bargaining unit where an all-union agreement is~~
2 ~~in effect. Any all-union agreement in effect on October 4, 1975, made in accordance~~
3 ~~with the law in effect at the time it is made is valid.~~

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

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

6 111.06 (1) (e) To bargain collectively with the representatives of less than a
7 majority of the employer's employees in a collective bargaining unit, or to enter into
8 an all-union agreement ~~except in the manner provided in par. (e).~~

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

10 111.06 (1) (i) To deduct labor organization dues or assessments from an
11 employee's earnings, unless the employer has been presented with an individual
12 order therefor, signed by the employee personally, and terminable ~~at the end of any~~
13 ~~year of its life~~ by the employee giving to the employer at least ~~thirty~~ 30 days' written
14 notice of such the termination ~~unless there is an all-union agreement in effect. The~~
15 ~~employer shall give notice to the labor organization of receipt of such notice of~~
16 ~~termination. This paragraph applies to the extent permitted under federal law.~~

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

18 111.39 (6) If an order issued under sub. (4) is unenforceable against any labor
19 organization in which membership is a privilege, ~~the~~ an employer with whom the
20 labor organization has an enforceable all-union ~~shop~~ agreement shall not be held
21 accountable under this chapter ~~when~~ if the employer is not responsible for the
22 discrimination, the unfair honesty testing, or the unfair genetic testing.

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

24 175.05 (6) RIGHTS OF LABOR. Nothing in this section shall be construed to impair,
25 curtail or destroy the rights of employees and their representatives to

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1 self-organization, to form, join or assist labor organization, to strike, to bargain
2 collectively through representatives of their own choosing, and to engage in
3 concerted activities, for the purpose of collective bargaining or other mutual aid or
4 protection, under either the federal labor relations act or ss. ~~111.01 to 111.19~~ subch.
5 I of ch. 111.

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

7 **947.20 Right to work.** Anyone who violates s. 111.04 (3) (a) is guilty of a Class
8 A misdemeanor.

9 **SECTION 13. Initial applicability.**

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

13

(END)