

State of Wisconsin



2017 Assembly Bill 748

Date of enactment: April 16, 2018
Date of publication*: April 17, 2018

2017 WISCONSIN ACT 327

AN ACT *to repeal* 104.001 (3); and *to create* 66.0134, 66.0408 (2) (d), 103.007, 103.12, 103.36, 109.09 (3) and 947.21 of the statutes; **relating to:** preventing the state or local governments from requiring any person to accept certain collective bargaining provisions or waive its rights under the National Labor Relations Act or state labor law; prohibiting local regulation of employee hours and overtime, employment benefits, wage claims and collections, an employer's right to solicit salary information of prospective employees, and professions regulated by the state; and providing a criminal penalty.

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

SECTION 1. 66.0134 of the statutes is created to read:
66.0134 Labor peace agreements prohibited. (1)

DEFINITIONS. In this section:

(a) "Federal labor laws" means the federal Labor Management Relations Act, 29 USC 141 to 144, and the federal National Labor Relations Act, 29 USC 151 to 169.

(b) "Local governmental unit" means a city, village, town, county, school district, including a 1st class city school district, technical college district, sewerage district, drainage district, or any other special purpose district in this state, or any other public or quasi-public corporation, officer, board, or other public body, an agency or corporation of a political subdivision or special purpose district, or a combination or subunit of any of the foregoing.

(2) AGREEMENTS PROHIBITED. Neither the state nor a local governmental unit may enact a statute or ordinance; adopt a policy or regulation; or impose a contract, zoning, permitting, or licensing requirement, or any other condition including a condition of any regulatory approval;

that would require any person to accept any provision that is a mandatory or nonmandatory subject of collective bargaining under state or federal labor laws.

(3) WAIVER PROHIBITED. Neither the state nor a local governmental unit, nor any of its employees, may require any person to waive the person's rights under state or federal labor laws, or compel or attempt to compel a person to agree to waive the person's rights under state or federal labor laws as a condition of any regulatory approval or other approval by the local governmental unit.

(4) AGREEMENTS VOID. Any agreement entered into, renewed, modified, or extended on or after the effective date of this subsection [LRB inserts date], between any person and any labor organization in violation of this section is void.

SECTION 2. 66.0408 (2) (d) of the statutes is created to read:

66.0408 (2) (d) With regard to the areas in which any department of state government may impose occupational licensing requirements on any profession, a political subdivision may not impose any occupational licensing requirements on an individual who works in that

* 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."

profession that are more stringent than the requirements imposed by the department that regulates that profession.

SECTION 3. 103.007 of the statutes is created to read:

103.007 Local regulation of hours of labor and overtime; statewide concern; uniformity. (1) The legislature finds that employee hour and overtime requirements that are uniform throughout the state is a matter of statewide concern and that the enactment of an ordinance by a city, village, town, or county regulating employee hours or overtime would be logically inconsistent with, would defeat the purpose of, and would go against the spirit of the employee hour and overtime requirements. Therefore, the employee hour and overtime requirements shall be construed as an enactment of statewide concern for the purpose of providing employee hour and overtime requirements that are uniform throughout the state.

(2) In this section, “employee hour and overtime requirements” means the requirements set forth in ss. 103.01 to 103.03, 103.24, 103.38, 103.65 (2), 103.66 (2), 103.67 (1), 103.68, 103.85, 103.915 (4) (b), 103.93 (4), 103.935, and 104.045 (3) and in the rules promulgated under those sections.

(3) (a) Subject to par. (c), no city, village, town, or county may enact or enforce an ordinance that regulates employee hours or overtime, including scheduling employee work hours or shifts.

(b) Subject to par. (c), if a city, village, town, or county has in effect on the effective date of this paragraph ... [LRB inserts date], an ordinance that regulates employee hours or overtime, including scheduling employee work hours or shifts, the ordinance does not apply and may not be enforced.

(c) Nothing in this section prohibits a city, village, town, or county from enacting or enforcing any of the following ordinances:

1. An ordinance that limits the hours that a business may operate.
2. An ordinance described in s. 103.34 (14) (b) that regulates hours or overtime of a traveling sales crew worker, as defined in s. 103.34 (1) (f).

SECTION 4. 103.12 of the statutes is created to read:

103.12 Local regulation of employment benefits; statewide concern; uniformity. (1) The legislature finds that each employer in this state should be allowed to determine the employment benefits the employer provides to its employees without interference by local governments. The legislature finds that the absence of such local regulations is a matter of statewide concern and that the enactment of an ordinance by a city, village, town, or county regulating the employment benefits an employer provides to its employees would be logically inconsistent with, would defeat the purpose of, and would go against the spirit of the legislature’s intent to allow each employer to determine the employment benefits the employer provides to its employees. Therefore, this section shall be construed as an enactment of statewide con-

cern for the purpose of providing uniform regulation throughout the state regarding the employment benefits an employer may be required to provide to its employees.

(2) In this section, “employment benefit” means anything of value, other than wages and salary, that an employer makes available to an employee, including a retirement, pension, profit sharing, insurance, or leave benefit.

(3) (a) Except as provided in ss. 103.10 (1m) (d) and 103.11 (2) (d), no city, village, town, or county may enact or enforce an ordinance requiring an employer to provide certain employment benefits to its employees, to provide a minimum level of employment benefits to its employees, or to prescribe the terms or conditions of employment benefits provided to its employees.

(b) Except as provided in ss. 103.10 (1m) (d) and 103.11 (2) (d), if a city, village, town, or county has in effect on the effective date of this paragraph ... [LRB inserts date], an ordinance requiring an employer to provide certain employment benefits or to provide a minimum level of employment benefits to its employees, the ordinance does not apply and may not be enforced.

SECTION 5. 103.36 of the statutes is created to read:

103.36 Employer right to solicit salary information of prospective employees; statewide concern; uniformity. (1) An employer may solicit information regarding the salary history of prospective employees.

(2) The legislature finds that the provision of an employer right to solicit salary information that is uniform throughout the state is a matter of statewide concern and that the enactment of an ordinance by a city, village, town, or county that prohibits an employer from soliciting salary information would be logically inconsistent with, would defeat the purpose of, and would go against the spirit of this section. Therefore, this section shall be construed as an enactment of statewide concern for the purpose of providing an employer right to solicit salary information that is uniform throughout the state.

(3) (a) No city, village, town, or county may enact or enforce an ordinance prohibiting an employer from soliciting information regarding the salary history of prospective employees.

(b) If a city, village, town, or county has in effect on the effective date of this paragraph ... [LRB inserts date], an ordinance prohibiting an employer from soliciting information regarding the salary history of prospective employees, the ordinance does not apply and may not be enforced.

SECTION 6. 104.001 (3) of the statutes is repealed.

SECTION 7. 109.09 (3) of the statutes is created to read:

109.09 (3) (a) The legislature finds that the provision of a wage claim and collection law that is uniform throughout the state is a matter of statewide concern and that the enactment of a wage claim or collection ordinance by a city, village, town, or county would be logi-

cally inconsistent with, would defeat the purpose of, and would go against the spirit of this section. Therefore, this section shall be construed as an enactment of statewide concern for the purpose of providing a wage claim and collection law that is uniform throughout the state.

(b) No city, village, town, or county may enact or enforce an ordinance that regulates wage claims or collections.

(c) If a city, village, town, or county has in effect on the effective date of this paragraph [LRB inserts date],

an ordinance that regulates wage claims or collections, the ordinance does not apply and may not be enforced.

SECTION 12. 947.21 of the statutes is created to read:

947.21 Labor peace agreements prohibited. Anyone who knowingly violates s. 66.0134 (3) is guilty of a Class A misdemeanor.

SECTION 13. Initial applicability.

(1) The treatment of section 947.21 of the statutes first applies to a violation that occurs on the effective date of this subsection.
