



State of Wisconsin
2015 - 2016 LEGISLATURE

LRBs0033/1
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**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO SENATE BILL 44**

March 5, 2015 - Offered by Representatives GENRICH, BARCA, SHANKLAND, JORGENSEN, ZAMARRIPA, BERCEAU, BILLINGS, BOWEN, BROSTOFF, CONSIDINE, DANOU, DOYLE, GOYKE, HEBL, HESSELBEIN, HINTZ, JOHNSON, KAHL, KESSLER, KOLSTE, MASON, MEYERS, MILROY, OHNSTAD, POPE, RIEMER, SARGENT, SINICKI, SPREITZER, STUCK, SUBECK, C. TAYLOR, WACHS, YOUNG and ZEPNICK.

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

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7 **SECTION 1.** 111.01 of the statutes is repealed.

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

9 111.02 (3) "Collective bargaining unit" means all of the employees of one
10 employer, employed within the state, except that where a majority of the employees
11 engaged in a single craft, division, department or plant have voted by secret ballot

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

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

14 111.02 (9g) “Labor organization” means any employee organization in which
15 employees participate and that exists for the purpose, in whole or in part, of engaging
16 in collective bargaining with any employer concerning grievances, labor disputes,
17 wages, hours, benefits, or other terms or conditions of employment.

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

20 111.04 (1) Employees shall have the right of self-organization and the right to
21 form, join or assist labor organizations, to bargain collectively through
22 representatives of their own choosing, and to engage in lawful, concerted activities
23 for the purpose of collective bargaining or other mutual aid or protection; ~~and such~~
24 ~~employees.~~

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

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

6 111.04 (3) (a) In this subsection, “nonchargeable expenses” means expenses, for
7 purposes other than a labor organization’s normal duties of collective bargaining and
8 union representation, that a labor organization is prohibited under federal law from
9 requiring its members or other individuals to pay.

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

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

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

15 3. Pay to a labor organization any dues, fees, assessments, or provide anything
16 of value, for nonchargeable expenses.

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

20 (b) This subsection applies to the extent permitted under federal law and shall
21 be interpreted in accordance with federal case law concerning the collection of
22 nonchargeable expenses by private sector labor organizations. If a provision of a
23 contract violates this subsection, that provision is void.

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

1 111.39 (6) If an order issued under sub. (4) is unenforceable against any labor
2 organization in which membership is a privilege, the an employer with whom the
3 labor organization has an enforceable all-union ~~shop~~ agreement shall not be held
4 accountable under this chapter ~~when~~ if the employer is not responsible for the
5 discrimination, the unfair honesty testing, or the unfair genetic testing.

6 **SECTION 7.** 175.05 (6) of the statutes is amended to read:

7 175.05 (6) RIGHTS OF LABOR. Nothing in this section shall be construed to impair,
8 curtail or destroy the rights of employees and their representatives to
9 self-organization, to form, join or assist labor organization, to strike, to bargain
10 collectively through representatives of their own choosing, and to engage in
11 concerted activities, for the purpose of collective bargaining or other mutual aid or
12 protection, under either the federal labor relations act or ss. 111.01 to 111.19 subch.
13 I of ch. 111.

14 **SECTION 8.** 947.20 of the statutes is created to read:

15 **947.20 Right to work.** Anyone who violates s. 111.04 (3) (am) is guilty of a
16 Class A misdemeanor.

17 **SECTION 9. Initial applicability.**

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

21 **(END)**