

1983 Assembly Bill 51

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1983 Wisconsin Act 160

AN ACT to renumber 111.85 (2) and (3); to renumber and amend 111.85 (1); to amend 111.81 (13), 111.84 (1) (c) and (f) and 111.85 (title); to repeal and recreate 111.81 (6); and to create 111.81 (21) and 111.85 (1) of the statutes, relating to fair-share and maintenance of membership agreements under the state employment labor relations act.

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

SECTION 1. 111.81 (6) of the statutes is repealed and recreated to read:

111.81 (6) "Fair-share agreement" means an agreement between the employer and a labor organization representing employes or supervisors under which all of the employes or supervisors in a collective bargaining unit are required to pay their proportionate share of the cost of the collective bargaining process and contract administration measured by the amount of dues uniformly required of all members.

SECTION 2. 111.81 (13) of the statutes is amended to read:

111.81 (13) "Referendum" means a proceeding conducted by the commission in which employes or supervisors in a collective bargaining unit may cast a secret ballot on the question of directing the labor organization and the employer to enter into a fair-share or maintenance of membership agreement. ~~For a fair share agreement to be effec-~~

~~five, at least two-thirds of the eligible employees voting in a referendum must vote in favor of the or to terminate such an agreement.~~

SECTION 3. 111.81 (21) of the statutes is created to read:

111.81 (21) "Maintenance of membership agreement" means an agreement between the employer and a labor organization which requires that all of the employes or supervisors whose dues are being deducted from earnings under s. 20.921 (1) or 111.84 (1) (f) at the time the agreement takes effect shall continue to have dues deducted for the duration of the agreement and that dues shall be deducted from the earnings of all employes or supervisors who are hired on or after the effective date of the agreement.

SECTION 4. 111.84 (1) (c) and (f) of the statutes are amended to read:

111.84 (1) (c) To encourage or discourage membership in any labor organization by discrimination in regard to hiring, tenure or other terms or conditions of employment, ~~but the prohibition shall.~~ This paragraph does not apply to fair-share or maintenance of membership agreements.

(f) To deduct labor organization dues from an employe's earnings, unless the state employer has been presented with an individual order therefor, signed by the state employe personally, and terminable by at least the end of any year of its life or earlier by the state employe giving at least 30 but not more than 120 days' written notice of such termination to the state employer and to the representative labor organization, except ~~where~~ if there is a fair-share or maintenance of membership agreement in effect. The employer shall give notice to the ~~union labor organization~~ of receipt of such notice of termination.

SECTION 5. 111.85 (title) of the statutes is amended to read:

111.85 (title) Fair-share and maintenance of membership agreements.

SECTION 6. 111.85 (1) of the statutes is renumbered 111.85 (2) and amended to read:

111.85 (2) ~~No fair share agreement shall become effective unless authorized by referendum. The authorization of such~~ (a) Once authorized, a fair-share or maintenance of membership agreement shall continue thereafter in effect, subject to the right of the employer or labor organization concerned to petition the commission to conduct a new referendum ~~on the subject.~~ Such petition must be supported by proof that at least 30% of the employes or supervisors in the collective bargaining unit desire that the fair-share or maintenance of membership agreement be discontinued. Upon so finding, the commission shall conduct a new referendum. If the continuance of the fair-share or maintenance of membership agreement is approved by in the referendum by at least the ~~number~~ percentage of eligible voting employes or supervisors required for its initial authorization, it shall be continued in effect, subject to the right of the employer or labor organization to later initiate a further vote following the ~~above~~ procedure prescribed in this subsection. If the continuation of the agreement is not supported in any referendum, it ~~shall be~~ is deemed terminated at the termination of the collective bargaining agreement, or one year from the date of the certification of the result of the referendum, whichever is earlier.

(b) The commission shall declare any fair-share or maintenance of membership agreement suspended upon such conditions and for such time as the commission decides whenever it finds that the labor organization involved has refused on the basis of race, color, sexual orientation or creed to receive as a member any employe or supervisor in the collective bargaining unit involved, and such the agreement shall be made subject to the findings and orders of the commission. Any of the parties to such the agreement, or any employe or supervisor covered thereby, may come before the commission, as provided in s. 111.07, and ~~allege a violation of this provision~~ petition the commission to make such a finding.

SECTION 7. 111.85 (1) of the statutes is created to read:

111.85 (1) (a) No fair-share or maintenance of membership agreement may become effective unless authorized by a referendum. The commission shall order a referendum whenever it receives a petition supported by proof that at least 30% of the employes or supervisors in a collective bargaining unit desire that a fair-share or maintenance of membership agreement be entered into between the employer and a labor organization. A petition may specify that a referendum is requested on a maintenance of membership agreement only, in which case the ballot shall be limited to that question.

(b) For a fair-share agreement to be authorized, at least two-thirds of the eligible employes or supervisors voting in a referendum shall vote in favor of the agreement. For a maintenance of membership agreement to be authorized, at least a majority of the eligible employes or supervisors voting in a referendum shall vote in favor of the agreement. In a referendum on a fair-share agreement, if less than two-thirds but more than one-half of the eligible employes or supervisors vote in favor of the agreement, a maintenance of membership agreement is authorized.

(c) If a fair-share or maintenance of membership agreement is authorized in a referendum, the employer shall enter into such an agreement with the labor organization named on the ballot in the referendum. Each fair-share or maintenance of membership agreement shall contain a provision requiring the employer to deduct the amount of dues as certified by the labor organization from the earnings of the employes or supervisors affected by the agreement and to pay the amount so deducted to the labor organization. Unless the parties agree to an earlier date, the agreement shall take effect 60 days after certification by the commission that the referendum vote authorized the agreement. The employer shall be held harmless against any claims, demands, suits and other forms of liability made by employes or supervisors or local labor organizations which may arise for actions taken by the employer in compliance with this section. All such lawful claims, demands, suits and other forms of liability are the responsibility of the labor organization entering into the agreement.

(d) Under each fair-share or maintenance of membership agreement, an employe or supervisor who has religious convictions against dues payments to a labor organization based on teachings or tenets of a church or religious body of which he or she is a member shall, on request to the labor organization, have his or her dues paid to a charity mutually agreed upon by the employe or supervisor and the labor organization. Any dispute concerning this paragraph may be submitted to the commission for adjudication.

SECTION 8. 111.85 (2) and (3) of the statutes are renumbered 111.85 (3) and (4), respectively.
