



2003 ASSEMBLY BILL 358

May 28, 2003 - Introduced by Representatives OWENS, NASS, JESKEWITZ, TOWNS, ALBERS, AINSWORTH, BIES, GUNDERSON, J. WOOD, VAN ROY, GROTHMAN and HINES, cosponsored by Senators REYNOLDS, S. FITZGERALD, LAZICH and KANAVAS. Referred to Committee on Labor.

- 1 **AN ACT to create** 11.386 and 11.387 of the statutes; **relating to:** limitations upon
2 the use of moneys derived from employment for political purposes.

Analysis by the Legislative Reference Bureau

This bill prohibits any employer or labor organization from increasing the salary of an officer or employee, or giving an emolument to an officer or employee or other person, with the intention that the increase in salary or emolument, or a part of it, be used to make a political contribution or disbursement (expenditure). The bill also prohibits an employer or labor organization from discriminating against an officer or employee with respect to any term or condition of employment for the failure to make a political contribution, the failure to support or oppose a candidate, proposition, political party, or committee, or the support or opposition to a candidate, proposition, political party, or committee. The bill further prohibits any employer or other person who is responsible for the disbursement of moneys in payment of wages or salaries from withholding any portion of an employee's wages or salary for the purpose of making a contribution or for use as a contribution to a political committee, except upon written request of the employee whose payment is withheld, terminable no later than 12 months after the date of the request. The bill requires any person who undertakes such withholding to maintain records of the withholding which must be open to public inspection for at least three years from the date that a withholding occurs. In addition, the bill prohibits any labor organization from using moneys obtained from any individual who is not a member of the organization for the purpose of making a political contribution or disbursement, unless expressly authorized by the individual.

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Currently, there are no such prohibitions or requirements, except that no person may cause any person to make a political contribution by means of the denial or threat of denial of any employment, position, work, promotion, compensation, or benefit or by means of discharge or other disciplinary action or the threat of such action. Under decisions of the U.S. Supreme Court, labor organizations that receive payments of moneys from individuals they represent who have not authorized those payments may not use those moneys for purposes unrelated to collective bargaining. See *Communications Workers of America v. Beck, et al.*, 108 S. Ct. 2641 (1988).

Violations of the prohibitions or requirements created by the bill are punishable by a forfeiture (civil penalty) of not more than \$500 for each offense. Intentional violations constitute a misdemeanor and are punishable by a fine of not more than \$1,000 or imprisonment for not more than six months, or both.

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

1 **SECTION 1.** 11.386 of the statutes is created to read:

2 **11.386 Use of moneys derived from employment for political purposes.**

3 **(1)** In this section, "employer" includes the state and every local governmental unit,
4 as defined in s. 22.01 (7).

5 **(2)** No employer or labor organization may increase the salary of an officer or
6 employee, or give an emolument to an officer, employee, or other person, with the
7 intention that the increase in salary, or the emolument, or a part of it, be used to make
8 a contribution or disbursement.

9 **(3)** No employer or labor organization may discriminate against an officer or
10 employee with respect to any term or condition of employment for failing to make a
11 contribution; failing to support or oppose a candidate, proposition, political party, or
12 committee; or supporting or opposing a candidate, proposition, political party, or
13 committee.

14 **(4)** No employer or other person who is responsible for the disbursement of
15 moneys in payment of wages or salaries may withhold any portion of an employee's

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1 wages or salary for the purpose of making a contribution to a committee or for use
2 as a contribution to a committee except upon the written request of the employee.
3 Any such request shall be made on a form prescribed by the board informing the
4 employee of the prohibition under sub. (3). The request is valid for 12 months from
5 the date on which it is made by the employee unless the employer and employee agree
6 to an earlier termination date.

7 (5) Each person who withholds moneys under sub. (4) shall maintain open for
8 public inspection for a period of no less than 3 years from the date on which a
9 withholding occurs, during normal business hours, documents and books of accounts
10 which shall include a copy of each employee's request for withholding, the amounts
11 and dates on which moneys are withheld under the request, and the amounts and
12 dates on which moneys are transferred to any committee by the person. Each such
13 person shall deliver or transmit copies of such information to the board upon its
14 request.

15 **SECTION 2.** 11.387 of the statutes is created to read:

16 **11.387 Use of deductions for payments to labor organizations.** (1) In
17 this section:

18 (a) "All-union agreement" has the meaning given under s. 111.02 (1).

19 (b) "Fair-share agreement" has the meaning given under s. 111.70 (1) (f) or
20 111.81 (9).

21 (2) No labor organization may use moneys derived from an all-union
22 agreement or a fair-share agreement that are paid by an individual who is not a
23 member of the organization for the purpose of making a contribution or
24 disbursement, unless authorized by the individual. Any authorization shall be made
25 in the manner provided under s. 11.386 (4).

