

**2019 DRAFTING REQUEST**

**Bill**

For: **Administration-Budget** Drafter: **chanaman**  
 By: **Hynek** Secondary Drafters:  
 Date: **1/9/2019** May Contact:

Same as LRB:

Submit via email: **YES**  
 Requester's email:  
 Carbon copy (CC) to: **doasbostatlanguage@wisconsin.gov**

**Pre Topic:**

DOA:.....Hynek, BB0194 -

**Topic:**

Repeal right to work

**Instructions:**

See attached.

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	chanaman 1/9/2019	kfollett 1/11/2019			
/P1			mbarman 1/11/2019		

FE Sent For: **<END>**

## Hanaman, Cathlene

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**From:** Hynek, Sara - DOA  
**Sent:** Wednesday, January 09, 2019 10:30 AM  
**To:** Hanaman, Cathlene  
**Cc:** Hynek, Sara - DOA; Hynek, Sara - DOA  
**Subject:** Statutory Language Drafting Request - 2019-21

Biennial Budget: 2019-21

Topic: Right to Work

Tracking Code: BB0194

SBO Team: EWD

SBO Analyst: Hynek, Sara - DOA  
Phone: (608) 266-1037  
E-mail: Sara.Hynek@Wisconsin.gov

Agency Acronym: 445

Agency Number: 445

Priority: Medium

Intent:

Reverse 2015 Wisconsin Act 1, which established WI as a right to work state. Restore all provisions eliminated in the act (including the declaration of policy) and eliminate all provisions created in the act.

Attachments: False

Please send completed drafts to [SBOSatlanguage@spmail.enterprise.wistate.us](mailto:SBOSatlanguage@spmail.enterprise.wistate.us)



State of Wisconsin  
2019 - 2020 LEGISLATURE

LRB-1320/7  
CMH: [Handwritten initials]

DOA:.....Hynek, BB0194 - Repeal right to work

**FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION**

1 **AN ACT** ...; **relating to:** the budget.

*EMPLOYMENT*

***Analysis by the Legislative Reference Bureau***

This bill eliminates the state right-to-work law. The current state right-to-work law 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. Under current law, any person who violates right-to-work prohibition is guilty of a Class A misdemeanor.

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

2 **SECTION 1.** 111.01 of the statutes is created to read:

3 **111.01 Declaration of policy.** The public policy of the state as to employment  
4 relations and collective bargaining, in the furtherance of which this subchapter is  
5 enacted, is declared to be as follows:

1 (1) It recognizes that there are 3 major interests involved, namely: the public,  
2 the employee, and the employer. These 3 interests are to a considerable extent  
3 interrelated. It is the policy of the state to protect and promote each of these interests  
4 with due regard to the situation and to the rights of the others.

5 (2) Industrial peace, regular and adequate income for the employee, and  
6 uninterrupted production of goods and services are promotive of all of these  
7 interests. They are largely dependent upon the maintenance of fair, friendly, and  
8 mutually satisfactory employment relations and the availability of suitable  
9 machinery for the peaceful adjustment of whatever controversies may arise. It is  
10 recognized that certain employers, including farmers, farmer cooperatives, and  
11 unincorporated farmer cooperative associations, in addition to their general  
12 employer problems, face special problems arising from perishable commodities and  
13 seasonal production <sup>Mark</sup> which require adequate consideration. It is also recognized that  
14 whatever may be the rights of disputants with respect to each other in any  
15 controversy regarding employment relations, they should not be permitted, in the  
16 conduct of their controversy, to intrude directly into the primary rights of 3rd parties  
17 to earn a livelihood, transact business, and engage in the ordinary affairs of life by  
18 any lawful means and free from molestation, interference, restraint, or coercion.

19 (3) Negotiations of terms and conditions of work should result from voluntary  
20 agreement between employer and employee. For the purpose of such negotiation an  
21 employee has the right, if the employee desires, to associate with others in organizing  
22 and bargaining collectively through representatives of the employee's own choosing,  
23 without intimidation or coercion from any source.

24 (4) It is the policy of the state, in order to preserve and promote the interests  
25 of the public, the employee, and the employer alike, to establish standards of fair

1 conduct in employment relations and to provide a convenient, expeditious, and  
2 impartial tribunal by which these interests may have their respective rights and  
3 obligations adjudicated. While limiting individual and group rights of aggression  
4 and defense, the state substitutes processes of justice for the more primitive methods  
5 of trial by combat.

6 **SECTION 2.** 111.04 (1) and (2) of the statutes are consolidated, renumbered  
7 111.04 and amended to read:

8 **111.04** <sup>Rights of Employees (B)</sup> Employees shall have the right of self-organization and the right to  
9 form, join or assist labor organizations, to bargain collectively through  
10 representatives of their own choosing, and to engage in lawful, concerted activities  
11 for the purpose of collective bargaining or other mutual aid or protection. **(2)**  
12 Employees shall also have the right to refrain from self-organization; forming,  
13 joining, or assisting labor organizations; bargaining collectively through  
14 representatives; or engaging in activities for the purpose of collective bargaining or  
15 other mutual aid or protection such activities.

History: 2015 a. 1.

16 **SECTION 3.** 111.04 (3) of the statutes is repealed.

17 **SECTION 4.** 111.06 (1) (c) of the statutes is amended to read:

18 111.06 (1) (c) To encourage or discourage membership in any labor  
19 organization, employee agency, committee, association, or representation plan by  
20 discrimination in regard to hiring, tenure, or other terms or conditions of  
21 employment except in a collective bargaining unit where an all-union, fair-share,  
22 or maintenance of membership agreement is in effect. An employer may enter into  
23 an all-union agreement with the voluntarily recognized representative of the  
24 employees in a collective bargaining unit, where at least a majority of such employees

1 voting have voted affirmatively, by secret ballot, in favor of the all-union agreement  
2 in a referendum conducted by the commission, except that where the bargaining  
3 representative has been certified by either the commission or the national labor  
4 relations board as the result of a representation election, no referendum is required  
5 to authorize the entry into an all-union agreement. An authorization of an all-union  
6 agreement continues, subject to the right of either party to the all-union agreement  
7 to petition the commission to conduct a new referendum on the subject. Upon receipt  
8 of the petition, if the commission determines there is reasonable ground to believe  
9 that the employees concerned have changed their attitude toward the all-union  
10 agreement, the commission shall conduct a referendum. If the continuance of the  
11 all-union agreement is supported on a referendum by a vote at least equal to that  
12 provided in this paragraph for its initial authorization, it may continue, subject to  
13 the right to petition for a further vote by the procedure under this paragraph. If the  
14 continuance of the all-union agreement is not supported on a referendum, it  
15 terminates at the expiration of the contract of which it is then a part or at the end  
16 of one year from the date of the announcement by the commission of the result of the  
17 referendum, whichever is earlier. The commission shall declare any all-union  
18 agreement terminated whenever it finds that the labor organization involved has  
19 unreasonably refused to receive as a member any employee of such employer. An  
20 interested person may, as provided in s. 111.07, request the commission to perform  
21 this duty.

History: 1971 c. 245; 1973 c. 320; 1975 c. 74, 199; 1983 a. 189 s. 329 (29); 1993 a. 492; 1995 a. 27, 225; 1999 a. 83; 2011 a. 10; 2015 a. 1.

Cross-reference: See also ch. ERC 2, Wis. adm. code.

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





State of Wisconsin  
2019 - 2020 LEGISLATURE

LRB-1320/P1  
CMH:kjf

DOA:.....Hynek, BB0194 - Repeal right to work

**FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION**

1 **AN ACT ...; relating to:** the budget.

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This bill eliminates the state right-to-work law. The current state right-to-work law 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.

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8 **111.04 Rights of Employees.** Employees shall have the right of  
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17 agreement terminated whenever it finds that the labor organization involved has  
18 unreasonably refused to receive as a member any employee of such employer. An  
19 interested person may, as provided in s. 111.07, request the commission to perform  
20 this duty.

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

22 111.06 (1) (e) To bargain collectively with the representatives of less than a  
23 majority of the employer's employees in a collective bargaining unit, or to enter into  
24 an all-union agreement except in the manner provided in par. (c).

25 **SECTION 6.** 111.06 (1) (i) of the statutes is amended to read:

