

1973 Assembly Bill 1189

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CHAPTER 320, Laws of 1973

AN ACT to amend 111.06 (1) (c) 1 of the statutes, relating to permitting certain all-union bands and orchestras without employe referendums.

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

111.06 (1) (c) 1 of the statutes is amended to read:

111.06 (1) (c) 1. a. To encourage or discourage membership in any labor organization, employe agency, committee, association or representation plan by discrimination in regard to hiring, tenure or other terms or conditions of employment. An employer ~~shall~~ may not be prohibited from entering into an all-union agreement with the representatives of his employes in a collective bargaining unit, where at least a majority of such employes voting (provided such majority of the employes also ~~constitute~~ constitutes at least a majority of the employes in such collective bargaining unit) have voted affirmatively, by secret ballot, in favor of such all-union agreement in a referendum conducted by the commission. Such authorization of an all-union agreement shall be deemed to continue thereafter, subject to the right of either party to the all-union agreement to request the commission in writing to conduct a new referendum on the subject. Upon receipt of such request by either party to the agreement, the commission shall determine whether there is reasonable ground to believe that there exists a change in the attitude of the employes concerned toward the all-union agreement since the prior referendum and upon so finding the commission shall conduct a new referendum. If the continuance of the all-union agreement is supported on any such referendum by a vote at least equal to that hereinabove provided for its initial authorization, it may be continued in force thereafter, subject to the right to request a further vote by the procedure hereinabove set forth. If the continuance of the all-union agreement is not thus supported on any such referendum, it shall be deemed terminated at the termination of the contract of which it is then a part or at the end of one year from the date of the announcement by the commission of the result of the referendum, whichever proves to be the earlier date. The commission shall declare any such all-union agreement terminated whenever it finds that the labor organization involved has unreasonably refused to receive as a member any employe of such employer, and each such all-union agreement shall be made subject to this duty of the commission. Any person interested may come before the commission as provided in s. 111.07 and ask the performance of this duty. Any all-union agreement in existence on May 5, 1939, and renewed or amended continuously since that time shall be deemed valid and enforceable in all respects.

b. It is not a violation of this subchapter for an employer engaged primarily in the building and construction industry where the employes of such employer in a collective bargaining unit usually perform their duties on building and construction sites, to negotiate, execute and enforce an all-union agreement with a labor

organization which has not been subjected to a referendum vote as provided in this subchapter.

c. It is not a violation of this subchapter for an employer engaged in the truck transportation of freight in the motor freight industry as a common or contract carrier of property as defined in s. 194.01 (5) and (11) to negotiate, execute and enforce an all-union agreement with a labor organization representing employees in a multi-state bargaining unit which has not been subjected to a referendum vote as provided in this subchapter; except that an election shall be held if a petition requesting such election is signed by 30% of the employees affected.

d. It is not a violation of this subchapter for an orchestra or band leader engaged to provide live musical entertainment to enter into or comply with a policy, practice or contract in which all of his musicians must be members of a labor organization as a condition of hire or employment without such policy, practice or contract being subject to a referendum vote as provided in this subchapter.
