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Right to Work Poised to Become the Law in Wisconsin

Last week, the State Senate passed its version of the Right to Work bill (2015 Senate Bill 44); and, today, the State Assembly passed an identical bill (2015 Assembly Bill 61). Governor Scott Walker is expected to sign the bill on Monday, making it law.

Wisconsin's Right to Work legislation provides freedom of choice to all private sector bargaining unit employees who would otherwise be forced to join a union and pay union dues. Although employees would be free to opt-out of the union, it would not relieve unions of their duty to represent all bargaining unit employees fairly, regardless of whether they are dues paying members. The Right to Work law only applies to private sector employers in Wisconsin—it does not impact state or municipal public sector employers.

Upon the enactment of Wisconsin's Right to Work law, it will be illegal—punishable as a Class A misdemeanor—for a person to require an individual, as a condition of obtaining or continuing employment: (1) to become or remain a dues paying member of a labor organization; (2) to refrain or resign one's membership in such an organization; or (3) to pay money to a third party in lieu of paying membership fees to a labor organization.

Wisconsin's Right to Work law eliminates all provisions and protections related to “all-union agreements” in private sector workplaces. State law defines an “all-union agreement” as “an agreement between an employer and the representative of the employer's employees in a collective bargaining unit whereby all or any of the employees in such unit are required to be members of a single labor organization.” Wis. Stat. § 111.02.

Under the Wisconsin Right to Work law, employees who wish to opt out of automatic dues deductions may do so at any time as long as they provide thirty days' written notice to their employer. The Wisconsin Right to Work law does not require employers to notify the union of termination requests.

The Wisconsin Right to Work law will take effect on the date that it is signed into law by Governor Walker. However, it will not apply to existing collective bargaining agreements (CBAs) containing provisions inconsistent with these amendments until that CBA is either renewed, modified, or extended. Once a CBA is created, renewed, modified, or extended after the new Right to Work law is in effect, any provision of an agreement that violates this law will be void. The Wisconsin Right to Work law is subject to any applicable federal preemption.

If you have any questions about how Wisconsin's Right to Work legislation will affect your workplace, please contact Joel Aziere at jaziere@buelowvetter.com or (262) 364-0250, or your Buelow Vetter attorney.