

A NATIONAL TURNING POINT? WISCONSIN BECOMES THE 25TH RIGHT TO WORK STATE

RIGHT TO WORK BECOMES LAW IN WISCONSIN

Wisconsin, long known as a bastion for unions and the labor movement, has become the 25th Right to Work state after Governor Scott Walker signed Senate Bill No. 44 into law on March 9, 2015. Wisconsin's new Right to Work law will prohibit employers from requiring employees to join a union or pay union dues as a condition of employment. While proponents for organized labor decried the move as "crushing unions," Governor Walker maintains that the new law gives "workers the freedom to choose whether or not they want to join a union, and employers another compelling reason to consider expanding or moving their business to Wisconsin."

This bill arrived on Governor Walker's desk after the Wisconsin assembly debated for 24 straight hours and voted strictly by party affiliation, with the 62 Republicans available voting in favor of the bill and all 35 Democrats voting against.

THE KEY PROVISIONS OF THE WISCONSIN RIGHT TO WORK LAW

- The law only applies to a CBA containing provisions inconsistent with this act upon the renewal, modification or extension of the agreement occurring on or after the effective date of the law (March 11, 2015).
- When the law is applicable to a particular employer, an individual cannot be required as a condition of obtaining or continuing employment to:
 - Refrain or resign from membership in, voluntary affiliation with or voluntary financial support of a labor organization;
 - Become or remain a part of a labor organization;
 - Pay any dues, fees, assessments or other charges or expenses of any kind or amount, or provide anything of value, to a labor organization; or
 - Pay to any third party an amount that is in place of, equivalent to or any portion of dues, fees, assessments or other charges or expenses required of members of, or employees represented by, a labor organization.
- When the law is applicable to the employer, they may not deduct union dues from an employee unless that employee has presented the employer with a personally signed order, even if there is an all-union agreement in effect and will not need to give the labor organization notice if an employee has decided to terminate the deduction of labor organization dues or assessments from their earnings.
- Employees may, nonetheless, have to follow union bylaws in order to resign from the union.

The unions are asking that the law immediately be blocked, first through a temporary restraining order and then a permanent injunction. A hearing on the temporary restraining order is scheduled for March 19 before Dane County Circuit Judge William Foust. The complaint can be reviewed [here](#).

Remember that nothing in the new law compromises an individual's rights under the NLRA. If you have any questions regarding the new law or communications with employees about the law, please don't hesitate to contact Robin Sheridan at rsheridan@hallrender.com, Carrie Allen at callen@hallrender.com or your regular Hall Render attorney.