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## **NEWS RELEASE**

### **AG Schimel: Right-to-Work is Law in Wisconsin**

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MADISON, WI – Attorney General Brad Schimel has learned that a local chapter of a labor union in the State of Wisconsin has informed an employee that Wisconsin’s Right-to-Work Law (Act 1), which forbids forced payments to labor organizations, is void and unenforceable. This is a flagrant misstatement of the law. Act 1 is the law of Wisconsin. This notice is to inform workers in Wisconsin of their legal rights and to inform them that any violation of Act 1 is a crime as well as an unfair labor practice under federal and state law. Employees aware of Act 1 violations may report them to the relevant District Attorney’s Office, the Wisconsin Employment Relations Commission, or the Wisconsin Department of Justice.

The details of the report are as follows: A local chapter of a labor union has recently informed an employee in its bargaining unit that the employee—who opposes the union—must pay the union dues, notwithstanding Act 1, which provides that “[n]o person may require . . . an individual to . . . pay any [money] to a labor organization.” The local notes that its collective-bargaining agreement (CBA) contains a “snap-back provision,” stating that, if Act 1 were to be invalidated and replaced by prior law, then all employees in the unit would be required to pay dues to the union or else lose their jobs. The Union has represented to the concerned employee that the snap-back provision was triggered when, on April 8, 2015, the Dane County Circuit Court granted summary judgment to several labor unions that had challenged Act 1 as unconstitutional.

The local has misrepresented the law. Although the Circuit Court’s final judgment (entered on April 15) declared parts of Act 1 void and enjoined certain State defendants from enforcing those provisions, the Wisconsin Court of Appeals on May 5 issued an order staying the Circuit Court’s judgment pending appeal. The Court of Appeals specifically declared that its order would “maintain the status quo” of Act 1’s enforceability and thereby “avoid confusion.”

It is beyond dispute that, as a result of the stay order, the Circuit Court’s judgment declaring Act 1 unconstitutional has no present binding effect. Act 1 therefore remains the law of the State. As a consequence, anyone who violates Act 1 (which applies to CBAs renewed, modified, or extended on or after March 11, 2015) is guilty of a Class A misdemeanor, punishable by a fine of up to \$10,000 and imprisonment for 9 months. The State’s district attorneys are generally responsible for prosecuting state law crimes.

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Violating Act 1 is also an unfair labor practice under federal and state law. Employees who become aware of an unfair labor practice may submit a complaint to the Wisconsin Employment Relations Commission. If the Commission finds that an unfair labor practice has occurred, a district attorney or the attorney general can, upon the Commission's request, enforce the Commission's decisions and orders in court.

The Department of Justice has notified all district attorneys of the present state of the law. Employees with further questions about their rights under Act 1 may contact the Department of Justice at (608) 266-1221.

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