



Legislation Text

File #: 120104, **Version:** 1

120104
Substitute 1

THE CHAIR

Substitute resolution relating to the deduction of union dues for represented employees.

This resolution directs the Department of Employee Relations to advise the City Comptroller's Office of eligible labor organizations to have union dues withheld from employee earnings and the City Comptroller, subject to the provisions of this resolution, to withhold those applicable dues consistent with the recent ruling by the United States District Court for the Western District of Wisconsin. This withholding of union dues shall remain in effect as long as permitted by law and as advised by the City Attorney's Office.

Whereas, Certain provisions of 2011 Wisconsin Act 10 ("Act 10") changed Wisconsin law by:

1. Prohibiting a municipal employer from deducting labor organization dues from the earnings of a general municipal employee.
2. Granting general municipal employees the right to refrain from paying dues and yet still remain a member of a collective bargaining unit.
3. Prohibiting "fair share" amounts (i.e., sums required of employees who opted not to join a union as members) from being withheld by a municipal employer from the earnings of general municipal employees.

; and

Whereas, With the expiration of collective bargaining agreements between the City of Milwaukee ("City") and various labor organizations representing general municipal employees, most of which agreements were in place for 2010-2011 and all of which agreements authorized and directed the withholding of union dues and fair share amounts, the City Comptroller's Office ceased withholding union dues and fair share amounts from the earnings of general municipal employees in accordance with the provisions of Act 10; and

Whereas, As a result of certain litigation brought in the United States District Court for the Western District of Wisconsin, in Case No. 11-cv-428-wmc, a federal district court judge in decisions on March 30 and April 27, 2012 declared the above-referenced prohibition on a municipality withholding union dues to be null and void, and directed the reinstatement of such dues withholding (except for those public unions already decertified); and

Whereas, The City is willing to reinstitute the withholding of union dues from the earnings of general municipal employees after first having received satisfactory evidence that an employee currently authorizes such withholding; now, therefore, be it

Resolved, by the Common Council of the City of Milwaukee that the following rules and conditions shall govern the reinstitution of union dues withholding from general municipal employees' earnings:

1. The Department of Employee Relations is directed to advise the City Comptroller's Office as to which labor organizations are eligible to have union dues withheld from general municipal employees' bi-weekly earnings.
2. No union dues may be withheld by the City Comptroller's Office from a general municipal employee's bi-weekly earnings until the City has first received a written document signed by the employee on or after May 1, 2012, said document to be in a form satisfactory to the Department of Employee Relations, which authorizes the withholding of union dues by the City from the employee's earnings.
3. The City Comptroller is authorized and directed to commence the withholding of union dues from general municipal employees' bi-weekly earnings payable for pay period 12 (commencing May 27, 2012) and thereafter. Such union dues withholdings may only be effective for such pay periods during which an employee's written authorization is on file with the City. If an employee later submits written direction to the City to cease the withholding of union dues, and such document is in a form satisfactory to the Department of Employee Relations, the City Comptroller's Office shall cease dues withholding for such employee as soon as administratively practicable.
4. The union dues withholding authorized by this resolution shall remain in effect as long as permitted by law. If the City Attorney's Office advises the Department of Employee Relations and the City Comptroller's Office in writing that the City is no longer authorized to withhold union dues for any particular union, the City Comptroller's Office shall cease such withholding as soon as administratively practicable.

Department of Employee Relations
LRB139700-2
Mary E. Turk
6/1/12
City Attorney's Office
TJB
180946