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NEWS FOR IMMEDIATE RELEASE

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Wisconsin Department of Justice Resolves Challenge to Wisconsin Law Regarding Dues-Checkoff Authorizations

MADISON, Wis. – The Wisconsin Department of Justice (DOJ) today announces that it has resolved *International Association of Machinists District 10 v. Allen*.

“This resolution is in the best interests of taxpayers, working families, and the State of Wisconsin,” said Attorney General Kaul.

The statute at issue in *Machinists* provides that, within 30 days of receiving written notice that an employee would like to revoke his or her dues-checkoff authorization, an employer must stop deducting union dues from the employee’s paycheck. *See* Wis. Stat. § 111.06(1)(i). But the statute includes a caveat: it “applies to the extent permitted under federal law.” *Id.*

Under longstanding precedent, states cannot require that dues-checkoff agreements be revocable within a time period of less than one year. *See Sea Pak v Industrial, Technical, & Professional Employees, Div. of Nat’l Maritime Union*, 400 U.S. 985 (1971) (mem.). And in this case, the district court enjoined the enforcement of Wis. Stat. § 111.06(1)(i), and the Seventh Circuit Court of Appeals affirmed the district court’s decision by a 2-1 vote. The Seventh Circuit later denied *en banc* review. In December 2018, a petition for a writ of certiorari was filed.

Rather than continue to expend resources on this case, and given that the relevant statute expressly provides that it only “applies to the extent permitted under federal law,” DOJ decided to resolve this case. As a result, the State of Wisconsin is no longer requesting that the United States Supreme Court overrule longstanding precedent

and thereby further restrict collective bargaining with respect to dues-checkoff authorizations. DOJ also resolved this case in a manner that is more protective of state law than the rulings that had previously been issued in the case: Yesterday, after the parties submitted a joint motion to modify the injunction, the district court issued an amended judgment stating that the injunction in this case applies “unless the U.S. Supreme Court overrules the holding in *Sea Pak v Industrial, Technical, and Professional Employees, Division of National Maritime Union*, 400 U.S. 985 (1971) (mem.).”