

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

WISCONSIN EDUCATION ASSOCIATION COUNCIL;
WISCONSIN COUNCIL OF COUNTY AND MUNICIPAL
EMPLOYEES, AFSCME, DISTRICT COUNCIL 40, AFL-CIO;
WISCONSIN STATE EMPLOYEES UNION, AFSCME,
DISTRICT COUNCIL 24, AFL-CIO; AFT-WISCONSIN,
AFL-CIO; AFSCME, DISTRICT COUNCIL 48, AFL-CIO;
SEIU HEALTHCARE WISCONSIN, CTW, CLC; and
WISCONSIN STATE AFL-CIO,

Plaintiffs,

ORDER

v.

11-cv-428-wmc

SCOTT WALKER, Governor, State of Wisconsin;
MICHAEL HUEBSCH, Secretary, Department of
Administration; GREGORY L. GRACZ, Director, Office
of State Employment Relations; JAMES R. SCOTT, Chair,
Wisconsin Employment Relations Commission; JUDITH
NEUMANN, Commissioner, Wisconsin Employment Relations
Commission; and RODNEY G. PASCH, Commissioner,
Wisconsin Employment Relations Commission,

Defendants.

Today the court held a hearing on defendants' motion for clarification (dkt. #137) and plaintiffs' motion to enforce the judgment or clarify order (dkt. #142). The motions and hearing concerned the following two issues with respect to the scope of the government's obligations to allow voluntary dues reductions pending appeal of the judgment to the Seventh Circuit Court of Appeals:

1. What is the proper mechanism for implementing voluntary dues withholding from paychecks of general employees who are members of certified bargaining units?

2. Is the government also required to implement voluntary withholding dues from paychecks of general employees who are members of decertified bargaining units?

For the reasons stated on the record, the court made certain rulings also set out in this order. Accordingly,

IT IS ORDERED that:

- 1) With regard to general employees who are members of certified bargaining units,
 - a) the court approves the dues withholding form used by WLEA, and available at dkt. #144-2, for authorizing dues withholding from paychecks of general employees who are members of certified bargaining units;
 - b) the state may post this form on its website already set up to collect authorizations;
 - c) unions may also collect these forms from their members directly and deliver them to the appropriate government employers; and
 - d) government employers may honor any properly-executed dues deduction form previously posted on the state's website and received, provided that employees or their union may substitute that form with an executed court-approved form.
- 2) Plaintiffs may seek limited discovery with regard to the availability of employee organization payroll deductions under Wis. Stat. § 20.921(1)(a).
- 3) All other relief requested by either party is DENIED, except that plaintiffs may revisit their request for authorization of voluntary dues deductions by members of decertified bargaining units by filing a further motion, brief and/or any supporting evidentiary materials. Defendants may have 10 working days to respond to any such motion.

Entered this 18th day of May, 2012.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge