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International Union of Operating Engineers Local 139 v. Schimel

United States Court of Appeals, Seventh Circuit - July 12, 2017 - F.3d - 2017 WL 2962896 - 209 L.R.R.M. (BNA) 3245

Labor union brought action against state officials challenging Wisconsin's right-to-work law, which prohibited union-security agreements that required employees to pay dues, fees, or assessments to a labor organization, as a taking in violation of the Fifth Amendment and as preempted by the National Labor Relations Act (NLRA).

The United States District Court granted judgment on the pleadings in favor of state officials. Union appealed.

The Court of Appeals held that takings claim was ripe for adjudication.

Labor union's claim alleging that Wisconsin's right to work law, prohibiting union-security agreements that required nonmembers operating under collective bargaining agreements to pay dues, fees, or assessments to a labor organization, violated the Fifth Amendment's takings clause was ripe for adjudication. Although union had not sought just compensation in state courts, the union's claim amounted to a facial challenge to the law, as it challenged the law as it affected all unions, and sought injunctive relief.