



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2009 Assembly Bill 21

Assembly Amendment 3

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2009 Assembly Bill 21

2009 Assembly Bill 21 prohibits an employer engaged in the business of operating a vehicle for the conveyance of passengers for hire from discharging an employee solely on the basis of the employee having been involved in a single motor vehicle accident. The bill also prohibits discharge or discrimination against an employee for that employee's complaint or attempt to enforce the prohibition against discharge. Employees discharged or discriminated against may file a complaint with the Department of Workforce Development (DWD). Under the bill, DWD must process the complaint in the same manner as it processes other employment discrimination complaints, which may include ordering of back pay, reinstatement, costs, and attorney fees. Also, employers that discharge or discriminate against an employee in violation of the bill shall be barred from state and local contracting for a period of three years after DWD or a court issues its findings related to the employer's violation of the bill. For employees affected by a collective bargaining agreement containing provisions inconsistent with the bill, the bill would first apply on the day on which the collective bargaining agreement expires or is extended, modified, or renewed after the bill takes effect.

Assembly Amendment 3

Assembly Amendment 3 clarifies the circumstances in which an employer is prohibited from discharging an employee. Specifically, under the amendment, an employer may discharge an employee that has been involved in a single motor vehicle accident if, arising from the accident, any of the following apply:

- The employee is convicted of:
 - Second-degree reckless homicide. [s. 940.06, Stats.]

- Homicide by intoxicated use of a vehicle. [s. 940.09, Stats.]
- Homicide by negligent operation of a vehicle. [s. 940.10, Stats.]
- Injury by intoxicated use of a vehicle. [s. 940.25, Stats.]
- At the time of the accident, the employee was driving or operating a motor vehicle under circumstances related to the use of drugs, alcohol, or controlled substances.

Assembly Amendment 3 also makes technical changes to s. 111.322 (2m), Stats., in order to reconcile changes made by Assembly Bill 21 with changes to that section made earlier in the legislative session by 2009 Wisconsin Acts 3 and 28.

Legislative History

Assembly Amendment 3 was offered by Representatives Mursau and Schneider. On October 29, 2009, the Assembly adopted Amendment 3 and passed 2009 Assembly Bill 21, as amended.

SG:ksm