



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

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| 2017 Assembly Bill 748 | Senate Amendment 1 |
| <i>Memo published: March 22, 2018</i> | <i>Contact: Margit S. Kelley, Senior Staff Attorney</i> |

In general, 2017 Assembly Bill 748 specifies certain areas of employment law for which statewide uniformity applies and for which any local regulation is preempted.

2017 ASSEMBLY BILL 748, AS AMENDED BY THE ASSEMBLY

Under the bill, as amended by the Assembly, the following issue areas are preempted, and a local ordinance would be unenforceable:

- Requirements for what is sometimes referred to as a labor peace agreement.
- Requirements for hours of labor and overtime, including shift schedules.
- Requirements for employment benefits, including retirement, pension, profit sharing, insurance, or leave benefits.
- Regulations on requesting a salary history for a prospective employee.
- Regulations on minimum wage for local government employees, contract employees, or employee work that is funded by financial assistance from the local governmental unit.
- Regulations regarding wage claims or collections.

In addition, the bill specifies that a local governmental unit cannot regulate a state-regulated occupation more stringently than the state.

The preemption of local requirements for labor peace agreements specifies that any ordinance, policy, regulation, contract, zoning, permitting, licensing, or any other condition, cannot be used to require a person to accept a collective bargaining agreement or to waive rights

under state or federal labor laws. A person who knowingly violates this provision is subject to a Class A misdemeanor.

As amended by Assembly Amendment 4, the bill exempts from its provisions an agreement with a business that operates in an electronics and information technology manufacturing (EITM) zone and exempts an organization or local governmental unit that operates a job training or apprenticeship program to the extent that the program prepares individuals for a job with a business that operates in the EITM zone. The Wisconsin Economic Development Corporation has designated an EITM zone relating to the business operations of Foxconn.

Under the exemption for an EITM zone and related training, if a local governmental unit has or will enter into any future agreement with Foxconn, the agreement may: (1) require Foxconn to accept a labor peace agreement or waive rights; (2) regulate hours of labor and overtime; (3) require certain employment benefits; (4) prohibit requests for a prospective employee's salary history; and (5) regulate wage claims or collections. Likewise, an organization or local governmental unit that operates a job training or apprenticeship program that would prepare individuals for jobs with Foxconn may address the same employment-related matters for any person working with the program.

SENATE AMENDMENT 1

Senate Amendment 1 removes the exemption from the bill for an agreement with a business in an EITM zone and for a job training or apprenticeship program that prepares individuals for a job with a business that operates in the EITM zone. Under the amendment, the bill applies equally in those circumstances, without exclusion.

BILL HISTORY

On February 22, 2018, the Assembly passed the bill, as amended, on a vote of Ayes, 58; Noes 32.

Senate Amendment 1 was offered by Senators Cowles, Kapenga, and Fitzgerald on March 20, 2018. That same day, the Senate adopted Senate Amendment 1 on a voice vote, and concurred in the bill, as amended, on a vote of Ayes, 18; Noes, 14.

MSK:jal