



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-4218/1
MES:jld&emw

2017 SENATE BILL 419

September 21, 2017 - Introduced by Senators WANGGAARD, STROEBEL, OLSEN and MARKLEIN, cosponsored by Representatives R. BROOKS, BALLWEG, BERNIER, BORN, BRANDTJEN, FELZKOWSKI, JARCHOW, KNODL, KREMER, KRUG, KUGLITSCH, NOVAK, ROHRKASTE and STEFFEN. Referred to Committee on Labor and Regulatory Reform.

1 **AN ACT to amend** 66.0509 (1m) (c) (intro.); and **to create** 66.0509 (1m) (d) 4.,
2 66.0509 (1m) (d) 5., 66.0509 (1m) (d) 6. and 66.0509 (1m) (f) of the statutes;
3 **relating to:** modifications to a local governmental unit's employee grievance
4 procedure.

Analysis by the Legislative Reference Bureau

This bill specifies that, if a local governmental unit creates a grievance procedure for its employees, the procedure shall contain termination, discipline, and workplace safety elements. Unless the discipline procedure provides otherwise, the local governmental unit may not define discipline to include any form of employment action other than suspension, termination, disciplinary reduction in rank, or any other disciplinary measure that results in a loss of wages to the employee that is contemporaneous with and directly related to the employment action. The bill also provides that if an employer places any written disciplinary materials in an employee's personnel file, the employer must so notify the employee, who has the right to place a written response to those materials in his or her file.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SENATE BILL 419**SECTION 1**

1 **SECTION 1.** 66.0509 (1m) (c) (intro.) of the statutes is amended to read:

2 66.0509 **(1m)** (c) (intro.) Any civil service system that is established under any
3 provision of law, ~~and any grievance procedure that is created under this subsection,~~
4 shall contain at least all of the following provisions:

5 **SECTION 2.** 66.0509 (1m) (d) 4. of the statutes is created to read:

6 66.0509 **(1m)** (d) 4. A procedure that addresses employee terminations. Unless
7 a grievance procedure established under this subsection provides otherwise,
8 “termination” for purposes of this subdivision does not include reduction in force,
9 termination due to an employee’s loss of licensure or credentialing, the nonrenewal
10 of a teacher’s or administrator’s contract, or an employee’s voluntary separation from
11 employment.

12 **SECTION 3.** 66.0509 (1m) (d) 5. of the statutes is created to read:

13 66.0509 **(1m)** (d) 5. A procedure that addresses employee discipline. Unless a
14 grievance procedure established under this subsection provides otherwise,
15 “discipline” for purposes of this subdivision does not include any form of employment
16 action other than suspension, termination, disciplinary reduction in rank, or any
17 other disciplinary measure that results in a loss of wages to the employee that is
18 contemporaneous with and directly related to the employment action. Any grievance
19 procedure established under this subsection shall provide that if an employer places
20 in an employee’s personnel file any written materials related to discipline, the
21 employer shall so notify the employee. Upon notification, the employee may prepare
22 a written response to the materials and may place the response in his or her file.

23 **SECTION 4.** 66.0509 (1m) (d) 6. of the statutes is created to read:

24 66.0509 **(1m)** (d) 6. A procedure that addresses workplace safety.

25 **SECTION 5.** 66.0509 (1m) (f) of the statutes is created to read:

