



2015 ASSEMBLY BILL 736

January 15, 2016 – Introduced by Representatives LOUDENBECK, A. OTT, BERCEAU, KREMER and T. LARSON, cosponsored by Senators PETROWSKI, RISSER and RINGHAND. Referred to Committee on Health.

1 **AN ACT to create** 66.1022 and 111.70 (4) (md) of the statutes; **relating to:** proof
2 of physical fitness requirement for certain local transit employees.

Analysis by the Legislative Reference Bureau

Under this bill, persons who are employed by certain mass transit systems as bus drivers must, on certain occasions, provide proof of physical fitness. This proof includes documentation that the person has had a medical examination and that the person meets federal standards for physical qualifications to operate a commercial motor vehicle. This requirement is a prohibited subject of collective bargaining.

For further information see the *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:

3 **SECTION 1.** 66.1022 of the statutes is created to read:
4 **66.1022 Proof of physical fitness required for certain transit positions.**
5 **(1)** In this section:
6 (a) “Proof of physical fitness” means a medical examiner’s certificate that is
7 signed by a person authorized to sign a medical examiner’s certificate under 49 CFR

ASSEMBLY BILL 736

1 391.43 and that provides that the person being examined is physically qualified to
2 operate a commercial motor vehicle under 49 CFR 391.41, or a medical examination
3 report for an “S” or “P” endorsement.

4 (b) “Transit employee” means an employee of a system receiving funding under
5 s. 85.20 if the employee operates a motor bus, as defined in s. 340.01 (31), as part of
6 his or her job.

7 (2) A transit employee shall, as a condition of employment, provide proof of
8 physical fitness to his or her employer at all of the following times:

9 (a) The time of hire.

10 (b) If the employee has not attained the age of 70 years, once every 2 years and,
11 if more frequent examination is recommended by the person signing the certificate
12 of physical examination, at the times recommended by that person.

13 (c) If the employee has attained the age of 70 years, every year and, if more
14 frequent examination is recommended by the person signing the certificate of
15 physical examination, at the times recommended by that person.

16 (3) An employer of a transit employee shall provide the transit employee with
17 notice of the requirement to provide proof of physical fitness at least 30 days before
18 the proof of physical fitness is due under sub. (2).

19 **SECTION 2.** 111.70 (4) (md) of the statutes is created to read:

20 111.70 (4) (md) *Prohibited subjects of bargaining; transit employees.* The
21 municipal employer is prohibited from bargaining collectively with a collective
22 bargaining unit containing a transit employee with respect to the requirement under
23 s. 66.1022 for transit employees to provide proof of physical fitness.

24 **SECTION 3. Initial applicability.**

