

**1999 DRAFTING REQUEST**

**Bill**

Received: **12/8/98**

Received By: **malaigm**

Wanted: **As time permits**

Identical to LRB:

For: **Donald Hasenohrl (608) 266-8366**

By/Representing: **Aide**

This file may be shown to any legislator: **NO**

Drafter: **malaigm**

May Contact:

Alt. Drafters:

Subject: **Discrimination**

Extra Copies:

**Topic:**

Discrimination against volunteer fire fighters and EMTs

**Instructions:**

Redraft 97 Ab 449 with a0712/1

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	malaigm 12/8/98	chanaman 12/21/98		_____			S&L
/1			martykr 12/21/98	_____	lrb_docadmin 12/21/98	lrb_docadmin 01/19/99	

FE Sent For:

*03-04-99*

<END>

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→ send to Ainsworth per GMM

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1?	malaigm	EMM 14/10 1 1-12-20Kmg	Kym 12/21	JA 12/21 Kym 12/21			

FE Sent For:

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Please  
for topic  
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sheet

# 1997 ASSEMBLY BILL 449

July 10, 1997 - Introduced by Representatives ~~HASENOHRL, ZUKOWSKI, BLACK, R. YOUNG, MUSSER, SYKORA, URBAN, ALBERS, SCHNEIDER, AINSWORTH, GOETSCH, KEDZIE, PLOUFF, BOYLE and SPRINGER,~~ cosponsored by Senators WIRCH and ROESSLER. Referred to Committee on Labor and Employment.

emergency medical technician, first responder  
or ambulance driver

(used 3 times)

Regenerate

1 AN ACT to amend 111.31 (1), 111.31 (2), 111.31 (3), 111.321 and 111.322 (intro.);  
2 and to create 111.365 of the statutes; relating to: employment discrimination  
3 because of temporary absence from work while responding to an emergency call  
4 as a volunteer fire fighter.

disability

prohibits

disability

sexual orientation

### Analysis by the Legislative Reference Bureau

Under current law, discrimination in employment on the basis of age, race, creed, color, handicap, marital status, sex, national origin, ancestry, arrest record, conviction record, membership in the national guard, state defense force or military reserves or use or nonuse of a lawful product off the employer's premises during nonworking hours is prohibited. Current law also specifies that employment discrimination because of creed or handicap includes refusing to reasonably accommodate the religious observance or practice or handicap of an employe or prospective employe unless the employer can demonstrate that the accommodation would pose an undue hardship on the employer's program, enterprise or business.

This bill prohibits discrimination in employment based on temporary absence from work while responding to an emergency call as a volunteer fire fighter. The bill specifies that employment discrimination on that basis includes refusing to reasonably accommodate the temporary absence of an employe or prospective employe from work while responding to an emergency call as a volunteer fire fighter unless the employer can demonstrate that the accommodation would pose an undue hardship on the employer's program, enterprise or business. Under the bill, an employer may reasonably accommodate a temporary absence from work for that

ASSEMBLY BILL 449

purpose by temporarily reallocating job duties, adjusting or modifying the employer's attendance policies or making other, similar accommodations for the employe or prospective employe. The bill defines "undue hardship" as significant difficulty or expense, with respect to an accommodation for an employe or prospective employe, when considered in light of various factors such as the nature and cost of the accommodation, the overall financial resources of the facility involved in providing the accommodation ~~and of the employer~~, the number of persons employed by the facility ~~and by the employer~~ and the type of operation of the employer.

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:*

emergency medical technician, first responder or ambulance driver

SECTION 1. 111.31 (1) of the statutes is amended to read:

111.31 (1) The legislature finds that the practice of unfair discrimination in employment against properly qualified individuals by reason of their age, race, creed, color, ~~handicap~~ <sup>(disability) (plan)</sup>, marital status, sex, national origin, ancestry, sexual orientation, arrest record, conviction record, membership in the national guard, state defense force or any other reserve component of the military forces of the United States or this state or, use or nonuse of lawful products off the employer's premises during nonworking hours or temporary absence from work while responding to an emergency call as a volunteer fire fighter, substantially and adversely affects the general welfare of the state. Employers, labor organizations, employment agencies and licensing agencies that deny employment opportunities and discriminate in employment against properly qualified individuals solely because of their age, race, creed, color, ~~handicap~~ <sup>(disability) (plan)</sup>, marital status, sex, national origin, ancestry, sexual orientation, arrest record, conviction record, membership in the national guard, state defense force or any other reserve component of the military forces of the United States or this state or, use or nonuse of lawful products off the employer's premises during nonworking hours or temporary absence from work while responding to an

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ASSEMBLY BILL 449

emergency medical technician,  
first responder or ambulance driver

1 emergency call as a volunteer fire fighter deprive those individuals of the earnings  
2 that are necessary to maintain a just and decent standard of living.

3 SECTION 2. 111.31 (2) of the statutes is amended to read:

4 111.31 (2) It is the intent of the legislature to protect by law the rights of all  
5 individuals to obtain gainful employment and to enjoy privileges free from  
6 employment discrimination because of age, race, creed, color, ~~handicap~~ <sup>(disability)</sup> (plan), marital  
7 status, sex, national origin, ancestry, sexual orientation, arrest record, conviction  
8 record, membership in the national guard, state defense force or any other reserve  
9 component of the military forces of the United States or this state or, use or nonuse  
10 of lawful products off the employer's premises during nonworking hours or  
11 temporary absence from work while responding to an emergency call as a volunteer

12 fire fighter and to encourage the full, nondiscriminatory utilization of the productive  
13 resources of the state to the benefit of the state, the family and all the people of the  
14 state. It is the intent of the legislature in promulgating this subchapter to encourage  
15 employers to evaluate an employe or applicant for employment based upon the  
16 employe's or applicant's individual qualifications rather than upon a particular class  
17 to which the individual may belong.

18 SECTION 3. 111.31 (3) of the statutes is amended to read:

19 111.31 (3) In the interpretation and application of this subchapter, and  
20 otherwise, it is declared to be the public policy of the state to encourage and foster  
21 to the fullest extent practicable the employment of all properly qualified individuals  
22 regardless of age, race, creed, color, ~~handicap~~ <sup>(disability)</sup> (plan), marital status, sex, national origin,  
23 ancestry, sexual orientation, arrest record, conviction record, membership in the  
24 national guard, state defense force or any other reserve component of the military  
25 forces of the United States or this state or, use or nonuse of lawful products off the

proof w/ state

ASSEMBLY BILL 449

SECTION 3

emergency medical technician, first responder or ambulance driver

1 employer's premises during nonworking hours or temporary absence from work  
2 while responding to an emergency call as a volunteer fire fighter. Nothing in this  
3 subsection requires an affirmative action program to correct an imbalance in the  
4 work force. This subchapter shall be liberally construed for the accomplishment of  
5 this purpose.

SECTION 4. 111.321 of the statutes is amended to read:

7 **111.321 Prohibited bases of discrimination.** Subject to ss. 111.33 to 111.36  
8 111.365, no employer, labor organization, employment agency, licensing agency or  
9 other person may engage in any act of employment discrimination as specified in s.  
10 111.322 against any individual on the basis of age, race, creed, color, handicap (disability) (plan)  
11 marital status, sex, national origin, ancestry, arrest record, conviction record,  
12 membership in the national guard, state defense force or any reserve component of  
13 the military forces of the United States or this state or, use or nonuse of lawful  
14 products off the employer's premises during nonworking hours or temporary absence  
15 from work while responding to an emergency call as a volunteer fire fighter.

SECTION 5. 111.322 (intro.) of the statutes is amended to read:

17 **111.322 Discriminatory actions prohibited.** (intro.) Subject to ss. 111.33  
18 to 111.36 111.365, it is an act of employment discrimination to do any of the following:

SECTION 6. 111.365 of the statutes is created to read:

20 **111.365 Volunteer fire fighters; exceptions and special cases.** (1) In this  
21 section, "undue hardship" means, with respect to an accommodation required under  
22 sub. (2), significant difficulty or expense, when considered in light of the following  
23 factors:

(a) The nature and cost of the accommodation.

(B) , emergency medical technicians, first responders and ambulance drivers

proof

Insert  
4-5

proof w/ stat

## ASSEMBLY BILL 449

1 (b) The overall financial resources of the facility involved in providing the  
2 accommodation, the number of persons employed by the facility, the effect of  
3 providing the accommodation on the resources and finances of the facility and any  
4 other impact of the accommodation on the operation of the facility.

5 (c) The overall financial resources of the employer, the number of persons  
6 employed by the employer and the number, type and location of the employer's  
7 facilities.

8 (d) The type of operation of the employer, including the composition, structure  
9 and functions of the employer's workforce, the geographic separateness of the facility  
10 involved in providing the accommodation from the employer and the administrative  
11 and financial relationship of that facility to the employer.

12 (2) Employment discrimination because of temporary absence from work while  
13 responding to an emergency call as a volunteer fire fighter includes refusing to  
14 reasonably accommodate the temporary absence of an employe or prospective  
15 employe from work while responding to an emergency call as a volunteer fire fighter  
16 unless the employer can demonstrate that the accommodation would pose an undue  
17 hardship on the employer's program, enterprise or business. An employer may  
18 reasonably accommodate the temporary absence of an employe or prospective  
19 employe from work while responding to an emergency call as a volunteer fire fighter  
20 by temporarily reallocating job duties, adjusting or modifying the employer's  
21 attendance policies or making other, similar accommodations for the employe or  
22 prospective employe.

23 SECTION 7. Initial applicability.

emergency medical technician,  
first responder or  
ambulance driver



**ASSEMBLY BILL 449**

**SECTION 7**

1 (1) This act first applies to ~~acts of employment discrimination in violation of~~  
2 ~~section 111.322 of the statutes, as affected by this act, that occur on the effective date~~  
3 ~~of this subsection.~~

4 (END)

an employee who is affected by a collective bargaining agreement that contains provisions inconsistent with this act on the day on which the collective bargaining agreement expires or is extended, modified or renewed, whichever occurs first

Insert 4-5

~~ASSEMBLY AMENDMENT,  
TO 1997 ASSEMBLY BILL 449~~

1 At the locations indicated, amend the bill as follows:

2 ~~1. Page 1, line 4: after "fighter" insert ", emergency medical technician, first~~  
3 ~~responder or ambulance driver".~~

4 ~~2. Page 2, line 9: after "fighter" insert ", emergency medical technician, first~~  
5 ~~responder or ambulance driver".~~

6 ~~3. Page 3, line 1: after "fighter" insert ", emergency medical technician, first~~  
7 ~~responder or ambulance driver".~~

8 ~~4. Page 3, line 12: after "fighter" insert ", emergency medical technician, first~~  
9 ~~responder or ambulance driver".~~

10 ~~5. Page 4, line 2: after "fighter" insert ", emergency medical technician, first~~  
11 ~~responder or ambulance driver".~~

12 ~~6. Page 4, line 5: after that line insert:~~

13 ~~"SECTION 3m. 111.32 (4r) of the statutes is created to read:~~



-2-  
Insert 4-5

1           111.32 (4r) "Emergency medical technician" has the meaning given in s. 146.50  
2 (1) (e).

3           SECTION 30. 111.32 (7g) of the statutes is created to read:

4           111.32 (7g) "First responder" has the meaning given in s. 146.53 (1) (d).

~~7. Page 4, line 15: after "fighter" insert ", emergency medical technician, first responder or ambulance driver".~~

~~8. Page 4, line 20: after "fighters" insert ", emergency medical technicians, first responders and ambulance drivers".~~

~~9. Page 5, line 13: after "fighter" insert ", emergency medical technician, first responder or ambulance driver".~~

~~10. Page 5, line 15: after "fighter" insert ", emergency medical technician, first responder or ambulance driver".~~

~~11. Page 5, line 19: after "fighter" insert ", emergency medical technician, first responder or ambulance driver".~~

(END)

*(end of insert)*

**SUBMITTAL  
FORM**

**LEGISLATIVE REFERENCE BUREAU  
Legal Section Telephone: 266-3561  
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

**Date:** 12/21/98

**To:** Representative Hasenohrl

**Relating to LRB drafting number:** LRB-1163

**Topic**

Discrimination against volunteer fire fighters and EMTs

**Subject(s)**

Discrimination

see attached

1. **JACKET** the draft for introduction \_\_\_\_\_

in the **Senate** \_\_\_\_ or the **Assembly**  (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached \_\_\_\_\_.

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction \_\_\_\_\_.

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Gordon M. Malaise, Senior Legislative Attorney  
Telephone: (608) 266-9738

-1163

1/19/99

Hasenohl and Ainsworth have agreed that

Ainsworth will introduce this draft.

GMM