

1999 DRAFTING REQUEST

Bill

Received: **01/25/99**

Received By: **malaigm**

Wanted: **As time permits**

Identical to LRB:

For: **Peter Bock (608) 266-8580**

By/Representing: **Lori**

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

Drafter: **malaigm**

May Contact:

Alt. Drafters:

Subject: **Discrimination
Employ Priv - miscellaneous**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Reasonable accommodation of a pregnant or breast-feeding employe

Instructions:

See Attached--redraft 97 AB 801

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 01/26/99	ptellez 02/2/99		_____			S&L
/1			ismith 02/4/99	_____	lrb_docadmin 02/4/99	lrb_docadmin 02/19/99	

FE Sent For:

03-12-99

<END>

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1/?	malaigm	/1 pgt 1/26/99	IS 2/4/99	IS/UP 2/4/99			

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<END>

LEGISLATIVE REFERENCE BUREAU**BILL REQUEST FORM**

Legal Section, 5th Floor, 100 N. Hamilton St.
 (608) 266-3561

Use of this form is optional. It is often helpful to talk directly with the LRB attorney who will draft the bill.
 Use this form only for **BILL** drafts. Attach more pages if necessary.

Date of request: 1/25/99	Legislator or agency requesting this draft: Peter Bock
Name/phone number of person submitting request: Lori (Bock Office) 6-8580	
Persons to contact for questions about this draft (names and phone numbers please): Lori (Bock Office)	
Describe the problem, including any helpful examples. How do you want to solve the problem? Please re-draft AB 801 from last session. (Attached)	
If you know of any statute sections that might be affected, please list them or provide a marked (not re-typed) copy.	

Please attach a copy of any correspondence or material that may help us. You may also attach a marked (not re-typed) copy of any LRB draft, or provide its number (e.g., 1997 LRB-2345/1 or 1995 AB-67):

Requests are confidential unless stated otherwise.

May we tell others that we are working on this for you? YES NO

If yes, anyone who asks? YES NO

Any legislator? YES NO ONLY the following persons:

Do you consider this urgent? YES NO If yes, please indicate why:

Is this request of higher priority than other pending request(s) you have made?

YES NO If yes, please sign your name here:





1999 BILL

LEK

1997 ASSEMBLY BILL 801

WPO =
PLEASE insert
page lines.

February 19, 1998 - Introduced by Representatives BOCK, R. YOUNG, L. YOUNG, R. POTTER, NOTESTEIN, MORRIS-TATUM, KREUSER, BOYLE, BLACK, BAUMGART, RILEY, TURNER, BALDWIN, TRAVIS, J. LEHMAN and COGGS, cosponsored by Senators BURKE and DARLING. Referred to Committee on Labor and Employment.

gen. cat.

Regenerate

AN ACT to create 103.12, 106.06 (6) and 230.45 (1) (k) of the statutes; **relating to:** requiring an employer to reasonably accommodate an employe who is pregnant or who is breast-feeding her child.

Analysis by the Legislative Reference Bureau

→ Current law prohibits certain bases of employment discrimination including discrimination based on an employe's sex or handicap. Under current law, discrimination based on sex includes discriminating against any woman on the basis of pregnancy, childbirth or related medical conditions, and discrimination based on handicap includes refusing to reasonably accommodate an employe's handicap unless the employer can demonstrate that the accommodation would pose a hardship on the employer's program, enterprise or business. Currently, the department of workforce development (DWD) may order an employer that has discriminated against an employe to take such action as will effectuate the purpose of the fair employment law, including the payment of back pay, reinstatement of the employe or the payment of compensation in lieu of reinstatement.

→ This bill permits an employe who is pregnant or ~~who is~~ breast-feeding her child to request her employer to reasonably accommodate her condition, if the employe believes that the duties or environment of her employment pose a substantial hazard to the present or future health of the employe or of her child or unborn child. The bill requires an employer that receives such a request to reasonably accommodate the employe's condition unless the employer can demonstrate that the accommodation would pose an undue hardship on the employer's program,

ASSEMBLY BILL 801

in violation of the bill,

enterprise or business. Under the bill, an employer may not discharge or otherwise discriminate against an employe who requests a reasonable accommodation under the bill, files a complaint or attempts to enforce any right granted under the bill or testifies or assists in any action or proceeding to enforce any right under the bill. Finally, under the bill, an employe whose request for a reasonable accommodation ~~under the bill is denied (unless the employer can demonstrate that the accommodation would pose an undue hardship)~~ or who is discharged or discriminated against in violation of the bill, may file a complaint with DWD and DWD must process the complaint in the same manner as employment discrimination complaints are processed under current law, which processing may include the ordering of back pay, reinstatement or compensation in lieu of reinstatement.

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:

delete extra space

If an

, the employe may request her employer to reasonably accommodate her condition

SECTION 1. 103.12 of the statutes is created to read:

103.12 Reasonable accommodation of pregnant or breast-feeding employes. (1) ~~Any~~ employe who is pregnant or ~~who is~~ breast-feeding her child ~~may request her employer to reasonably accommodate her condition, if the employe believes that the duties or environment of her employment pose a substantial hazard to the present or future health of the employe or of her child or unborn child.~~

(2) An employer that receives a request under sub. (1) shall reasonably accommodate the employe's condition unless the employer can demonstrate that the accommodation would pose an undue hardship on the employer's program, enterprise or business.

(3) No employer may discharge or otherwise discriminate against any person for requesting a reasonable accommodation under sub. (1), filing a complaint or attempting to enforce any right under this section or testifying or assisting in any action or proceeding to enforce any right under this section.

ASSEMBLY BILL 801

or

(4) (a) Subject to par. (b), any employe whose request for a reasonable accommodation under sub. (1) is denied ~~or~~ in violation of sub. (2) who is discharged or otherwise discriminated against in violation of sub. (3) may file a complaint with the department and the department shall process the complaint in the same manner as employment discrimination complaints are processed under s. 111.39.

(b) Any employe of a state agency, as defined in s. 111.32 (6) (a), whose request for a reasonable accommodation under sub. (1) is denied in violation of sub. (2) or who is discharged or otherwise discriminated against in violation of sub. (3) may file a complaint with the personnel commission and the personnel commission shall process the complaint in the same manner as employment discrimination complaints are processed under s. 111.39.

SECTION 2. 106.06 (6) of the statutes is created to read:

106.06 (6) The division shall receive complaints under s. 103.12 (4) (a) and shall process the complaints in the same manner as employment discrimination complaints are processed under s. 111.39.

SECTION 3. 230.45 (1) ~~(b)~~ of the statutes is created to read:

230.45 (1) ~~(b)~~ Receive complaints under s. 103.12 (4) (b) and, except as provided in sub. (1m), process the complaints in the same manner as employment discrimination complaints are processed under s. 111.39.

SECTION 4. Initial applicability.

(1) This act first applies to employes who are covered ^{affected} by a collective bargaining agreement that contains provisions inconsistent with section 103.12 of the statutes, as created by this act, on the day ^{on which} after the collective bargaining agreement expires

ASSEMBLY BILL 801

SECTION 4

or ~~on the day on which the collective bargaining agreement~~ is extended, modified or renewed, whichever occurs first.

(END)

**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: 2/4/99

To: Representative Bock

Relating to LRB drafting number: LRB-2003

Topic

Reasonable accommodation of a pregnant or breast-feeding employe

Subject(s)

Discrimination, Employ Priv - miscellaneous

1. **JACKET** the draft for introduction

Peter Bock

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