

1999 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB611)

Received: **02/28/2000**

Received By: **malaigm**

Wanted: **02/29/2000**

Identical to LRB:

For: **Daniel Vrakas (608) 266-3007**

By/Representing: **Brian Pleva**

This file may be shown to any legislator: NO

Drafter: **malaigm**

May Contact:

Ah. Drafters:

Subject: **Employ Priv - miscellaneous**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Inspection of employe personnel records by employe's authorized representative

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Reouired</u>
/?	malaigm 02/28/2000	wjackson 02/28/2000		_____			
/1			haugeca 02/28/2000	_____	lrb_docadmin 02/28/2000	lrb_docadmin 02/28/2000	

FE Sent For:

<END>

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/?	malaigm	/l wlj 2/28	CH 2-28	malb 2-28			

FE Sent For:

<END>

Malaise, Gordon

From: Pleva, Brian
Sent: Monday, February 28, 2000 2:13 PM
To: Malaise, Gordon
Subject: AB 611 Substitute Amendment

Importance: High

Gordon, a page has just left for your office with a substitute amendment draft to AB 611. The Labor Cmte. will exec on this bill on Wednesday, and I would appreciate it if we could get it introduced today or tomorrow.

I just wanted to give you the heads-up.

Thank you!

Brian Pleva
Office of Rep. Dan Vrakas
(608) 264-8668

ASSEMBLY SUBSTITUTE AMENDMENT,

TO 1999 ASSEMBLY BILL 611

the inspection of an employee's

of the employe

1 **AN ACT** to amend 103.13 (3), 103.13 (5) and 103.13 (6) (intro.) of the statutes;
2 **relating to:** personnel records inspected by an authorized representative and
3 providing a penalty.

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

4 **SECTION 1.** 103.13 (3) of the statutes is amended to read:
5 103.13 (3) **PERSONNEL RECORD INSPECTION BY REPRESENTATIVE.** An employe who is
6 involved in a current grievance against the employer may ~~designate~~ authorize in writing a
7 representative of the employe's union, collective bargaining unit or other ~~designated~~
8 authorized representative to inspect the employe's personnel records which may have a
9 bearing on the resolution of the grievance, except as provided in sub. (6). The employer shall
10 allow such ~~a designated~~ an authorized representative to inspect that employe's personnel
11 records in the same manner as provided under sub. (2). An authorized representative who
12 inspects any personnel records under this subsection may use those records or any information
13 contained in those records only for purposes of the current grievance against the employer.
14 Any authorized representative who discloses any personnel records obtained under this
15 subsection or any information contained in any personnel record obtained under this
16 subsection in violation of this subsection shall be liable to the person injured by that disclosure
17 for all damages sustained by reason of that disclosure and may be required to forfeit not more
18 than \$500.



Tues 2/29 AM

LRBs0345/1
GMM.....
WLG

**ASSEMBLY SUBSTITUTE AMENDMENT,
TO 1999 ASSEMBLY BILL 611**

Gen Cat

✓

1 AN ACT **relating to:** inspection of an employe's personnel records by an
2 authorized representative of the employe and providing a penalty,

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

3 **SECTION 1.** 103.13 (3) of the statutes is amended to read:
4 103.13 (3) PERSONNEL RECORD INSPECTION BY REPRESENTATIVE. An employe who
5 is involved in a current grievance against the employer may ~~designate~~ authorize in
6 writing a representative of the employe's union, or collective bargaining unit or some
7 other ~~designated~~ authorized representative to inspect the employe's personnel
8 records which may have a bearing on the resolution of the grievance, except as
9 provided in sub. (6). The employer shall allow such a ~~designated~~ an authorized
10 representative to inspect that employe's personnel records in the same manner as
11 provided under sub. (2). An authorized representative who inspects any personnel
12 records under this subsection may use those records or any information contained

1 in those records only for purposes of the current grievance against the employer. Any
2 authorized representative who discloses any personnel records obtained under this
3 subsection or any information contained in any personnel records obtained under
4 this subsection in violation of this subsection shall be liable to the person injured by
5 that disclosure for all damages sustained by reason of that disclosure and may be
6 required to forfeit not more than \$500.

7 History: 1979 c. 339; 1981 c. 164; 1983 a. 189 ss. 153,329 (4); 1989 a. 228; 1995 a. 27.

7 **SECTION 2.** 103.13 (5) of the statutes is amended to read:

8 103.13 (5) **MEDICAL RECORDS INSPECTION.** The right of the employe or the
9 employe's ~~designated~~ authorized representative under sub. (3) to inspect personnel
10 records under this section includes the right to inspect any personal medical records
11 concerning the employe in the employer's files. If the employer believes that
12 disclosure of an employe's medical records would have a detrimental effect on the
13 employe, the employer may release the medical records to the employe's physician
14 or through a physician designated by the employe, in which case the physician may
15 release the medical records to the employe or to the employe's immediate family.

16 History: 1979 c. 339; 1981 c. 164; 1983 a. 189 ss. 153,329 (4); 1989 a. 228; 1995 a. 27.

16 **SECTION 3.** 103.13 (6) (4) (intro.) of the statutes is amended to read:

17 103.13 (6) **EXCEPTIONS.** (intro.) The right of the employe or the employe's
18 ~~designated~~ authorized representative under sub. (3) to inspect his or her personnel
19 records does not apply to any of the following:

20 History: 1979 c. 339; 1981 c. 164; 1983 a. 189 ss. 153,329 (4); 1989 a. 228; 1995 a. 27.

(END)