

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

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Analogous case law suggests that the fair employment law already applies to decisions by DOT not to issue a driving school instructor license to an individual who has suffered an amputation. Specifically, in *Bothun v. DOT*, 134 Wis. 2d 378, (Ct. App. 1986), the court struck down a DOT rule that prohibited, without exception and without reference to the fair employment law, the issuance of a school bus operator's license to persons who use hypoglycemic medication to control their diabetes because that rule conflicted with the fair employment law, which requires a case-by-case evaluation of the relationship between a person's disability and the responsibilities of a particular job. The same principle arguably applies to DOT's flat prohibition against issuing a driving school instructor license to an individual who has suffered an amputation because such a flat prohibition would similarly conflict with the case-by-case evaluation requirement of the fair employment law.

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