

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

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I used as a template for drafting this draft 29 CFR 1602.7 to 1602.14, which govern the employer reporting and record-keeping requirements of the federal Equal Employment Opportunities Commission. A comparison of 29 CFR 1602.7 to 1602.14 and this draft raises the following questions for your consideration:

1. Do you want to set a minimum number of employees that an employer must employ to trigger the reporting requirement under the draft? The EEOC threshold is 100 employees.
2. Do you want to specify in the draft a date certain each year by which employers must file their reports and DWD must publish the compiled report? Currently, the draft leaves that up to DWD and DER.
3. Do you want to specify any consequences for an employer that fails to file its report? Currently, the draft does not specify any penalty for failure to file. Therefore, the default provision, s. 939.61, stats., which provides for a \$200 forfeiture when no penalty is expressed applies.
4. Similarly, do you want a process by which DWD can *compel* an employer to file, for example, by applying for a court order requiring the employer to file?
5. Finally, do you want to permit an employer to file for a hardship exception? Because the draft only requires reporting regarding senior management employees, as opposed to all employees, the draft currently does not include a hardship exception.

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