

**2001 Jr2 DRAFTING REQUEST**

**Assembly Amendment (AA-ASA1-AB1)**

Received: **03/13/2002**

Received By: **malaigm**

Wanted: **Soon**

Identical to LRB:

For: **Marlin Schneider (608) 266-0215**

By/Representing: **Judy Frydenlund**

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

Drafter: **malaigm**

May Contact:

Addl. Drafters:

Subject: **Employ Priv - miscellaneous  
Discrimination - employment**

Extra Copies:

Submit via email: **NO**

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Dsicrimination against employee who discloses compensation

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**Instructions:**

See Attached--redraft AB 409 as budget amendment.

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**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>
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FE Sent For:

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1?	malaigm	1/3 jld	2/14	3/14			

FE Sent For:

<END>

GMM

**Miller, Steve**

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**From:** Frydenlund, Judy  
**Sent:** Wednesday, March 13, 2002 8:50 AM  
**To:** Miller, Steve  
**Subject:** Budget Amendments

Steve, I understand that individual budget amendments are being made directly through the LRB (via Schooff's office). Sorry I did not get these to you on Friday but we were told "everything" was going through Schooff. Anyway Marlin has 10 amendments as follows:

~~1) Assembly Bill 408--relating to covenants not to compete with an employer or principal after the termination of the employment or agency.~~

→ 2) Assembly Bill 409--relating to discharge or discrimination against an employee for disclosing the employee's compensation.

3) Assembly Bill 531--relating to prohibiting certain computer postings that invite harassment or obscene, lewd, or profane communication, and providing a penalty.

4) Assembly Bill 568--relating to displaying the U.S. flag at the workplace.

5) Assembly 692--relating to return of security deposit to tenant.

6) Assembly Bill 750--relating to gifts given or offered by prescription drug manufacturers and distributors to encourage practitioners to prescribe certain drugs and providing a penalty.

7) Increase the surtax on income tax by 10%.

8) Increase the sales tax by 1%.

9) Amend 59.69, 60.61, and 62.23 to require notification to abutting landowners and those within a one mile radius thereof of potential zoning changes to accommodate a slaughterhouse.

10) All the recognition of active military and veterans who have denistry licensure in other states. Exempt them from the "practical" exam.

**2001**

Date (time) needed 5:00m

LRB b 2558 11

**BUDGET AMENDMENT**

GMM: jld:

**NOT FOR COMPILE**

See form **AMENDMENTS — COMPONENTS & ITEMS.**

**January 2002 SPECIAL SESSION AMENDMENT  
TO ASSEMBLY SUBSTITUTE AMENDMENT 1  
TO 2001 ASSEMBLY BILL 1**

At the locations indicated, amend the substitute amendment as follows:

#. Page 157, line 22: after that line insert:

- #. Page . . . . ., line . . . . .
- #. Page . . . . ., line . . . . .
- #. Page . . . . . line . . . . .:
- #. Page . . . . ., line . . . . .:
- #. Page . . . . ., line . . . . .:



## 2001 ASSEMBLY BILL 409

May 18, 2001 - Introduced by Representatives SCHNEIDER and SINICKI. Referred to Committee on Labor and Workforce Development.


- 1 AN ACT *to create* 103.135, 106.54 (7) and 280.45 (1) (m) of the statutes; **relating**  
2 to: discharge or discrimination against an employee for disclosing the  
3 employee's compensation.

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### *Analysis by the Legislative Reference Bureau*

Current law prohibits an employer from discharging or discriminating against an employee in promotion, compensation, or in terms, conditions, or privileges of employment on the basis of the employee's age, race, creed, color, disability, marital status, sex, national origin, ancestry, arrest or conviction record, membership in the national guard or military reserves, or use or nonuse of a lawful product during nonwork hours, or because the employee filed a complaint or attempted to enforce a right under the state's labor laws or testified or assisted in any proceeding to enforce such a right. Currently, the department of workforce development (DWD) or, in the case of a state employee, the personnel commission may order an employer that has discriminated against an employee to take such action as will effectuate the purpose of the fair employment law, including the payment of back pay, reinstatement of the employee, or the payment of compensation in lieu of reinstatement.

This bill prohibits an employer from discharging or discriminating against an employee in promotion, compensation, or in terms, conditions, or privileges of employment for disclosing the employee's compensation to anyone, opposing a discharge or discrimination in violation of the bill, filing a complaint or attempting to enforce a right under the bill, or testifying or assisting in any action or proceeding



**ASSEMBLY BILL 409**

to enforce a right under the bill. An employee who is discharged or discriminated against in violation of the bill may file a complaint with DWD or, in the case of a state employee, the personnel commission, and DWD or the personnel commission must process the complaint in the same manner that 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:*

274 am ✓

①

SECTION 1. 103.135 of the statutes is created to read:

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**103.135 Disclosure of compensation.** (1) An employee may disclose the employee's compensation to anyone. An employer may not discharge or discriminate against an employee in promotion, compensation, or in terms, conditions, or privileges of employment for disclosing the employee's compensation to anyone, opposing a practice prohibited under this subsection, filing a complaint or attempting to enforce any right under this subsection, or testifying or assisting in any action or proceeding to enforce any right under this subsection.

(2) (a) Subject to par. (b), any employee who is discharged or discriminated against in violation of sub. (1) may file a complaint with the department, and the department shall process the complaint in the same manner that employment discrimination complaints are processed under s. 111.39.

(b) Any employee of a state agency, as defined in s. 111.32 (6), who is discharged or discriminated against in violation of sub. (1) may file a complaint with the personnel commission, and the personnel commission shall process the complaint in the same manner that employment discrimination complaints are processed under s. 111.39.

~~274~~ → 274 X ✓

②

SECTION 2. 106.54 (3) of the statutes is created to read:

# Page 181, line 15: after that line insert:

ASSEMBLY BILL 409

365 n ✓

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8 ← (B)  
 106.54 (7) The division shall receive complaints under s. 103.135 (2) (a) and shall process the complaints in the same manner that employment discrimination complaints are processed under s. 111.39. "

" SECTION 3. 230.45 (1) (m) of the statutes is created to read:

230.45 (1) (m) Receive complaints under s. 103.135 (2) (b) and, except as provided in sub. (1m), process the complaints in the same manner that employment discrimination complaints are processed under s. 111.39. "

SECTION 4. Initial applicability.

(1) This act first applies to an employee who, on the day before the effective date of this subsection, is affected by a collective bargaining or other employment agreement that contains provisions inconsistent with section 103.135 of the statutes, as created by this act, on the day on which the agreement expires or is extended, modified, or renewed, whichever occurs first."

(3\*) DISCLOSURE OF EMPLOYEE

COMPENSATION. The treatment of sections 103.135, 106.54 (B), and 230.45 (1) (m) of the statutes

(END)

# Page 438, line 8: after that line insert: