

**ASSEMBLY AMENDMENT 24,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 1**

March 14, 2002 – Offered by Representative SCHNEIDER.

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

2 **1.** Page 157, line 22: after that line insert:

3 **“SECTION 274ap.** 103.165 of the statutes is created to read:

4 **103.165 Display of U.S. flag at workplace. (1) DEFINITIONS.** In this section:

5 (a) “Employer” means any person engaging in any activity, enterprise, or
6 business in this state employing at least one individual. “Employer” includes the
7 state and any office, department, independent agency, authority, institution,
8 association, society, or other body in state government created or authorized to be
9 created by the constitution or any law, including the legislature and the courts.

10 (b) “U.S. flag” means anything that is or that purports to be the Stars and
11 Stripes or a copy, picture, or representation of the Stars and Stripes.

1 **(2) DISPLAY OF U.S. FLAG AT WORKPLACE; EMPLOYER MUST PERMIT.** Subject to sub.
2 (3), an employer shall permit an employee to display the U.S. flag at the workplace.

3 **(3) NONAPPLICABILITY.** This section does not apply to a religious association or
4 to an organization or corporation that is primarily owned or controlled by a religious
5 association if displaying the U.S. flag conflicts with the religious doctrine of the
6 religious association.

7 **(4) RETALIATION PROHIBITED.** An employer may not discharge or otherwise
8 discriminate against any person for displaying the U.S. flag at the workplace, filing
9 a complaint or attempting to enforce the right to display the U.S. flag at the
10 workplace, or testifying or assisting in any action or proceeding to enforce the right
11 to display the U.S. flag at the workplace.

12 **(5) COMPLAINT.** (a) Subject to par. (b), an employee who is discharged or
13 otherwise discriminated against in violation of sub. (4) may file a complaint with the
14 department, and the department shall process the complaint in the same manner
15 that employment discrimination complaints are processed under s. 111.39.

16 (b) Any employee of a state agency, as defined in s. 111.32 (6) (a), who is
17 discharged or otherwise discriminated against in violation of sub. (4) may file a
18 complaint with the personnel commission, and the personnel commission shall
19 process the complaint in the same manner that employment discrimination
20 complaints are processed under s. 111.39.

21 **SECTION 274y.** 106.54 (8) of the statutes is created to read:

22 106.54 **(8)** The division shall receive complaints under s. 103.165 (5) (a) and
23 shall process the complaints in the same manner that employment discrimination
24 complaints are processed under s. 111.39.”.

