

2005 ASSEMBLY BILL 367

April 27, 2005 – Introduced by Representatives SCHNEIDER and SHERIDAN. Referred to Committee on Labor.

1 **AN ACT** *to create* 103.135 and 106.54 (8) of the statutes; **relating to:** prohibiting
2 an employer from requiring an employee to solicit customers to apply for
3 issuance of a seller credit card.

Analysis by the Legislative Reference Bureau

Current law prohibits an employer from discharging or discriminating against an employee in promotion, in compensation, or in the terms, conditions, or privileges of employment on various bases, including the employee's age, race, creed, color, disability, marital status, sex, national origin, ancestry, or arrest or conviction record, 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) 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 requiring an employee to solicit customers to apply for issuance of a credit card, or other credit confirmation or identification, that is intended primarily for the purpose of purchasing or leasing goods or services from the employer, a person related to the employer, or others licensed or franchised to do business under the employer's business or trade name or designation (seller credit card). Under the bill, an employer may not discharge or discriminate against an employee in promotion, in compensation, or in the terms, conditions, or privileges

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of employment for failing or refusing to solicit customers to apply for issuance of a seller credit card, for opposing a discharge or discrimination in violation of the bill, for filing a complaint or attempting to enforce a right under the bill, or for testifying or assisting in any action or proceeding 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; and DWD must process the complaint in the same manner that employment discrimination complaints are processed under current law and that processing may include the ordering of back pay, reinstatement, or compensation in lieu of reinstatement.

For further information see the *state* 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:

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

2 **103.135 Credit card solicitation prohibited.** An employer may not require
3 an employee to solicit customers to apply for issuance of a credit card, or other credit
4 confirmation or identification, that is intended primarily for the purpose of
5 purchasing or leasing goods or services from the employer, a person related to the
6 employer, or others licensed or franchised to do business under the employer's
7 business or trade name or designation. An employer may not discharge or
8 discriminate against an employee in promotion, in compensation, or in the terms,
9 conditions, or privileges of employment for failing or refusing to solicit customers to
10 apply for issuance of a credit card, or other credit confirmation or identification, as
11 provided in this section, for opposing a practice prohibited under this section, for
12 filing a complaint or attempting to enforce any right under this section, or for
13 testifying or assisting in any action or proceeding to enforce any right under this
14 section. Any employee who is discharged or discriminated against in violation of this
15 section may file a complaint with the department, and the department shall process

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1 the complaint in the same manner that employment discrimination complaints are
2 processed under s. 111.39.

3 **SECTION 2.** 106.54 (8) of the statutes is created to read:

4 106.54 (8) The division shall receive complaints under s. 103.135 and shall
5 process the complaints in the same manner that employment discrimination
6 complaints are processed under s. 111.39.

7 **SECTION 3. Initial applicability.**

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

13 (END)