

2007 DRAFTING REQUEST

Bill

Received: 01/19/2007

Received By: **gmalaise**

Wanted: **As time permits**

Identical to LRB:

For: **David Cullen (608) 267-9836**

By/Representing: **Ritch Williams**

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

Drafter: **gmalaise**

May Contact:

Addl. Drafters:

Subject: **Employ Priv - health and safety**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Cullen@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Rerasonable accommodation of pregnant or breast-feeding employees

Instructions:

See Attached--redraft 1999 AB 199

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>
/?	gmalaise 01/19/2007	jdye 02/01/2007		_____			S&L
/1			jfrantze 02/01/2007	_____	sbasford 02/01/2007	cduerst 02/13/2007	

FE Sent For:

<END>

2007 DRAFTING REQUEST

Bill

Received: **01/19/2007**

Received By: **gmalaise**

Wanted: **As time permits**

Identical to LRB:

For: **David Cullen (608) 267-9836**

By/Representing: **Ritch Williams**

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

Drafter: **gmalaise**

May Contact:

Addl. Drafters:

Subject: **Employ Priv - health and safety**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Cullen@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Rerasonable accommodation of pregnant or breast-feeding employees

Instructions:

See Attached--redraft 1999 AB 199

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>
/?	gmalaise 01/19/2007	jdye 02/01/2007		_____			S&L
/1			jfrantze 02/01/2007	_____	sbasford 02/01/2007		

FE Sent For:

<END>

2007 DRAFTING REQUEST

Bill

Received: 01/19/2007

Received By: gmalaise

Wanted: As time permits

Identical to LRB:

For: David Cullen (608) 267-9836

By/Representing: Ritch Williams

This file may be shown to any legislator: NO

Drafter: gmalaise

May Contact:

Addl. Drafters:

Subject: Employ Priv - health and safety

Extra Copies:

Submit via email: YES

Requester's email: Rep.Cullen@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

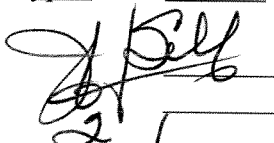
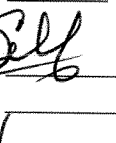
Topic:

Rerasonable accommodation of pregnant or breast-feeding employees

Instructions:

See Attached--redraft 1999 AB 199

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>
/?	gmalaise	1 2 ijw					

FE Sent For:

<END>



DAVID CULLEN

STATE REPRESENTATIVE

MEMO

To: Gordon Malaise, Legislative Reference Bureau
From: Rep. David Cullen *David Cullen*
Re: Redraft of 1999 Assembly Bill 199
Date: January 18, 2007

I would like to have 1999 Assembly Bill 199, offered by Rep. Peter Bock, redrafted for introduction this session. I have included a copy of the bill for your consideration and use.

I have a constituent who has worked for this bill for several years now and the sooner I can have drafted and prepared for introduction, the better.

Please feel free to contact me or my staff person, Ritch Williams, with any questions or concerns. Thanks in advance for your assistance.

1999 ASSEMBLY BILL 199

March 12, 1999 - Introduced by Representatives BOCK, SINICKI, RICHARDS, MILLER, POCAN, BLACK, F. LASEE, LA FAVE, WASSERMAN, SYKORA, COLON, BERCEAU, BOYLE, CARPENTER, CULLEN and YOUNG, cosponsored by Senators BURKE, ERPENBACH and DARLING. Referred to Committee on Labor and Employment.

1 **AN ACT to create** 103.12, 106.06 (6) and 230.45 (1) (L) of the statutes; **relating**
2 **to:** requiring an employer to reasonably accommodate an employee who is
3 pregnant or who is breast-feeding her child.

Analysis by the Legislative Reference Bureau

Current law prohibits certain bases of employment discrimination including discrimination based on an employee's sex or handicap. Under current law, discrimination based on sex includes discriminating against any woman on the basis of pregnancy, childbirth or related medical conditions, and discrimination based on handicap includes refusing to reasonably accommodate an employee's handicap unless the employer can demonstrate that the accommodation would pose a hardship on the employer's program, enterprise or business. 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 permits an employee who is pregnant or breast-feeding her child to request her employer to reasonably accommodate her condition, if the employee believes that the duties or environment of her employment pose a substantial hazard to the present or future health of the employee or of her child or unborn child. The bill requires an employer that receives such a request to reasonably accommodate the employee's condition unless the employer can demonstrate that the accommodation would pose an undue hardship on the employer's program,

ASSEMBLY BILL 199

enterprise or business. Under the bill, an employer may not discharge or otherwise discriminate against an employe who requests a reasonable accommodation under the bill, files a complaint or attempts to enforce any right granted under the bill or testifies or assists in any action or proceeding to enforce any right under the bill. Finally, under the bill, an employe whose request for a reasonable accommodation is denied in violation of the bill, or 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 as 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:

1 **SECTION 1.** 103.12 of the statutes is created to read:

2 **103.12 Reasonable accommodation of pregnant or breast-feeding**
3 **employes.** (1) If an employe who is pregnant or breast-feeding her child believes
4 that the duties or environment of her employment pose a substantial hazard to the
5 present or future health of the employe or of her child or unborn child, the employe
6 may request her employer to reasonably accommodate her condition.

7 (2) An employer that receives a request under sub. (1) shall reasonably
8 accommodate the employe's condition unless the employer can demonstrate that the
9 accommodation would pose an undue hardship on the employer's program,
10 enterprise or business.

11 (3) No employer may discharge or otherwise discriminate against any person
12 for requesting a reasonable accommodation under sub. (1), filing a complaint or
13 attempting to enforce any right under this section or testifying or assisting in any
14 action or proceeding to enforce any right under this section.

2/15 mkh
2005 - 2006 LEGISLATURE

LRB-3686/1

GMM:kjfrs
-1596/1
Jld

2005 BILL

Regen

1 AN ACT *to create* 103.12 and 106.54 (8) of the statutes; **relating to:** requiring
2 an employer to reasonably accommodate an employee who is pregnant or who
3 is breast-feeding her child.

Analysis by the Legislative Reference Bureau

Current law prohibits certain bases of employment discrimination including discrimination based on an employee's sex or handicap. Under current law, discrimination based on sex includes discriminating against any woman on the basis of pregnancy, childbirth, or related medical conditions and discrimination based on handicap includes refusing to reasonably accommodate an employee's handicap unless the employer can demonstrate that the accommodation would pose a hardship on the employer's program, enterprise, or business. 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 permits an employee who is pregnant or who is breast-feeding her child to request her employer to reasonably accommodate her condition, if the employee believes that the duties or environment of her employment pose a substantial hazard to the present or future health of the employee or of her child or unborn child. The bill requires an employer that receives such a request to reasonably accommodate the employee's condition unless the employer can demonstrate that the accommodation would pose an undue hardship on the

BILL

employer's program, enterprise, or business. Under the bill, an employer may not discharge or otherwise discriminate against an employee who requests a reasonable accommodation under the bill, opposes a practice prohibited under the bill, files a complaint or attempts to enforce any right granted under the bill, or testifies or assists in any action or proceeding to enforce any right under the bill. Finally, under the bill, an employee whose request for a reasonable accommodation under the bill is denied (unless the employer can demonstrate that the accommodation would pose an undue hardship) or 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 as 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:

X
1 SECTION 1. 103.12 of the statutes is created to read:

2 **103.12 Reasonable accommodation of pregnant or breast-feeding**
3 **employees.** (1) Any employee who is pregnant or who is breast-feeding her child
4 may request her employer to reasonably accommodate her condition, if the employee
5 believes that the duties or environment of her employment pose a substantial hazard
6 to the present or future health of the employee or of her child or unborn child.

7 (2) An employer that receives a request under sub. (1) shall reasonably
8 accommodate the employee's condition unless the employer can demonstrate that
9 the accommodation would pose an undue hardship on the employer's program,
10 enterprise, or business.

11 (3) No employer may discharge or otherwise discriminate against any person
12 for requesting a reasonable accommodation under sub. (1), opposing a practice
13 prohibited under this section, filing a complaint or attempting to enforce any right

BILL

1 under this section, or testifying or assisting in any action or proceeding to enforce any
2 right under this section.

3 (4) An employee whose request for a reasonable accommodation under sub. (1)
4 is denied in violation of sub. (2) or who is discharged or otherwise discriminated
5 against in violation of sub. (3) may file a complaint with the department, and the
6 department shall process the complaint in the same manner as employment
7 discrimination complaints are processed under s. 111.39.

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

9 106.54 (8) The division shall receive complaints under s. 103.12 (4) and shall
10 process the complaints in the same manner as employment discrimination
11 complaints are processed under s. 111.39.

12 **SECTION 3. Initial applicability.**

13 (1) This act first applies to an employee who, on the day before the effective date
14 of this subsection, is covered by a collective bargaining agreement that contains
15 provisions inconsistent with section 103.12 of the statutes, as created by this act, on
16 the day on which the collective bargaining agreement expires or is extended,
17 modified, or renewed, whichever occurs first.

18 (END)

Duerst, Christina

From: Williams, Ritch
Sent: Tuesday, February 13, 2007 2:19 PM
To: LRB.Legal
Subject: Draft Review: LRB 07-1596/1 Topic: Rerasonable accommodation of pregnant or breast-feeding employees

Please Jacket LRB 07-1596/1 for the ASSEMBLY.