

**SENATE SUBSTITUTE AMENDMENT 1,
TO 2007 SENATE BILL 75**

February 26, 2008 – Offered by Senator LASSA.

1 **AN ACT** *to renumber and amend* 111.36 (1) (c); *to amend* 111.322 (3); and *to*
2 *create* 111.36 (1) (c) 1. of the statutes; **relating to:** requiring an employer to
3 reasonably accommodate an employee who is pregnant or who is
4 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.

This substitute amendment provides that it is employment discrimination based on sex for an employer to refuse to reasonably accommodate the condition of an employee who is pregnant or who is breast-feeding her child, 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, unless

the employer can demonstrate that the accommodation would pose an undue hardship on the employer's program, enterprise, or business.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 111.322 (3) of the statutes is amended to read:

2 111.322 (3) To discharge or otherwise discriminate against any individual
3 because he or she has opposed any discriminatory practice under this subchapter or
4 because he or she has ~~made a complaint, or attempted to enforce any right under this~~
5 subchapter, or testified or assisted in any proceeding under this subchapter.

6 **SECTION 2.** 111.36 (1) (c) of the statutes is renumbered 111.36 (1) (c) (intro.) and
7 amended to read:

8 111.36 (1) (c) (intro.) Discriminating against any woman on the basis of
9 pregnancy, childbirth, maternity leave, or related medical conditions by engaging
10 doing any of the following:

11 2. Engaging in any of the actions prohibited under s. 111.322, including, but
12 not limited to, actions concerning fringe benefit programs covering illnesses and
13 disability.

14 **SECTION 3.** 111.36 (1) (c) 1. of the statutes is created to read:

15 111.36 (1) (c) 1. Refusing to reasonably accommodate the condition of an
16 employee who is pregnant or who is breast-feeding her child, if the employee believes
17 that the duties or environment of her employment pose a substantial hazard to the
18 present or future health of the employee or of her child or unborn child, unless the
19 employer can demonstrate that the accommodation would pose an undue hardship
20 on the employer's program, enterprise, or business.

21 **SECTION 4. Initial applicability.**

1 (1) This act first applies to an employee who, on the day before the effective date
2 of this subsection, is covered by a collective bargaining agreement that contains
3 provisions inconsistent with section 111.36 (1) (c) 1. of the statutes, as created by this
4 act, on the day on which the collective bargaining agreement expires or is extended,
5 modified, or renewed, whichever occurs first.

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(END)