

2007 DRAFTING REQUEST

Senate Amendment (SA-SSA1-SB75)

Received: 03/05/2008

Received By: gmalaise

Wanted: Today

Identical to LRB:

For: Julie Lassa (608) 266-3123

By/Representing: Danielle Wilson

This file may be shown to any legislator: NO

Drafter: gmalaise

May Contact:

Addl. Drafters:

Subject: Discrimination

Extra Copies:

Submit via email: YES

Requester's email: Sen.Lassa@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Reasonable accommodation of pregnant or breast-feeding employees; rules specifying hazards in the workplace

Instructions:

See Attached--require DWD to promulgate rules specifying duties or environment of employment that pose substantial hazard to presentor future health of pregnant or breast-feeding employee, her child,and her unborn child.

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 03/05/2008	wjackson 03/05/2008		_____			
/1			rschluet 03/05/2008	_____	cduerst 03/05/2008	cduerst 03/05/2008	

FE Sent For:

**<END>**

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/?	gmalaise	1/15/08					

FE Sent For:

<END>

## Malaise, Gordon

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**From:** Wilson, Danielle  
**Sent:** Wednesday, March 05, 2008 3:28 PM  
**To:** Malaise, Gordon  
**Subject:** RE: SB 75

Thank you so much, Gordon. I was referring to Table 5, which I thought would be applicable because of the environmental agents, but I still agree with your point that we should not continue to attempt to list every hazardous substance that might be found in a workplace that might affect a breastfeeding mother. Regardless of whether Sen. Kanavas will support your idea, I think it is a good point, so will you please draft an amendment that will do that?

Thank you!

### **Danielle Wilson**

*Clerk, Senate Committee on Economic Development*  
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Madison, WI 53707-7882  
(608) 266-3123  
danielle.wilson@legis.wisconsin.gov

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**From:** Malaise, Gordon  
**Sent:** Monday, March 03, 2008 3:47 PM  
**To:** Wilson, Danielle  
**Subject:** RE: SB 75

Danielle:

I have reviewed the article from the Pediatrics Journal and the article does not appear relevant to the issue of exposure to hazardous substances in the workplace. Rather, the article seems to focus on drugs, legal and illegal, that a nursing mother might take and that might end up in her breast milk. Moreover, the article is limited in scope to breast-feeding and does not cover transmission in utero. Further, even if the article were relevant and helpful and were, therefore, cited in the statutes, the citation would become obsolete as soon as new discoveries were made or new materials invented.

Accordingly, rather than attempting to list in the statutes every single hazardous substance that might be found in a workplace, a task that is beyond the expertise of you, me, and Sen. Lassa, I would recommend that the bill direct DWD to promulgate rules listing duties or environments of employment that pose a substantial hazard to the present or future health of an employee who is pregnant or breast-feeding or such an employee's child or unborn child.

Gordon

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**From:** Wilson, Danielle  
**Sent:** Monday, March 03, 2008 2:19 PM  
**To:** Malaise, Gordon  
**Subject:** SB 75

Hi Gordon,

During last week's executive session for SB 75, the Republican members requested that Senator Lassa add language that provides employers with examples of potential hazards to pregnant or breastfeeding mothers. I found a list of substances that may affect breast milk in the journal of the American Academy of Pediatrics;

however, I'm curious what your thoughts are about how we should draft this. Senator Lassa thought she should just insert language that explains that employees should be protected from the substances included in, but not limited to, the Pediatrics Journal (and list all of those substances). I have attached the journal for your review.

I look forward to your suggestions. Thank you for all of your help!

**Danielle Wilson**

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<< File: Pediatrics, Official Journal of the American Academy of Pediatrics.pdf >>



State of Wisconsin  
2007 - 2008 LEGISLATURE

LRBa1588/?  
GMM.../.....

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Today  
(Floor TH 3/6)

Wlj

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

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

2 **1.** Page 1, line 4: delete that line and substitute: "breast-feeding her child,  
3 extending the time limit for emergency rule procedures, providing an exemption  
4 from emergency rule procedures, providing an exemption from rule-making  
5 procedures, and granting rule-making authority."

6 **2.** Page 2, line 20: delete that line and substitute: "on the employer's program,  
7 enterprise, or business. The department shall promulgate rules specifying the  
8 duties or environment of employment that pose a substantial hazard to the present  
9 or future health of an employee who is pregnant or who is breast-feeding her child  
10 or of her child or unborn child."

11 **SECTION 3m. Nonstatutory provisions.**

# Page 2, line 20: after that line insert:

1 (1) REASONABLE ACCOMMODATION OF PREGNANT OR BREAST-FEEDING EMPLOYEE;  
2 RULES.

3 (a) The department of workforce development shall submit in proposed form  
4 the rules required under section 111.36 (1) (c) 1. of the statutes, as created by this act,  
5 to the legislative council staff under section 227.15 (1) of the statutes no later than  
6 the first day of the 4th month beginning after the effective date of this paragraph.

7 (b) Using the procedure under section 227.24 of the statutes, the department  
8 of workforce development shall promulgate as emergency rules the rules required  
9 under section 111.36 (1) (c) 1. of the statutes, as created by this act, for the period  
10 before the effective date of the permanent rules submitted under paragraph (a). The  
11 department shall promulgate those emergency rules by no later than the first day  
12 of the 4th month beginning after the effective date of this paragraph.  
13 Notwithstanding section 227.24 (1) (c) and (2) of the statutes, emergency rules  
14 promulgated under this paragraph remain in effect until October 1, 2009, or the date  
15 on which the permanent rules take effect, whichever is sooner. Notwithstanding  
16 section 227.24 (1) (a) and (3) of the statutes, the department is not required to provide  
17 evidence that promulgating a rule under this paragraph as an emergency rule is  
18 necessary for the preservation of the public peace, health, safety, or welfare and is  
19 not required to provide a finding of emergency for a rule promulgated under this  
20 paragraph.”.

21 3. Page 1, line 1: after “(1)” insert “COLLECTIVE BARGAINING AGREEMENTS.”.

22 4. Page 3, line 5: after that line insert:

23 “SECTION 4m. Effective dates. This act takes effect on the first day of the 4th  
24 month beginning after publication, except as follows:

1 (1) RULE-MAKING. SECTION 3m (1) (a) and (b) of this act takes effect on the day  
2 after publication."✓

3 (END)