



**WISCONSIN LEGISLATIVE COUNCIL
AMENDMENT MEMO**

2007 Senate Bill 75

**Senate Amendments 1, 2, and 3
to Senate Substitute
Amendment 1 and Senate
Substitute Amendment 1**

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Current law prohibits employment discrimination on the basis of an employee's sex or handicap. Under current law, discrimination based on sex includes discrimination against a woman based on pregnancy, child birth, or related medical conditions. Discrimination based on handicap includes the refusal of reasonable accommodation, unless the employer demonstrates that the accommodation would pose a hardship on the employer's program, enterprise, or business.

Senate Substitute Amendment 1 to 2007 Senate Bill 75 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 her child or unborn child, unless the employer can demonstrate the accommodation would pose an undue hardship on the employer's program, enterprise, or business.

Generally, the substitute amendment shifts the substantive text of the bill from ch. 103, Stats., relating to employment, to subch. II of ch. 111, Stats., relating to fair employment. The substitute amendment integrates the text into existing statutes related to employment discrimination on the basis of sex.

Senate Amendment 1 to Senate Substitute Amendment 1 deletes the reference to the beliefs of an employee from the circumstances that require reasonable accommodation under the substitute amendment.

Senate Amendment 2 to Senate Substitute Amendment 1 states that the period of accommodation required by the substitute amendment ends when the employee's child reaches one year of age.

Senate Amendment 3 to Senate Substitute Amendment 1 directs the Department of Workforce Development to promulgate rules specifying the duties or environment of employment that pose a substantial hazard to the present or future health of:

- An employee who is pregnant or who is breast-feeding her child.
- An employee's child or unborn child.

Legislative History

Senate Amendment 1 to Senate Substitute Amendment 1 and Senate Substitute Amendment 1 to 2007 Senate Bill 75 were offered by Senator Lassa on February 26, 2008. The Senate Committee on Economic Development offered Senate Amendment 2 to Senate Substitute Amendment 1 on February 27, 2008. Senator Lassa offered Senate Amendment 3 to Senate Substitute Amendment 1 on March 6, 2008.

On February 27, 2008, the Senate Committee on Economic Development adopted Senate Amendments 1 and 2 to Senate Substitute Amendment 1, and Senate Substitute Amendment 1 by votes of Ayes, 7; Noes, 0. The Senate Committee on Economic Development recommended passage of Senate Bill 75, as amended, by a vote of Ayes, 7; Noes, 0, on February 27, 2008.

On March 6, 2008, the Senate adopted Senate Amendments 1, 2, and 3 to Senate Substitute Amendment 1, and adopted Senate Substitute Amendment 1 on voice votes. The Senate passed Senate Bill 75 by a vote of Ayes, 28; Noes, 4, on March 6, 2008.

SG:jb:ksm:wu