

2009 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB30)

Received: **05/19/2009**

Received By: **gmalaise**

Wanted: **Soon**

Identical to LRB:

For: **Anthony Staskunas (608) 266-0620**

By/Representing: **Tom Kelly**

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

Drafter: **gmalaise**

May Contact:

Addl. Drafters:

Subject: **Employ Priv - miscellaneous
Privacy**

Extra Copies:

Submit via email: **YES**

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Monitoring of employee computer usage

Instructions:

See attached

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 05/19/2009	jdye 05/20/2009		_____			
/1			rschluet 05/20/2009	_____	mbarman 05/20/2009	mbarman 05/20/2009	
/2	gmalaise 06/30/2009	jdye 07/01/2009	mduchek 07/08/2009	_____	sbasford 07/08/2009	sbasford 07/08/2009	

FE Sent For:

<END>

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/?	gmalaise 05/19/2009	jdyer 05/20/2009		_____			
/1		12/30 jld	rschluet 05/20/2009	_____	mbarman 05/20/2009	mbarman 05/20/2009	

FE Sent For:


<END>

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/?	gmalaise	1/5/20 jld		_____	_____	_____	_____
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FE Sent For:

<END>

Malaise, Gordon

From: Kelly, Tom
Sent: Tuesday, May 12, 2009 11:49 AM
To: Malaise, Gordon
Subject: Rep. Staskunas substitute amendment request

Hi Gordon.

Rep. Staskunas would like to introduce a substitute amendment to AB 30 (relating to employer monitoring of employee electronic mail usage).

He would like the sub to prohibit an employer from monitoring, intercepting, and reading an employee's email or computer usage unless the employer has provided the employee with a copy (paper or electronic) of the company's computer policy that includes a list of prohibited computer activities. The policy need only be distributed to an individual employee once, but employers would have to provide employees with an additional copy upon request.

If an employer has enacted a policy and provided copies to all employees, then the employer (as well as supervisors and designees) may monitor, intercept, and read computer usage information as defined under the company's policy.

If an employer does not have a policy or has not provided copies to all employees, then that employer (as well as supervisors and designees) may not monitor, intercept, or read emails, internet usage, instant messages, or other computer usage.

An employer, supervisor, designee or employee should be specifically allowed to notify law enforcement of suspected illegal activity, cooperate with law enforcement or court-order actions, take actions to protect the company from loss, and perform computer/system maintenance. An employer should be allowed to take such actions without a computer usage policy or without changes to an existing computer usage policy.

If an employer makes changes to a computer usage policy, the changes cannot be effective until all employees have been sent notice.

The exec on AB 30 has been scheduled for June 4th, but Rep. Staskunas would like to share the amendment with some of his colleagues before that.

Thank you for your help in this matter.

Sincerely,

Tom Kelly
Office of Rep. Staskunas
Speaker Pro Tempore
212-North, State Capitol
608-266-0620



State of Wisconsin
2009 - 2010 LEGISLATURE

LRBs0066/P

GMM

①
jld

IN 5/19
Soon

ASSEMBLY SUBSTITUTE AMENDMENT,
TO 2009 ASSEMBLY BILL 30

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Gen
AN ACT ...; relating to: employer monitoring of employee computer use. ✓

Analysis by the Legislative Reference Bureau

Current law does not regulate employer monitoring of employee computer use. ✓
This substitute amendment prohibits any employer, including the state, from monitoring an employee's use of any computer owned by the employer unless the employer first: 1) establishes a policy governing employee use of the employer's computers, including use of those computers to access the Internet or to send or receive electronic mail, text, or instant messages; and 2) provides a written notice of that policy to all employees who may be affected by that policy. ✓

If an employer does not establish a policy governing employee computer use or establishes such a policy, but does not provide notice of the policy to all employees who may be affected by the policy, the employer may not monitor employee use of the employer's computers, except if the monitoring is conducted: ✓1) in cooperation with a law enforcement agency to which the employer has reported that an employee is suspected of engaging in any unlawful activity; ✓2) in cooperating with a law enforcement agency in an investigation of any other unlawful activity in which an employer is suspected to have engaged; ✓3) to comply with a court order; ✓4) to protect the employer from misappropriation of any trade secret or other confidential business information of the employer, from any liability for sexual harassment, or from any other loss or liability; or ✓5) to manage the Internet sites accessed through, or the electronic mail, text, or instant messages coming into or going out of, the employer's computerized communication system solely for the purpose of system

maintenance, security, or protection and not for the purpose of monitoring the Internet sites accessed, or the electronic mail, text, or instant messages sent or received, by any particular employee.

Finally, under the substitute amendment, an employee whose computer use is monitored in violation of the substitute amendment or who is discharged or discriminated against for opposing a practice prohibited under the substitute amendment, filing a complaint or attempting to enforce any right granted under the substitute amendment, or testifying or assisting in any action or proceeding to enforce any right under the substitute amendment may file a complaint with the Department of Workforce Development (DWD). 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.

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

employee computer use ← (B)

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

2 103.12 Monitoring of ~~Electronic Mail~~. (1) DEFINITIONS. In this section:

3 (a) "Employer" includes the state and any office, department, independent
4 agency, authority, institution, association, society, or other body in state government
5 created or authorized to be created by the constitution or any law, including the
6 legislature and the courts.

7 (b) "Monitor" means to intercept, observe, review, or examine through the use
8 of any electronic or other device.

9 (2) MONITORING OF EMPLOYEE COMPUTER USE. (a) Subject to sub. (3), an employer
10 may not monitor an employee's use of any computer owned by the employer unless
11 the employer first does all of the following:

12 1. Establishes a policy governing employee use of the employer's computers,
13 including use of those computers to access the Internet or to send or receive electronic
14 mail, text, or instant messages. The policy shall include notice of all computer usages

1 that are prohibited or restricted by the employer[✓] and of the types of monitoring that
2 the employer may employ to enforce those prohibitions or restrictions.[✓]

3 2. Provides a written notice of ~~that~~ ^{the} policy[✓] to all employees who may be affected
4 by that policy. The written notice may be in either paper or electronic format and is
5 required to be provided to an employee only once, except that an employer shall
6 provide an additional copy of the written notice to an employee on request.[✓]

7 (b) If an employer establishes a policy under par. (a) 1.[✓] and provides notice of
8 the policy under par. (a) 2.[✓], the employer may monitor employee use of the employer's
9 computers as provided in the policy[✓] and in sub. (3).[✓] If an employer changes its policy
10 under par. (a) 1.[✓], the changed policy may not take effect until the employer provides
11 written notice of the changed policy, in either paper or electronic format, to all
12 employees who may be affected by the changed policy.[✓]

13 (c) If an employer does not establish a policy under par. (a) 1.[✓] or establishes such
14 a policy, but does not provide notice of the policy under par. (a) 2.[✓], the employer may
15 not monitor employee use of the employer's computers, including use of those
16 computers to access the Internet[✓] or to send or receive[✓] electronic mail, text, or instant
17 messages, except as provided in sub. (3).[✓]

18 (3) EXCEPTIONS.[✓] An employer may monitor an employee's use of a computer
19 owned by the employer, including use of such a computer to access the[✓] Internet or to
20 send or receive electronic mail, text, or instant messages,[✓] without first complying
21 with sub. (2) (a) and (b)[✓] if the monitoring is conducted as follows:

22 (a) In cooperation[✓] with a law enforcement agency to which the employer has
23 reported a reasonable belief that an employee is suspected of engaging in any
24 unlawful activity.[✓]

1 (b) In cooperating with a law enforcement agency[✓] in an investigation of any
2 other unlawful activity in which an employer is suspected to have engaged.[✓]

3 (c) To comply with a court order.[✓]

4 (d) To protect the employer from the misappropriation of any trade secret, as
5 defined in s. 134.90 (1) (c),[✓] or other confidential business information of the employer,
6 from any liability for sexual harassment in violation of s. 111.36[✓](1) (b) or (br),[✓] or from
7 any other loss or liability.[✓]

8 (e) To manage the Internet sites[✓] accessed through, or the electronic mail, text,
9 or instant messages[✓] coming into or going out of, the employer's computerized
10 communication system solely for the purpose of system maintenance, security, or
11 protection and not for the purpose of monitoring the Internet[✓] sites accessed, or the
12 electronic mail, text, or instant messages sent or received, by any particular
13 employee.[✓]

14 (4) DISCRIMINATORY ACTIONS PROHIBITED.[✓] No employer may discharge or
15 otherwise discriminate against any person for opposing a practice prohibited under
16 this section,[✓] filing a complaint or attempting to enforce any right under this[✓] section,
17 or testifying or assisting in any action or proceeding to enforce any right under this
18 section.[✓]

19 (5) ENFORCEMENT.[✓] An employee whose computer use is monitored in violation
20 of sub. (2)[✓] or who is discharged or otherwise discriminated against in violation of sub.
21 (4)[✓] may file a complaint with the department,[✓] and the department shall process the
22 complaint in the same manner as employment discrimination complaints are
23 processed under s. 111.39.[✓] If the department finds that a violation of sub. (2)[✓] or (4)[✓]
24 has been committed, the department may order the employer to take such action
25 under s. 111.39[✓] as will effectuate the purpose of this section.[✓] Section 111.322[✓](2m)

1 applies to a discharge or other discriminatory act arising in connection with any
2 proceeding under this subsection. ✓

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

4 106.54 (8) The division ✓ shall receive complaints under s. 103.12 (5) ✓ and shall
5 process the complaints in the same manner as employment discrimination
6 complaints are processed under s. 111.39. ✓

7 **SECTION 3.** 111.322 (2m) (a) ✓ of the statutes is amended to read:

8 111.322 (2m) (a) The individual files a complaint or attempts to enforce any
9 right under s. 103.02, 103.10, 103.12, ✓ 103.13, 103.28, 103.32, 103.455, 103.50,
10 104.12, 109.03, 109.07, 109.075, ✓ or 146.997 or ss. 101.58 to 101.599 or 103.64 to
11 103.82.

12 **SECTION 4.** 111.322 (2m) (a) ✓ of the statutes, as affected by 2009 Wisconsin Acts
13 3 and (this act), ✓ is repealed and recreated to read:

14 111.322 (2m) (a) The individual files a complaint or attempts to enforce any
15 right under s. 103.02, 103.10, 103.12, ✓ 103.13, 103.28, 103.32, ✓ 103.34, ✓ 103.455,
16 103.50, 104.12, 109.03, 109.07, 109.075, ✓ or 146.997 or ss. 101.58 to 101.599 ✓ or 103.64
17 to 103.82. ✓

NOTE: NOTE: Par. (a) is shown as amended eff. 4-1-10 by 2009 Wis. Act 3. Prior to 4-1-10 it reads: NOTE:

18 (a) The individual files a complaint or attempts to enforce any right under s. 103.02, 103.10, 103.13, 103.28, 103.32, 103.455, 103.50, 104.12, 109.03, 109.07, 109.075
19 or 146.997 or ss. 101.58 to 101.599 or 103.64 to 103.82.

20 **SECTION 5.** 111.322 (2m) (b) ✓ of the statutes is amended to read:

21 111.322 (2m) (b) The individual testifies or assists in any action or proceeding
22 held under or to enforce any right under s. 103.02, 103.10, 103.12, ✓ 103.13, 103.28,
23 103.32, 103.455, 103.50, 104.12, 109.03, 109.07, 109.075, ✓ or 146.997 or ss. 101.58 to
24 101.599 or 103.64 to 103.82.

1 SECTION 6. 111.322 (2m) (b) of the statutes, as affected by 2009 Wisconsin Acts
2 3 and (this act), is repealed and recreated to read:

3 111.322 (2m) (b) The individual testifies or assists in any action or proceeding
4 held under or to enforce any right under s. 103.02, 103.10, 103.13, 103.28, 103.32,
5 103.34, 103.455, 103.50, 104.12, 109.03, 109.07, 109.075, or 146.997 or ss. 101.58 to
6 101.599 or 103.64 to 103.82.

NOTE: NOTE: Par. (b) is shown as amended eff. 4-1-10 by 2009 Wis. Act 3. Prior to 4-1-10 it reads:NOTE.

(b) The individual testifies or assists in any action or proceeding held under or to enforce any right under s. 103.02, 103.10, 103.13, 103.28, 103.32, 103.455, 103.50,
104.12, 109.03, 109.07, 109.075 or 146.997 or ss. 101.58 to 101.599 or 103.64 to 103.82.

History: 1981 c. 334; 1989 a. 228, 359; 1997 a. 237; 1999 a. 150 s. 672; 1999 a. 167, 176; 2009 a. 3.

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9 SECTION 7. 111.91 (2) (im) of the statutes is created to read:

10 111.91 (2) (im) Employee computer use prohibitions or restrictions that provide
11 fewer rights and remedies to employees than are provided under s. 103.12.

12 SECTION 8. Initial applicability.

13 (1) This act first applies to an employee who is affected by a collective
14 bargaining agreement that contains provisions inconsistent with this act on the day
15 on which the collective bargaining agreement expires or is extended, modified, or
16 renewed, whichever occurs first.

17 SECTION 9. Effective dates. This act takes effect on the day after publication,
18 except as follows:

19 (1) MONITORING OF EMPLOYEE COMPUTER USE. The repeal and recreation of
20 section 111.322 (2m) (a) and (b) of the statutes takes effect on April 1, 2010.

21 (END)

Malaise, Gordon

From: Kelly, Tom
Sent: Wednesday, June 24, 2009 2:37 PM
To: Malaise, Gordon
Subject: Staskunas request for a redraft of LRBs0066/1

Hi Gordon.

I've been catching up on non-budget work in the quiet before the storm. I just came across LRBs0066/1 (relating to employer monitoring of employee computer use) and realized an omission on my part when I emailed you to request the sub in May.

The sub currently only covers the monitoring of computers owned by an employer. We would like it to also cover the monitoring of the use of computer systems or networks owned by an employer even when the computer or computers used to access those computer systems or networks are not owned by the employer.

For example, an employee is on their computer at home and logs on to his/her employer's network. We would like the sub to allow an employer to monitor (with the proper notification) the employee's use of employer's network but not other use by the employee of his/her personal computer. If the employer believes that an employee has removed or copied files from the employer's computer(s), system(s), or network(s) and moved them to the employee's personal computer, then the employer should work through law enforcement to protect their property.

We would like a redraft to address this issue. I have the stripes of slash-one here. Do you need me to send it back to you? Please let me know.

Thanks,

Tom Kelly
Office of Rep. Staskunas
Speaker Pro Tempore
212-North, State Capitol
608-266-0620



IN 6/30

ASSEMBLY SUBSTITUTE AMENDMENT,
TO 2009 ASSEMBLY BILL 30

Computer programs, computer networks,
and computer systems

Regen

1 AN ACT to amend 111.322 (2m) (a) and 111.322 (2m) (b); to repeal and recreate
2 111.322 (2m) (a) and 111.322 (2m) (b); and to create 103.12, 106.54 (8) and
3 111.91 (2) (im) of the statutes; relating to: employer monitoring of employee
4 computer use.

Computer programs, computer network, and computer system
Computer
Computer program, computer network, or computer system
Computer

Analysis by the Legislative Reference Bureau

Current law does not regulate employer monitoring of employee computer use. This substitute amendment prohibits any employer, including the state, from monitoring an employee's use of any computer owned by the employer unless the employer first: 1) establishes a policy governing employee use of the employer's computers, including use of those computers to access the Internet or to send or receive electronic mail, text, or instant messages; and 2) provides a written notice of that policy to all employees who may be affected by that policy.

If an employer does not establish a policy governing employee computer use or establishes such a policy, but does not provide notice of the policy to all employees who may be affected by the policy, the employer may not monitor employee use of the employer's computers, except if the monitoring is conducted: 1) in cooperation with a law enforcement agency to which the employer has reported that an employee is suspected of engaging in any unlawful activity; 2) in cooperating with a law enforcement agency in an investigation of any other unlawful activity in which an employer is suspected to have engaged; 3) to comply with a court order; 4) to protect

Computer
computer programs, computer networks, or
computer systems

computer - 2 - or computer
) computer program, computer network, or computer system ✓

the employer from misappropriation of any trade secret or other confidential business information of the employer, from any liability for sexual harassment, or from any other loss or liability; or 5) to manage the Internet sites accessed through, or the electronic mail, text, or instant messages coming into or going out of, the employer's computerized communication system solely for the purpose of system maintenance, security, or protection and not for the purpose of monitoring the Internet sites accessed, or the electronic mail, text, or instant messages sent or received, by any particular employee.

Finally, under the substitute amendment, an employee whose computer use is monitored in violation of the substitute amendment or who is discharged or discriminated against for opposing a practice prohibited under the substitute amendment, filing a complaint or attempting to enforce any right granted under the substitute amendment, or testifying or assisting in any action or proceeding to enforce any right under the substitute amendment may file a complaint with the Department of Workforce Development (DWD). 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.

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 Monitoring of employee computer use. (1) DEFINITIONS. In this
3 section:

4 (a) "Employer" includes the state and any office, department, independent
5 agency, authority, institution, association, society, or other body in state government
6 created or authorized to be created by the constitution or any law, including the
7 legislature and the courts.

8 (b) "Monitor" means to intercept, observe, review, or examine through the use
9 of any electronic or other device.

computer program, computer network, or
computer system

10 (2) MONITORING OF EMPLOYEE COMPUTER USE. (a) Subject to sub. (3), an employer
11 may not monitor an employee's use of any computer owned by the employer unless
12 the employer first does all of the following:

- (a) "Computer" has the meaning given in s. 943.70 (1) (am).
- (b) "Computer network" has the meaning given in s. 943.70 (1) (b).
- (c) "Computer program" has the meaning given in s. 943.70 (1) (c).
- (d) "Computer system" has the meaning given in s. 943.70 (1) (e).

Computer programs, computer networks, and computer systems

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1. Establishes a policy governing employee use of the employer's computers, including use of those computers to access the Internet or to send or receive electronic mail, text, or instant messages. The policy shall include notice of all computer usages that are prohibited or restricted by the employer and of the types of monitoring that the employer may employ to enforce those prohibitions or restrictions.

2. Provides a written notice of the policy under subd. 1. to all employees who may be affected by that policy. The written notice may be in either paper or electronic format and is required to be provided to an employee only once, except that an employer shall provide an additional copy of the written notice to an employee on request.

(b) If an employer establishes a policy under par. (a) 1. and provides notice of the policy under par. (a) 2., the employer may monitor employee use of the employer's computers as provided in the policy and in sub. (3). If an employer changes its policy under par. (a) 1., the changed policy may not take effect until the employer provides written notice of the changed policy, in either paper or electronic format, to all employees who may be affected by the changed policy.

(c) If an employer does not establish a policy under par. (a) 1. or establishes such a policy, but does not provide notice of the policy under par. (a) 2., the employer may not monitor employee use of the employer's computers, including use of those computers to access the Internet or to send or receive electronic mail, text, or instant messages, except as provided in sub. (3).

(3) EXCEPTIONS. An employer may monitor an employee's use of a computer owned by the employer, including use of such a computer to access the Internet or to send or receive electronic mail, text, or instant messages, without first complying with sub. (2) (a) and (b) if the monitoring is conducted as follows:

computer programs, computer networks, and computer systems

computer program, computer network, and computer system

computer programs, computer networks, and computer systems

computer programs, computer networks, or computer systems

computer programs, computer networks, and computer systems

computer program, computer network, or computer system

computer program, computer network, or computer system

1 (a) In cooperation with a law enforcement agency to which the employer has
2 reported a reasonable belief that an employee is suspected of engaging in any
3 unlawful activity.

4 (b) In cooperating with a law enforcement agency in an investigation of any
5 other unlawful activity in which an employer is suspected to have engaged.

6 (c) To comply with a court order.

7 (d) To protect the employer from the misappropriation of any trade secret, as
8 defined in s. 134.90 (1) (c), or other confidential business information of the employer,
9 from any liability for sexual harassment in violation of s. 111.36 (1) (b) or (br), or from
10 any other loss or liability.

11 (e) To manage the Internet sites accessed through, or the electronic mail, text,
12 or instant messages coming into or going out of, the employer's computerized
13 communication system solely for the purpose of system maintenance, security, or
14 protection and not for the purpose of monitoring the Internet sites accessed, or the
15 electronic mail, text, or instant messages sent or received, by any particular
16 employee.

17 (4) DISCRIMINATORY ACTIONS PROHIBITED. No employer may discharge or
18 otherwise discriminate against any person for opposing a practice prohibited under
19 this section, filing a complaint or attempting to enforce any right under this section,
20 or testifying or assisting in any action or proceeding to enforce any right under this
21 section.

✓ , computer program, computer network, or computer system

22 (5) ENFORCEMENT. An employee whose computer use is monitored in violation
23 of sub. (2) or who is discharged or otherwise discriminated against in violation of sub.
24 (4) may file a complaint with the department, and the department shall process the
25 complaint in the same manner as employment discrimination complaints are

1 processed under s. 111.39. If the department finds that a violation of sub. (2) or (4)
2 has been committed, the department may order the employer to take such action
3 under s. 111.39 as will effectuate the purpose of this section. Section 111.322 (2m)
4 applies to a discharge or other discriminatory act arising in connection with any
5 proceeding under this subsection.

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

7 106.54 (8) The division shall receive complaints under s. 103.12 (5) and shall
8 process the complaints in the same manner as employment discrimination
9 complaints are processed under s. 111.39. *most affected by 2009 Wisconsin Act 28,*

10 SECTION 3. 111.322 (2m) (a) of the statutes is amended to read:

11 111.322 (2m) (a) The individual files a complaint or attempts to enforce any
12 right under s. 103.02, 103.10, 103.12, 103.13, 103.28, 103.32, 103.455, 103.50,
13 ~~106.04~~ ← strike, 104.12, 109.03, 109.07, 109.075, or 146.997 or ss. 101.58 to 101.599 or 103.64 to
14 103.82.

15 SECTION 4. 111.322 (2m) (a) of the statutes, as affected by 2009 Wisconsin Act
16 3, 28, and (this act), is repealed and recreated to read:

17 111.322 (2m) (a) The individual files a complaint or attempts to enforce any
18 right under s. 103.02, 103.10, 103.12, 103.13, 103.28, 103.32, 103.34, 103.455,
19 103.50, 104.12, 109.03, 109.07, 109.075, or 146.997 or ss. 101.58 to 101.599 or 103.64
20 to 103.82.

21 SECTION 5. 111.322 (2m) (b) of the statutes is amended to read:

22 111.322 (2m) (b) The individual testifies or assists in any action or proceeding
23 held under or to enforce any right under s. 103.02, 103.10, 103.12, 103.13, 103.28,
24 103.32, 103.455, 103.50, 104.12, ~~106.04~~ ← strike, 109.03, 109.07, 109.075, or 146.997 or ss. 101.58 to
25 101.599 or 103.64 to 103.82.

2009 WISACT 28
PROOF WITH

STET

1 **SECTION 6.** 111.322 (2m) (b) of the statutes, as affected by 2009 Wisconsin Acts
2 3 and ... (this act), is repealed and recreated to read:

3 111.322 (2m) (b) The individual testifies or assists in any action or proceeding
4 held under or to enforce any right under s. 103.02, 103.10, 103.13, 103.28, 103.32,
5 103.34, 103.455, 103.50, 104.12, 109.03, 109.07, 109.075, or 146.997 or ss. 101.58 to
6 101.599 or 103.64 to 103.82.
7 , computer program, computer network, or computer system

8 **SECTION 7.** 111.91 (2) (im) of the statutes is created to read:
9 111.91 (2) (im) Employee computer use prohibitions or restrictions that provide
10 fewer rights and remedies to employees than are provided under s. 103.12.

11 **SECTION 8. Initial applicability.**
12 (1) This act first applies to an employee who is affected by a collective
13 bargaining agreement that contains provisions inconsistent with this act on the day
14 on which the collective bargaining agreement expires or is extended, modified, or
15 renewed, whichever occurs first.

16 **SECTION 9. Effective dates.** This act takes effect on the day after publication,
17 except as follows:

18 (1) **MONITORING OF EMPLOYEE COMPUTER USE.** The ~~repeal and recreation~~ of
19 section 111.322 (2m) (a) and (b) of the statutes takes effect on April 1, 2010

(END)

or on the
day after publication,
whichever is later

Insert
6-6

228, ✓

amendment

~~repeal and recreation~~

Insert 6-6

is affected by Wisconsin Act 28, 13
3 and 2009
repealed and recreated

Section #. 111.322 (2m) (a) of the statutes is amended to read:

103.12

111.322 (2m) (a) The individual files a complaint or attempts to enforce any right under s. 103.02, 103.10, 103.13, 103.28, 103.32, ~~103.37~~ 103.455, 103.50, 104.12, 109.03, 109.07, 109.075, or 146.997 or ss. 101.58 to 101.599 or 103.64 to 103.82.

~~Note: Par. (a) is shown as amended eff. 4-1-10 by 2009 Wis. Act 3. Prior to 4-1-10 it reads:
(a) The individual files a complaint or attempts to enforce any right under s. 103.02, 103.10, 103.13, 103.28, 103.32, 103.455, 103.50, 104.12, 109.03, 109.07, 109.075 or 146.997 or ss. 101.58 to 101.599 or 103.64 to 103.82.
History: 1981 c. 334; 1989 a. 228, 359; 1997 a. 237; 1999 a. 150 s. 672; 1999 a. 167, 176; 2009 a. 3.~~



Insert 6-6
 ↑ us collected by 2009 Wisconsin Act 3
 Acts 3
 and ... (this act)
 and ... (this act)

Section #. 111.322 (2m) (a) of the statutes is amended to read:

(plan) 103.12

(underline)

111.322 (2m) (a) The individual files a complaint or attempts to enforce any right under s. 103.02, 103.10, 103.13, 103.28, 103.32, 103.34, 103.455, 103.50, 104.12, 109.03, 109.07, 109.075, or 146.997 or ss. 101.58 to 101.599 or 103.64 to 103.82.

~~NOTE: Par. (a) is shown as amended eff. 4-1-10 by 2009 Wis. Act 3. Prior to 4-1-10 it reads:~~

~~(a) The individual files a complaint or attempts to enforce any right under s. 103.02, 103.10, 103.13, 103.28, 103.32, 103.455, 103.50, 104.12, 109.03, 109.07, 109.075 or 146.997 or ss. 101.58 to 101.599 or 103.64 to 103.82.~~

~~History: 1981 c. 334; 1989 a. 228, 359; 1997 a. 237; 1999 a. 150 s. 672; 1999 a. 167, 176; 2009 a. 3.~~



Insert 6-6

3 and

as affected by 2009 Wisconsin Act ^s 28, is repealed and recast
Section #. 111.322 (2m) (b) of the statutes is amended to read:

103.12

111.322 (2m) (b) The individual testifies or assists in any action or proceeding held under or to enforce any right under s. 103.02, 103.10, 103.13, 103.28, 103.32, ~~103.34~~ 103.455, 103.50, 104.12, 109.03, 109.07, 109.075, or 146.997 or ss. 101.58 to 101.599 or 103.64 to 103.82.

NOTE: Par. (b) is shown as amended eff. 4-1-10 by 2009 Wis. Act 3. Prior to 4-1-10 it reads:

(b) The individual testifies or assists in any action or proceeding held under or to enforce any right under s. 103.02, 103.10, 103.13, 103.28, 103.32, 103.455, 103.50, 104.12, 109.03, ~~109.07, 109.075~~ or 146.997 or ss. 101.58 to 101.599 or 103.64 to 103.82.

History: 1981 c. 334; 1989 a. 228, 359; 1997 a. 237; 1999 a. 150 s. 672; 1999 a. 167, 176; 2009 a. 3.



(Inset 6-6)

Act

was affected by 2009 Wisconsin Act 3
[Handwritten notes: Acts 3, and ... (this act), and ... (this act)]

Section #. 111.322 (2m) (b) of the statutes is amended to read:

plain — 103.12

(underscore)

111.322 (2m) (b) The individual testifies or assists in any action or proceeding held under or to enforce any right under s. 103.02, 103.10, 103.13, 103.28, 103.32, 103.34, 103.455, 103.50, 104.12, 109.03, 109.07, 109.075, or 146.997 or ss. 101.58 to 101.599 or 103.64 to 103.82.

NOTE: Par. (b) is shown as amended eff. 4-1-10 by 2009 Wis. Act 3. Prior to 4-1-10 it reads:

~~(b) The individual testifies or assists in any action or proceeding held under or to enforce any right under s. 103.02, 103.10, 103.13, 103.28, 103.32, 103.455, 103.50, 104.12, 109.03, 109.07, 109.075 or 146.997 or ss. 101.58 to 101.599 or 103.64 to 103.82.~~

History: 1981 c. 334; 1989 a. 228, 359; 1997 a. 237; 1999 a. 150 s. 672; 1999 a. 167, 176; 2009 a. 3.

~~(Handwritten signature)~~
(end of Ins 6-6)