

State of Wisconsin


LEGISLATIVE REFERENCE BUREAU

RESEARCH APPENDIX - **PLEASE DO NOT REMOVE FROM DRAFTING FILE**

Date Transfer Requested: 09/09/2008 (Per: GMM)



Appendix A

 The 2007 drafting file for LRB-3928

has been transferred to the drafting file for

2009 LRB-0153

☛ This cover sheet, the final request sheet, and the final version of the 2007 draft were copied on yellow paper, and returned to the original 2005 drafting file.

☛ The attached 2007 draft was incorporated into the new 2009 draft listed above. For research purposes, this cover sheet and the complete drafting file were transferred, as a separate appendix, to the 2009 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

2007 DRAFTING REQUEST

Bill

Received: **01/24/2008**

Received By: **gmalaise**

Wanted: **As time permits**

Identical to LRB:

For: **Scott Gunderson (608) 266-3363**

By/Representing: **Mike Bruhn**

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

Drafter: **gmalaise**

May Contact:

Addl. Drafters:

Subject: **Employ Priv - miscellaneous
Discrimination**

Extra Copies:

Submit via email: **YES**

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Lateness or absence from work of volunteer fire fighter, emergency medical technician, first responder, or ambulance driver

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 01/24/2008	kfollett 01/31/2008		_____			S&L
/1			pgreensl 01/31/2008	_____	cduerst 01/31/2008	mbarman 02/12/2008	

FE Sent For:

<END>

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1/?	gmalaise	1/16/f 1/31	V 1/31 P8	1/31 P8 / JF			

FE Sent For:

<END>

Malaise, Gordon

From: Shovers, Marc
Sent: Thursday, January 24, 2008 11:06 AM
To: Malaise, Gordon
Subject: FW: Drafting request

Attachments: 20080124104252453.pdf

Hi Gordon:

This request seems to be related to employment law. I don't think it's mine. Is it yours?

Marc

From: Bruhn, Mike
Sent: Thursday, January 24, 2008 10:49 AM
To: Shovers, Marc
Subject: Drafting request

Marc,

Representative Gunderson would like legislation drafted based upon the attached statute. Additionally, this draft should include an exemption for Wisconsin fire departments (full-time), since they are an emergency service that would require that employees begin on time in the effort to save lives. If you have any questions, please feel free to contact me at 266-3363.

Sincerely,

Michael Bruhn
Rep. Gunderson's office



2008012410425245
3.pdf (90 KB)

4113.41 Absence by volunteer firefighter or emergency medical services provider.

(A) No employer shall terminate an employee who is a member of a volunteer fire department, or who is employed by a political subdivision of this state as a volunteer firefighter, or who is a volunteer provider of emergency medical services because that employee, when acting as a volunteer firefighter or a volunteer provider of emergency medical services, is absent from or late to the employee's employment in order to respond to an emergency prior to the time the employee is to report to work. An employer may charge any time that an employee who is a volunteer firefighter or a volunteer provider of emergency medical services loses from employment because of the employee's response to an emergency against the employee's regular pay.

(B) An employee who is a volunteer firefighter or volunteer provider of emergency medical services shall do all of the following:

(1) Not later than thirty days after receiving certification as a volunteer firefighter or a volunteer provider of emergency services, submit to the employee's employer a written notification signed by the chief of the volunteer fire department with which the employee serves, or the medical director or chief administrator of the cooperating physician advisory board of the emergency medical organization with which the employee serves, to notify the employer of the employee's status as a volunteer firefighter or volunteer provider of emergency services;

(2) Make every effort to notify the employee's employer that the employee may report late to or be absent from work due to the employee's dispatch to an emergency.

If notification of dispatch to an emergency cannot be made either due to the extreme circumstances of the emergency or the inability to contact the employer, then the employee shall submit to the employee's employer a written explanation from the chief of the volunteer fire department with which the employee serves, or the medical director or chief administrator of the cooperating physician advisory board of the emergency medical service organization with which the employee serves, as applicable, to explain why prior notice was not given.

(C) At the employer's request, an employee who loses time from the employee's employment to respond to an emergency shall provide the employer with a written statement from the chief of the volunteer fire department or the medical director or chief administrator of the cooperating physician advisory board of the emergency medical service organization, as applicable, stating that the employee responded to an emergency and listing the time of that response.

(D) An employee who is a member of a volunteer fire department, or who is employed by a political subdivision of this state as a volunteer firefighter, or who is a volunteer provider of emergency medical services shall notify that employee's employer when the employee's status as a volunteer firefighter or volunteer provider of emergency medical services changes, including when the employee's status as a volunteer firefighter or volunteer provider of emergency medical services is terminated.

(E) If an employer purposely violates division (A) of this section, the employee may bring a civil action for reinstatement to the employee's former position of employment, payment of back wages, and full

reinstatement of fringe benefits and seniority rights. An action to enforce this section shall be commenced within one year after the date of the violation in the court of common pleas of the county where the place of employment is located.

(F) As used in this section:

(1) "Emergency" means going to, attending to, or coming from a fire, hazardous or toxic materials spill and cleanup, medical emergency, or other situation that poses an imminent threat of loss of life or property to which the fire department or provider of emergency medical services has been or later could be dispatched.

(2) "Emergency medical services" and "emergency medical service organization" have the same meanings as in section 4765.01 of the Revised Code.

(3) "Volunteer firefighter" has the same meaning as in section 146.01 of the Revised Code.

Effective Date: 03-05-2001

4765.01 Division of emergency medical services definitions.

As used in this chapter:

(A) "First responder" means an individual who holds a current, valid certificate issued under section 4765.30 of the Revised Code to practice as a first responder.

(B) "Emergency medical technician-basic" or "EMT-basic" means an individual who holds a current, valid certificate issued under section 4765.30 of the Revised Code to practice as an emergency medical technician-basic.

(C) "Emergency medical technician-intermediate" or "EMT-I" means an individual who holds a current, valid certificate issued under section 4765.30 of the Revised Code to practice as an emergency medical technician-intermediate.

(D) "Emergency medical technician-paramedic" or "paramedic" means an individual who holds a current, valid certificate issued under section 4765.30 of the Revised Code to practice as an emergency medical technician-paramedic.

(E) "Ambulance" means any motor vehicle that is used, or is intended to be used, for the purpose of responding to emergency medical situations, transporting emergency patients, and administering emergency medical service to patients before, during, or after transportation.

(F) "Cardiac monitoring" means a procedure used for the purpose of observing and documenting the rate and rhythm of a patient's heart by attaching electrical leads from an electrocardiograph monitor to certain points on the patient's body surface.

(G) "Emergency medical service" means any of the services described in sections 4765.35, 4765.37, 4765.38, and 4765.39 of the Revised Code that are performed by first responders, emergency medical technicians-basic, emergency medical technicians-intermediate, and paramedics. "Emergency medical service" includes such services performed before or during any transport of a patient, including transports between hospitals and transports to and from helicopters.

(H) "Emergency medical service organization" means a public or private organization using first responders, EMTs-basic, EMTs-I, or paramedics, or a combination of first responders, EMTs-basic, EMTs-I, and paramedics, to provide emergency medical services.

(I) "Physician" means an individual who holds a current, valid certificate issued under Chapter 4731. of the Revised Code authorizing the practice of medicine and surgery or osteopathic medicine and surgery.

(J) "Registered nurse" means an individual who holds a current, valid license issued under Chapter 4723. of the Revised Code authorizing the practice of nursing as a registered nurse.

(K) "Volunteer" means a person who provides services either for no compensation or for compensation

that does not exceed the actual expenses incurred in providing the services or in training to provide the services.

(L) "Emergency medical service personnel" means first responders, emergency medical service technicians-basic, emergency medical service technicians-intermediate, emergency medical service technicians-paramedic, and persons who provide medical direction to such persons.

(M) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.

(N) "Trauma" or "traumatic injury" means severe damage to or destruction of tissue that satisfies both of the following conditions:

(1) It creates a significant risk of any of the following:

- (a) Loss of life;
- (b) Loss of a limb;
- (c) Significant, permanent disfigurement;
- (d) Significant, permanent disability.

(2) It is caused by any of the following:

- (a) Blunt or penetrating injury;
- (b) Exposure to electromagnetic, chemical, or radioactive energy;
- (c) Drowning, suffocation, or strangulation;
- (d) A deficit or excess of heat.

(O) "Trauma victim" or "trauma patient" means a person who has sustained a traumatic injury.

(P) "Trauma care" means the assessment, diagnosis, transportation, treatment, or rehabilitation of a trauma victim by emergency medical service personnel or by a physician, nurse, physician assistant, respiratory therapist, physical therapist, chiropractor, occupational therapist, speech-language pathologist, audiologist, or psychologist licensed to practice as such in this state or another jurisdiction.

(Q) "Trauma center" means all of the following:

- (1) Any hospital that is verified by the American college of surgeons as an adult or pediatric trauma center;
- (2) Any hospital that is operating as an adult or pediatric trauma center under provisional status pursuant to section 3727.101 of the Revised Code;



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-3928/1

GMM...kjf

Fri
cmk

Gen

1 AN ACT ...; **relating to:** a requirement that an employer permit an employee who
 2 is a volunteer fire fighter, emergency medical technician, first responder, or
 3 ambulance driver to be late for or absent from work if the lateness or absence
 4 is due to the employee responding to an emergency that ^{e begins} began before the
 5 employee is required to report to work.

Analysis by the Legislative Reference Bureau

Current law requires an employer to grant to an employee a leave of absence from employment without pay for certain purposes, including to vote, serve as an election official, serve on a jury, and testify in a criminal proceeding. Current law also requires a state agency to grant to a state employee a leave of absence with pay for certain purposes, including to serve as a bone marrow or organ donor, attend national guard or military reserves training, report for a preinduction physical for military service, serve on a jury, and compete in promotional examinations or interviews. In addition, current law permits a state agency to grant to a state employee a leave of absence with pay to allow the state employee to participate in providing specialized disaster relief services for the American Red Cross.

The bill requires an employer to permit an employee who is a volunteer fire fighter, emergency medical technician, first responder, or ambulance driver to be late for or absent from work, without pay, if the lateness or absence is due to the employee responding to an emergency that began before the employee is required to report to work and if the employee does all of the following:

1. By no later than 30 days after becoming a member of a volunteer fire department or becoming affiliated with an ambulance service provider, submits to

begins

the employer a written statement signed by the chief of the volunteer fire department or by the person in charge of the ambulance service provider notifying the employer that the employee is a volunteer fire fighter, emergency medical technician, first responder, or ambulance driver.

2. When dispatched to an emergency, makes every effort to notify the employer that the employee may be late for or absent from work due to the employee's responding to the emergency or, if prior notification cannot be made due to the extreme circumstances of the emergency or the inability of the employee to contact the employer, submits to the employer a written statement from the chief of the volunteer fire department or from the person in charge of the ambulance service provider explaining why prior notification could not be made.

3. When late for or absent from work due to responding to an emergency, provides, on the request of the employer, a written statement from the chief of the volunteer fire department or from the person in charge of the ambulance service provider certifying that the employee was responding to an emergency at the time of the lateness or absence and indicating the date and time of the response to the emergency.

The bill prohibits an employer from ^(! 1) interfering with, restraining, or denying the exercise of the right of an employee who is a fire fighter, emergency medical technician, first responder, or ambulance driver to respond to an emergency as provided in the bill and from discharging or discriminating against such an employee in promotion, in compensation, or in the terms, conditions, or privileges of employment for responding to an emergency as provided in the bill; ²⁾ opposing a discharge or discrimination in violation of the bill; ³⁾ filing a complaint or attempting to enforce a right under the bill; or ⁴⁾ testifying or assisting in any action or proceeding to enforce a right under the bill.

An employee whose right to respond to an emergency as provided in the bill is interfered with, restrained, or denied or who is discharged or discriminated against in violation of the bill may file a complaint with the Department of Workforce Development (DWD), and DWD must process the complaint in the same manner that employment discrimination complaints are processed under current law. If DWD finds that an employer has interfered with, restrained, or denied the right of an employee to respond to an emergency as provided in the bill or has discharged or discriminated against an employee in violation of the bill, DWD may order the employer to take action to remedy the violation, including reinstating the employee, providing compensation in lieu of reinstatement, providing back pay accrued not more than two years before the complaint was filed, and paying reasonable actual costs and attorney fees to the complainant.

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. 103.88 of the statutes is created to read:

2 **103.88 Absence from work of volunteer fire fighter, emergency**
3 **medical technician, first responder, or ambulance driver. (1) DEFINITIONS.**

4 In this section:

5 (a) "Ambulance service provider" means an ambulance service provider, as
6 defined in s. 146.50 (1) (c), that is operated by a public agency, as defined in s. 146.50
7 (1) (n), or by a nonprofit corporation, as defined in s. 146.50 (1) (k).

8 (b) "Emergency" means a fire, hazardous substance release, medical condition,
9 or any other situation that poses a clear and immediate danger to life or health or
10 a significant loss of property.

11 (c) "Emergency medical technician" has the meaning given in s. 146.50 (1) (e).

12 (d) "Employee" means an individual employed in this state by an employer.

13 (e) "Employer" means a person engaging in any activity, enterprise, or business
14 in this state. "Employer" includes the state and any office, department, independent
15 agency, authority, institution, association, society, or other body in state government
16 created or authorized to be created by the constitution or any law, including the
17 legislature and the courts.

18 (f) "First responder" has the meaning given in s. 146.50 (1) (hm).

19 (g) "Responding to an emergency" includes going to, attending to, and
20 returning from an emergency.

21 (2) ABSENCE FROM WORK PERMITTED. An employer shall permit an employee who
22 is a volunteer fire fighter, emergency medical technician, first responder, or
23 ambulance driver to be late for or absent from work if the lateness or absence is due
24 to the employee responding to an emergency that began before the employee is
25 required to report to work and if the employee complies with sub. (3) (a) to (c). This

1 subsection does not entitle an employee to receive wages or salary for the time the
2 employee is absent from work due to responding to an emergency as provided in this
3 subsection.

4 **(3) RESPONSIBILITIES OF EMPLOYEE.** An employee who is a volunteer fire fighter,
5 emergency medical technician, first responder, or ambulance driver shall do all of the
6 following:

7 (a) By no later than 30 days after becoming a member of a volunteer fire
8 department or fire company or becoming affiliated with an ambulance service
9 provider, submit to the employee's employer a written statement signed by the chief
10 of the volunteer fire department or fire company or by the person in charge of the
11 ambulance service provider notifying the employer that the employee is a volunteer
12 fire fighter, emergency medical technician, first responder, or ambulance driver.

13 (b) When dispatched to an emergency, make every effort to notify the
14 employee's employer that the employee may be late for or absent from work due to
15 the employee's responding to the emergency or, if prior notification cannot be made
16 due to the extreme circumstances of the emergency or the inability of the employee
17 to contact the employer, submit to the employer a written statement from the chief
18 of the volunteer fire department or fire company or from the person in charge of the
19 ambulance service provider explaining why prior notification could not be made.

20 (c) When late for or absent from work due to responding to an emergency,
21 provide, on the request of the employee's employer, a written statement from the
22 chief of the volunteer fire department or fire company or from the person in charge
23 of the ambulance service provider certifying that the employee was responding to an
24 emergency at the time of the lateness or absence and indicating the date and time
25 of the response to the emergency.

1 (d) When the employee's status as a member of a volunteer fire department or
2 fire company or as an affiliate of an ambulance service provider changes, including
3 termination of that status, notify the employee's employer of that change in status.

4 (4) PROHIBITED ACTS. (a) No person may interfere with, restrain, or deny the
5 exercise of the right of an employee to respond to an emergency as provided in sub.
6 (2).

7 (b) No person may discharge or discriminate against an employee in promotion,
8 in compensation, or in the terms, conditions, or privileges of employment for
9 responding to an emergency as provided in sub. (2), opposing a practice prohibited
10 under this section, filing a complaint or attempting to enforce any right under this
11 section, or testifying or assisting in any action or proceeding to enforce any right
12 under this section.

13 (5) ENFORCEMENT. An employee whose right to respond to an emergency under
14 sub. (2) is interfered with, restrained, or denied in violation of sub. (4) (a) or who is
15 discharged or discriminated against in violation of sub. (4) (b) may file a complaint
16 with the department of workforce development, and that department shall process
17 the complaint in the same manner that employment discrimination complaints are
18 processed under s. 111.39. If that department finds that an employer has violated
19 sub. (4) (a) or (b), it may order the employer to take action to remedy the violation,
20 including reinstating the employee, providing compensation in lieu of
21 reinstatement, providing back pay accrued not more than 2 years before the
22 complaint was filed, and paying reasonable actual costs and attorney fees to the
23 complainant.

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

Barman, Mike

From: Malaise, Gordon
Sent: Monday, February 11, 2008 5:08 PM
To: Barman, Mike
Subject: FW: Message for Gordon Malaise

Mike:

Rep. Gunderson would like -3928 jacketed for the Assembly.

Thanks.

Gordon

From: Bruhn, Mike
Sent: Monday, February 11, 2008 5:05 PM
To: LRB.Legal; Malaise, Gordon
Subject: Message for Gordon Malaise

Gordon,

Rep. Gunderson would like to get LRB 3928/1 jacketed for introduction in the State Assembly. Unfortunately, he misplaced the email that has the jacket now button, so if we could get it jacketed, he'd be appreciative.

Thanks,

Mike Bruhn
Rep. Gunderson's office



2007 BILL

1 **AN ACT to create** 103.88, 106.54 (8) and 111.91 (2) (gr) of the statutes; **relating**
2 **to:** a requirement that an employer permit an employee who is a volunteer fire
3 fighter, emergency medical technician, first responder, or ambulance driver to
4 be late for or absent from work if the lateness or absence is due to the employee
5 responding to an emergency that begins before the employee is required to
6 report to work.

Analysis by the Legislative Reference Bureau

Current law requires an employer to grant to an employee a leave of absence from employment without pay for certain purposes, including to vote, serve as an election official, serve on a jury, and testify in a criminal proceeding. Current law also requires a state agency to grant to a state employee a leave of absence with pay for certain purposes, including to serve as a bone marrow or organ donor, attend national guard or military reserves training, report for a preinduction physical for military service, serve on a jury, and compete in promotional examinations or interviews. In addition, current law permits a state agency to grant to a state employee a leave of absence with pay to allow the state employee to participate in providing specialized disaster relief services for the American Red Cross.

The bill requires an employer to permit an employee who is a volunteer fire fighter, emergency medical technician, first responder, or ambulance driver to be late for or absent from work, without pay, if the lateness or absence is due to the employee

BILL

responding to an emergency that begins before the employee is required to report to work and if the employee does all of the following:

1. By no later than 30 days after becoming a member of a volunteer fire department or becoming affiliated with an ambulance service provider, submits to the employer a written statement signed by the chief of the volunteer fire department or by the person in charge of the ambulance service provider notifying the employer that the employee is a volunteer fire fighter, emergency medical technician, first responder, or ambulance driver.

2. When dispatched to an emergency, makes every effort to notify the employer that the employee may be late for or absent from work due to the employee's responding to the emergency or, if prior notification cannot be made due to the extreme circumstances of the emergency or the inability of the employee to contact the employer, submits to the employer a written statement from the chief of the volunteer fire department or from the person in charge of the ambulance service provider explaining why prior notification could not be made.

3. When late for or absent from work due to responding to an emergency, provides, on the request of the employer, a written statement from the chief of the volunteer fire department or from the person in charge of the ambulance service provider certifying that the employee was responding to an emergency at the time of the lateness or absence and indicating the date and time of the response to the emergency.

The bill prohibits an employer from: 1) interfering with, restraining, or denying the exercise of the right of an employee who is a fire fighter, emergency medical technician, first responder, or ambulance driver to respond to an emergency as provided in the bill and from discharging or discriminating against such an employee in promotion, in compensation, or in the terms, conditions, or privileges of employment for responding to an emergency as provided in the bill; 2) opposing a discharge or discrimination in violation of the bill; 3) filing a complaint or attempting to enforce a right under the bill; or 4) testifying or assisting in any action or proceeding to enforce a right under the bill.

An employee whose right to respond to an emergency as provided in the bill is interfered with, restrained, or denied or who is discharged or discriminated against in violation of the bill may file a complaint with the Department of Workforce Development (DWD), and DWD must process the complaint in the same manner that employment discrimination complaints are processed under current law. If DWD finds that an employer has interfered with, restrained, or denied the right of an employee to respond to an emergency as provided in the bill or has discharged or discriminated against an employee in violation of the bill, DWD may order the employer to take action to remedy the violation, including reinstating the employee, providing compensation in lieu of reinstatement, providing back pay accrued not more than two years before the complaint was filed, and paying reasonable actual costs and attorney fees to the complainant.

BILL

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1 **SECTION 1.** 103.88 of the statutes is created to read:

2 **103.88 Absence from work of volunteer fire fighter, emergency**
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4 In this section:

5 (a) "Ambulance service provider" means an ambulance service provider, as
6 defined in s. 146.50 (1) (c), that is operated by a public agency, as defined in s. 146.50
7 (1) (n), or by a nonprofit corporation, as defined in s. 146.50 (1) (k).

8 (b) "Emergency" means a fire, hazardous substance release, medical condition,
9 or any other situation that poses a clear and immediate danger to life or health or
10 a significant loss of property.

11 (c) "Emergency medical technician" has the meaning given in s. 146.50 (1) (e).

12 (d) "Employee" means an individual employed in this state by an employer.

13 (e) "Employer" means a person engaging in any activity, enterprise, or business
14 in this state. "Employer" includes the state and any office, department, independent
15 agency, authority, institution, association, society, or other body in state government
16 created or authorized to be created by the constitution or any law, including the
17 legislature and the courts.

18 (f) "First responder" has the meaning given in s. 146.50 (1) (hm).

19 (g) "Responding to an emergency" includes going to, attending to, and
20 returning from an emergency.

BILL

1 **(2) ABSENCE FROM WORK PERMITTED.** An employer shall permit an employee who
2 is a volunteer fire fighter, emergency medical technician, first responder, or
3 ambulance driver to be late for or absent from work if the lateness or absence is due
4 to the employee responding to an emergency that begins before the employee is
5 required to report to work and if the employee complies with sub. (3) (a) to (c). This
6 subsection does not entitle an employee to receive wages or salary for the time the
7 employee is absent from work due to responding to an emergency as provided in this
8 subsection.

9 **(3) RESPONSIBILITIES OF EMPLOYEE.** An employee who is a volunteer fire fighter,
10 emergency medical technician, first responder, or ambulance driver shall do all of the
11 following:

12 (a) By no later than 30 days after becoming a member of a volunteer fire
13 department or fire company or becoming affiliated with an ambulance service
14 provider, submit to the employee's employer a written statement signed by the chief
15 of the volunteer fire department or fire company or by the person in charge of the
16 ambulance service provider notifying the employer that the employee is a volunteer
17 fire fighter, emergency medical technician, first responder, or ambulance driver.

18 (b) When dispatched to an emergency, make every effort to notify the
19 employee's employer that the employee may be late for or absent from work due to
20 the employee's responding to the emergency or, if prior notification cannot be made
21 due to the extreme circumstances of the emergency or the inability of the employee
22 to contact the employer, submit to the employer a written statement from the chief
23 of the volunteer fire department or fire company or from the person in charge of the
24 ambulance service provider explaining why prior notification could not be made.

BILL

1 (c) When late for or absent from work due to responding to an emergency,
2 provide, on the request of the employee's employer, a written statement from the
3 chief of the volunteer fire department or fire company or from the person in charge
4 of the ambulance service provider certifying that the employee was responding to an
5 emergency at the time of the lateness or absence and indicating the date and time
6 of the response to the emergency.

7 (d) When the employee's status as a member of a volunteer fire department or
8 fire company or as an affiliate of an ambulance service provider changes, including
9 termination of that status, notify the employee's employer of that change in status.

10 **(4) PROHIBITED ACTS.** (a) No person may interfere with, restrain, or deny the
11 exercise of the right of an employee to respond to an emergency as provided in sub.
12 (2).

13 (b) No person may discharge or discriminate against an employee in promotion,
14 in compensation, or in the terms, conditions, or privileges of employment for
15 responding to an emergency as provided in sub. (2), opposing a practice prohibited
16 under this section, filing a complaint or attempting to enforce any right under this
17 section, or testifying or assisting in any action or proceeding to enforce any right
18 under this section.

19 **(5) ENFORCEMENT.** An employee whose right to respond to an emergency under
20 sub. (2) is interfered with, restrained, or denied in violation of sub. (4) (a) or who is
21 discharged or discriminated against in violation of sub. (4) (b) may file a complaint
22 with the department, and the department shall process the complaint in the same
23 manner that employment discrimination complaints are processed under s. 111.39.
24 If the department finds that an employer has violated sub. (4) (a) or (b), it may order
25 the employer to take action to remedy the violation, including reinstating the

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1 employee, providing compensation in lieu of reinstatement, providing back pay
2 accrued not more than 2 years before the complaint was filed, and paying reasonable
3 actual costs and attorney fees to the complainant.

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

5 106.54 (8) The division shall receive complaints under s. 103.88 (5) and shall
6 process the complaints in the same manner that employment discrimination
7 complaints are processed under s. 111.39.

8 **SECTION 3.** 111.91 (2) (gr) of the statutes is created to read:

9 111.91 (2) (gr) The right of an employee who is a fire fighter, emergency medical
10 technician, first responder, or ambulance driver to respond to an emergency as
11 provided under s. 103.88 (2).

12 **SECTION 4. 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 (END)