

### Fiscal Estimate - 2021 Session

Original       Updated       Corrected       Supplemental

**LRB Number** 21-2956/1      **Introduction Number** SB-336

**Description**  
prohibiting discrimination based on vaccination status

**Fiscal Effect**

**State:**

No State Fiscal Effect  
 Indeterminate

<input type="checkbox"/> Increase Existing Appropriations	<input type="checkbox"/> Increase Existing Revenues	<input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Decrease Existing Appropriations	<input type="checkbox"/> Decrease Existing Revenues	
<input type="checkbox"/> Create New Appropriations		<input type="checkbox"/> Decrease Costs

**Local:**

No Local Government Costs  
 Indeterminate

1. <input type="checkbox"/> Increase Costs	3. <input type="checkbox"/> Increase Revenue	<b>5. Types of Local Government Units Affected</b>	
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input type="checkbox"/> Towns	<input type="checkbox"/> Village <input type="checkbox"/> Cities
2. <input type="checkbox"/> Decrease Costs	4. <input type="checkbox"/> Decrease Revenue	<input type="checkbox"/> Counties	<input type="checkbox"/> Others
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input type="checkbox"/> School Districts	<input type="checkbox"/> WTCS Districts

**Fund Sources Affected**      **Affected Ch. 20 Appropriations**

GPR    FED    PRO    PRS    SEG    SEGS

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Fiscal Estimate Narratives

DOA 6/7/2021

LRB Number	21-2956/1	Introduction Number	SB-336	Estimate Type	Original
<b>Description</b> prohibiting discrimination based on vaccination status					

**Assumptions Used in Arriving at Fiscal Estimate**

Under the proposed Senate Bill 336 (SB 336), discrimination on the basis of vaccination status is prohibited, which is defined under s. 111.32 (15), Wis. Stats., as an individual that has received one or more doses of a vaccine. Under the proposed legislation, no employer may: require proof of immunization, require an individual to receive any vaccine as a contingency of an employment offer or continued employment, or affect the licensure or privileges of any employee who refuses to provide information on vaccination status. Discrimination on vaccination is also not permitted for contracts executed by certain agencies and these agencies must oblige the contractor similarly to not discriminate on this basis.

The Department of Administration's (Department), Division of Personnel Management (DPM), is responsible for providing human resource enterprise services as appropriated under s. 20.505(1)(kz), Wis. Stats., and as authorized under the rules established under Chapter 111 Employment Relations and Chapter 230 State Employment Relations, Wis. Stats., for administering civil service laws, which includes providing consultation to all State agency human resource and employment relations representatives in their interpretation and application of recruitment and employment relations, state statutes, administrative code, and policies. DPM is responsible for creating policies and procedures to reach adherence to employment relations laws, including those pertaining to anti-discrimination in employment, recruitment, and retention. In addition, the Department's State Bureau of Procurement (Procurement) is responsible for administering procurement laws, policies, and procedures of the State on behalf of all agencies and campuses.

The State currently employs persons, due to the nature of the type of work, work environment, and/or populations served by the position, that are permitted to be asked about certain vaccination statuses or are required to receive certain vaccinations. This may include staff who work with confined or vulnerable populations (e.g., correctional institutions, veteran care facilities, DHS residential facilities, etc.). Currently, where a vaccination is required, accommodations are available to staff under the federal Americans with Disabilities Act (ADA) and Title VII laws. Where the vaccination status is not mandatory but is recommended, an employee or contractor who does not wish to disclose their vaccination status may be required to follow additional safety protocols.

DPM would be required to extensively modify enterprise and agency policies and procedures, administrative rules, and associated forms, to create adherence to the proposed anti-discrimination legislation. This would require policies and procedures that would address a State employee's or State candidate's legal right to not disclose their vaccination status and to prohibit both discrimination on the basis of non-disclosure and inquiry of vaccination status. The proposed legislation would result in significant changes to certain personnel protocol; DPM and State agencies would create policies and procedures to mitigate health and safety risks associated with the non-disclosure. For instance, rather than the State's current ability to identify and equip an individual working with confined or vulnerable populations who has confirmed their non-vaccination status with Personal Protective Equipment (PPE), broad policies would be put in place to provide protections for all staff to mitigate the risk, such as requiring all employees to utilize PPE.

Procurement, in coordination with the Department's Division of Legal Services, would be required to modify contract language to address the proposed provision within its contracting standard terms and conditions document, which would enable bidders to certify the non-discriminatory policy outlined in the proposed bill as a requirement to submit under the Request for Bid (RFB)/Request for Proposal (RFP) responses.

Additional one-time training efforts would be required for human resources staff implementing employee vaccination status procedures, in order to obtain knowledge of and comply with the aforementioned changes. Although the Department cannot readily provide an estimate of the number of State employees impacted by the proposed legislation, an indeterminate amount of DPM agency and enterprise personnel time may be necessary for conducting additional employee investigations, resulting from complaints of vaccination status discrimination.

The Department estimates that this indeterminate amount of additional DPM staff time required would be able to be absorbed by existing staffing levels and expenditure authority under s. 20.505(1)(kz), Wis. Stats. Further, costs to equip certain Departmental employees with PPE, or for the Department to adopt other risk mitigating efforts, on a one-time or ongoing basis, may potentially be significant, however are not currently able to be estimated.

One-time and limited ongoing Procurement personnel time would be necessary to revise and maintain procurement documentation and incorporate the requirements into procurement practices and procedures, which is determined to be absorbed by existing staffing levels.

Impacts to local units of government are indeterminate; the Department anticipates comparable considerations of necessary revisions to policies and procedures, and that additional potential ongoing costs to implement and manage broad-sweeping risk mitigation would be necessitated at the local level. However, without knowledge of each unit of government's current policies and procedures related to vaccination status, the Department is not able to estimate the extent of the one-time and ongoing impact.

### **Long-Range Fiscal Implications**