



2015 ASSEMBLY BILL 594

December 10, 2015 - Introduced by Representatives C. TAYLOR, JOHNSON, SARGENT, KOLSTE, BERCEAU, OHNSTAD, WACHS, POPE, ZAMARRIPA, CONSIDINE and SINICKI, cosponsored by Senators ERPENBACH and C. LARSON. Referred to Committee on State Affairs and Government Operations.

1 **AN ACT to create** 946.12 (6) of the statutes; **relating to:** retaliation against a
2 public employee by the governor or a legislator and providing a criminal
3 penalty.

Analysis by the Legislative Reference Bureau

Under this bill, a legislator or the governor is guilty of a Class I felony if he or she initiates or administers, or threatens to initiate or administer, an official action to retaliate against a public employee for an action taken in the employee's official capacity, for an exercise of the employee's rights under the first amendment to the U.S. Constitution or under article I, section 3, of the Wisconsin Constitution, or for making a report of fraud, waste, or mismanagement if the legislator's or governor's action has the effect of disciplining the employee.

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

4 **SECTION 1.** 946.12 (6) of the statutes is created to read:
5 946.12 (6) If the public officer is a legislator or the governor, initiates or
6 administers, or threatens to initiate or administer, an official action to retaliate
7 against a public employee for an action taken in the employee's official capacity, for

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1 an exercise of the employee's rights under the first amendment to the U.S.
2 Constitution or under article I, section 3, of the Wisconsin Constitution, or for
3 making a report of fraud, waste, or mismanagement in state government if the effect
4 of the public officer's action would be any of the following:

5 (a) Dismissal, demotion, transfer, removal of any duty assigned to the public
6 employee's position, refusal to restore, suspension, reprimand, verbal or physical
7 harassment, or reduction in base pay.

8 (b) Denial of education or training, if the education or training may reasonably
9 be expected to lead to an appointment, promotion, performance evaluation, or other
10 personnel action.

11 (c) Reassignment.

12 (d) Failure to increase base pay, except with respect to the determination of a
13 discretionary performance award.

14 (END)