

## WISCONSIN — State Laws by Topic

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### ➤ AGE ◀

The Wisconsin Fair Employment Act's prohibition against employment discrimination based on age applies only to discrimination against an individual who is age 40 or over. It is not unlawful for an employer to engage in the following practices based on age.

- Terminating an employee who is physically or otherwise unable to perform essential job duties.
- Applying varying insurance coverage based on an employee's age.
- Exercising an age distinction with respect to hiring an individual for a position in which the knowledge and experience to be gained is required for future advancement to a managerial or executive position.
- Exercising an age distinction with respect to employment in which the employee is exposed to physical danger or hazards.

The Act applies to employers who engage in any activity, enterprise, or business and employ at least one individual.

### ➤ AIDS ◀

*Testing:* Employers are expressly prohibited from requiring an AIDS test as a condition of employment. Employers cannot terminate or otherwise affect the terms and conditions of employment of an employee who is tested for AIDS, or offer any benefit to employees in exchange for taking an AIDS test.

### ➤ ARRESTS/CONVICTIONS ◀

According to the Wisconsin Fair Employment Act, an employer is prohibited from using arrest or conviction records, unless: 1) using such records is relevant to the bondability of an individual, or 2) there are charges pending that are job-related.

Employers are also prohibited from discriminating against an applicant or employee based on the existence of arrest or conviction records.

### ➤ BREAKS ◀

*Minors:* Minors must be provided with a 30-minute meal break for every six hours they work. Meal breaks must be scheduled reasonably close to customary meal times.

➤ **BREAST-FEEDING** ◀

A woman may breast-feed her child in any public or private location where she and her child are otherwise authorized to be present.

➤ **CHILD LABOR** ◀

Click on the following link [http://dwd.wisconsin.gov/er/labor\\_standards\\_bureau/child\\_labor\\_laws.htm](http://dwd.wisconsin.gov/er/labor_standards_bureau/child_labor_laws.htm) to access Wisconsin's Department of Workforce Development child labor home page.

➤ **CHILD SUPPORT** ◀

Employers served with a child support order must begin withholding one week after receipt of the order. Amounts are remitted within five days of payday. Notify the state court within 10 days if the employee-obligor terminates.

➤ **COURT ATTENDANCE** ◀

Employers are restricted from discharging employees for taking leave to be witnesses. Notice must be given to employers on or before the first business day after employees receive subpoenas. If testimony is given in a proceeding as a result of a crime committed against an employer or an incident that occurred in the course of employment, leave must be paid.

➤ **DISABILITIES** ◀

Under the Wisconsin Fair Employment Act, employers are prohibited from refusing to hire, employ, or license; barring from employment; terminating; or otherwise discriminating against an individual with respect to promotion and compensation or terms, conditions, or privileges of employment based on disability.

Employers also cannot print, circulate, or cause to be printed or circulated any statement, advertisement, or publication, or use any form of application for employment or make any inquiry in connection with prospective employment, which expresses, directly or indirectly, any limitation, specification, or discrimination based on disability.

Employment discrimination because of disability includes, but is not limited to:

- contributing a lesser amount to the fringe benefits, including life or disability insurance coverage, of any employee because of the employee's disability; and
- refusing to reasonably accommodate an employee's or prospective employee's disability, unless the employer can demonstrate that the accommodation would impose an undue hardship.

In evaluating whether a person with a disability can adequately undertake the job-related responsibilities of a particular job, the present and future safety of the individual, of the individual's co-workers, and, where applicable, of the general public may be considered.

**Note:** The prohibition against discrimination because of a disability does not apply if the disability prevents an employee from efficiently performing the duties required in employment.

An employer is defined as any person who engages in any activity, enterprise, or business and employs at least one individual.

### ➤ DRUG TESTING ◀

No statutory provisions for private employers.

### ➤ FAMILIAL/MARITAL STATUS ◀

Under the Wisconsin Fair Employment Act, employers are prohibited from refusing to hire, employ, or license; barring from employment; terminating; or otherwise discriminating against an individual with respect to promotion and compensation or terms, conditions, or privileges of employment based on marital status.

Employers also cannot print, circulate, or cause to be printed or circulated any statement, advertisement, or publication, or use any form of application for employment or make any inquiry in connection with prospective employment, which expresses, directly or indirectly, any limitation, specification, or discrimination based on marital status.

An employer is defined as any person who engages in any activity, enterprise, or business and employs at least one individual.

The state recognizes same-sex marriage.

### ➤ FAMILY/MEDICAL LEAVE ◀

*Coverage:* Employers of 50 or more permanent employees.

*Employee eligibility:* Eligible employees are those who have worked for the employer for at least 52 consecutive weeks and for at least 1,000 hours during the preceding 52-week period.

*Length of leave:* Family leave for the birth or placement of a child for adoption is limited to six weeks in a 12-month period, and family leave to care for a child, spouse, parent, or registered domestic partner who has a serious health condition is limited to two weeks in a 12-month period. For any combination of allowable family leave in a 12-month period, the limit is eight weeks. Employees who have a serious health condition that makes them unable to perform the job may take two weeks of medical leave during a 12-month period.

*Reasons for leave:* 1) the birth/adoption of a child of the employee (leave begins within 16 weeks of the birth or adoption); 2) to care for a child, spouse, or parent who has a serious health condition; or 3) the employee's own serious health condition.

**Note:** Wisconsin's domestic partnership law extends limited rights to registered same-sex partnerships, including allowing domestic partners to take family and medical leave to care for a seriously ill partner.

*Paid leave:* An employee has the option to substitute other types of paid or unpaid leave provided by the employer for portions of family or medical leave. Employers may not require employees to substitute any other paid or unpaid leave for family or medical leave.

*Benefits:* Employers may not reduce or deny employment benefits that accrued to employees before taking family or medical leave. However, returning employees are not entitled to any right, employment benefit, or employment position that they would not have been entitled to if not on leave, and are not entitled to accrue seniority or employment benefits while on leave.

Employers must maintain group health insurance coverage during the leave under the conditions that applied prior to the leave. If employees continue making any contributions required for participation in the plan, employers must continue making premium contributions as if the employees weren't on leave.

Employers may require contributing employees to have in escrow with the employer an amount equal to the entire premium or similar expense for eight weeks of coverage. The employee may pay such escrow amount in equal installments at regular intervals over a 12-month period. The money must be deposited in an interest-bearing account in a financial institution. The employer must return any payments made plus interest when the employee ends employment. If the employee ends employment during or within 30 days of family or medical leave, the employer may deduct from the escrow account any premium or similar expense paid by the employer for the employee's group health insurance during leave. If the employee ends employment during or at the end of family or medical leave, the period for conversion of group health insurance to individual coverage begins on the day the employee began leave.

*Notification:* When leave is taken for an anticipated birth or adoption of a child of the employee, the employee must give reasonable and practical advance notice of the expected birth or adoption. The employer may require written notice when possible, pursuant to a written policy that governs all employees of the employer and that is known to the employee.

*Certification:* Employers may require employees to provide certification of any serious health condition requiring leave and may require employees to obtain the opinion of a second health care provider, chosen and paid for by the employer, concerning any information in the certification. If two or more health care providers disagree about any of the information required in the certification, the Department of Industry, Labor, and Human Relations may appoint another health care provider to examine the child, spouse, parent, or employee and render an opinion. The employee and employer must each pay 50% for the examination/opinion.

*Reinstatement:* Upon returning from leave, employees must be returned to the positions held before taking leave, if they are vacant, or to positions having equivalent compensation, benefits, hours, and other terms and conditions of employment.

### ➤ GENETIC TESTING ◀

Employers may not directly or indirectly solicit, require, or administer a genetic test as a condition or privilege of employment; or affect the terms, conditions, or privileges of employment of any person who obtains a genetic test.

Any agreement between an employer and employee or applicant offering employment in return for taking a genetic test is prohibited. However, an employee may give written consent to a genetic test for the investigation of a Workers' Compensation claim or for determining the employee's susceptibility to potentially toxic chemicals or substances in the workplace, if the employer does not terminate the employee or take any other action that adversely affects any term, condition, or privilege of the person's employment as a result of the genetic test.

### ➤ HEALTH CARE CONTINUATION COVERAGE ◀

Continuation coverage requirements generally apply to employers that provide group health insurance coverage to employees. Eligible employees have the right to continue coverage for up to 18 months.

Click on the following link [http://oci.wi.gov/pub\\_list/pi-023.pdf](http://oci.wi.gov/pub_list/pi-023.pdf) to access a fact sheet on continuation rights issued by the Commissioner of Insurance.

### ➤ JURY DUTY ◀

Employers must grant employees a leave of absence for jury service. For the purpose of determining seniority or pay advancement, employment status must be uninterrupted by jury service. Employees cannot be discharged or disciplined for absences due to jury service.

Public employees are entitled to paid leave for jury duty.

### ➤ LIFESTYLE DISCRIMINATION ◀

Employers are prohibited from discriminating against an individual based on the use or non-use of lawful products off the employer's premises during non-working hours.

It is not a violation for an employer to offer a life, health, or disability insurance policy under which the type and price of coverage for an individual using a lawful product off the employer's premises during non-working hours differs from that for a person not using that lawful product, as long as: 1) the difference between the premium rates charged to the user of the lawful product and the premium rates charged to the non-user reflects the cost of providing coverage to the user, and 2) the employer provides a written statement, specifying the premium rate differential used by the insurance carrier, to each individual who is charged a different premium rate based on the use of the lawful product.

**➤ MASS LAYOFF NOTIFICATION ◀**

Employers that employ 50 or more workers that close a business or conduct a mass layoff must provide 60 days' advance written notice to affected employees and their collective bargaining representatives, the state Department of Workforce Development, and the highest municipal official in the area where the affected worksite is located. Affected employees include those permanently terminated, laid off for more than six months, or working less than half their usual work hours during each month of a six-month period as a result of a business closing or mass layoff.

A business closing is defined as the permanent or temporary shutdown of a worksite affecting 25 or more employees. A mass layoff is defined as a workforce reduction, conducted for reasons other than a business closing, that involves the layoff of at least 500 employees, or affects the greater of at least 25% of the workforce or 25 employees.

Notice requirements do not apply to part-time employees working less than 20 hours per week or employees who have worked at a company for fewer than six of the 12 months preceding the layoff. Other exemptions occur when: a business is sold and the purchaser agrees to hire most employees with less than a six-month break in employment; a business is relocated within a reasonable commuting distance and the employer offers to transfer most employees with less than a six-month break in employment; a closing or layoff involves seasonal work, or a project of limited duration; a temporary cessation in operations causes layoffs lasting less than 60 days; and a strike or layoff causes the closing or layoff.

Notice must include the same information required under the federal WARN Act, plus contact information for the local workforce development board serving the area in which the affected employment site is located and, if available from the local workforce development board, a list of resources available in the area regarding career planning, job search, job skills training, and other support services for affected employees.

**➤ MEDICAL DONATION LEAVE ◀**

*State employers:* State employees are entitled to up to five days of paid leave to donate bone marrow and up to 30 days of paid leave to donate an organ. Employees must provide written verification that they are serving as donors. Employees on leave shall receive their base pay without interruption.

*Private employers:* Private employers that are covered under the state's family and medical leave law must allow employees to take up to six weeks' of unpaid leave in a 12-month period to donate bone marrow or an organ. Medical donation leave is subject to the same rules as family and medical leave, including rules requiring employers to place donors in the same or an equivalent position upon their return to work, and rules allowing employees to substitute paid leave.

Employees must provide employers with written verification that they are donors. Employees who request leave may also be required to provide medical certification that the donee has a serious health condition that necessitates a bone marrow or organ transplant and that the employee is eligible and has agreed to serve as the donor. Employees must give their employers advance notice of their donations and make a reasonable effort to schedule their donations so that their

donations don't unduly disrupt their employer's operations, subject to the approval of the health care provider of the donee.

### ➤ **MILITARY LEAVE** ◀

Any person who leaves permanent employment for active service in the U.S. military or National Guard, or for national defense work, is eligible for military leave privileges.

Employees who take military leave are to be treated as if their employment were not interrupted by absence (except for receipt of pay), and they are entitled to participate in insurance or other benefits according to the established rules and practices relating to employees on furlough or leave.

**Note:** Employers with 11 or more permanent employees must grant not more than five consecutive unpaid workdays of leave, or not more than 15 unpaid days of leave in a year, for members of the civil air patrol to respond to an emergency service operation. Employers are prohibited from discriminating against or discharging employees because of their membership in the civil air patrol.

*Reinstatement:* Eligible employees must be restored to the position that was left to enter military service or to a position of like seniority, status, pay, and salary advancement, unless the employer's circumstances have so changed as to make it impossible or unreasonable to do so. However, the following requirements must be met prior to restoration: 1) the ability still exists to perform the duties of the position; 2) a certificate of satisfactory completion of military service is presented; 3) application for reemployment is made within 90 days after release from service or six months after release from a service-related hospitalization; and 4) the military service was not more than four years, except where extended by law.

Employees cannot be discharged from a restored position without cause for one year.

**Note:** Under the Wisconsin Fair Employment Act, employers with one or more employees are prohibited from discriminating against an individual based on military service.

### ➤ **MINIMUM WAGE** ◀

*Minimum hourly wage/overtime rate:* \$7.25/\$10.88.

*Basis for overtime:* Over 40 hours/week.

*Opportunity wage for under 20-year-olds:* \$5.90.

### ➤ **NATIONAL ORIGIN** ◀

Under the Wisconsin Fair Employment Act, employers are prohibited from refusing to hire, employ, or license; barring from employment; terminating; or otherwise discriminating against an individual with respect to promotion and compensation or terms, conditions, or privileges of employment based on national origin or ancestry.

Employers also cannot print, circulate, or cause to be printed or circulated any statement, advertisement, or publication, or use any form of application for employment or make any inquiry in connection with prospective employment, which expresses, directly or indirectly, any limitation, specification, or discrimination based on national origin or ancestry, unless a *bona fide* occupational qualification exists.

An employer is defined as any person who engages in any activity, enterprise, or business and employs at least one individual.

### ➤ NEW-HIRE REPORTING ◀

*Data to be reported:* Employee's name, address, SSN, dates of birth and hire; employer's name, address, federal EIN.

*Reporting deadline/form:* Within 20 days of hire or rehire, including employees who return to work after taking a 90-day or longer leave of absence; on W-4s or through the state's website.

### ➤ OVERTIME ◀

*Basis for overtime:* Over 40 hours in a workweek.

The state has clarified its position on the revised federal white-collar regulations. State and federal law continue to parallel each other. Minor differences in the wording of the tests for exempt status exist. Employers are urged to consult both state and federal laws before deciding whether a position is exempt.

### ➤ PAY STATEMENTS ◀

*Information required:* Amount/reason for deductions.

### ➤ PERSONNEL FILES ◀

An employee is permitted to inspect personnel documents used in determining the employee's qualifications for employment, transfer, additional compensation, termination, disciplinary action, as well as medical records. Employers are allowed to charge employees a reasonable copying fee.

The right of an employee or the employee's designated representative to inspect his/her personnel records does not apply to: records relating to the investigation of a possible criminal offense; letters of reference; any portion of a test document, except for a cumulative test score; materials used by the employer for staff management planning; information of a personal nature about a person other than the employee; an employer that does not maintain personnel records; and records relevant to any other impending claim between the employer and the employee that may be discovered in a judicial proceeding.

**➤ POLYGRAPH TESTING ◀**

Except as otherwise provided, no employer may:

1. directly or indirectly require, request, suggest, or cause a current or future employee to take or submit to a lie detector test;
2. use, accept, refer to, or inquire about the results of a lie detector test of a current or future employee;
3. discharge, discipline, discriminate against, or deny employment or promotion to, or threaten to take any such action against:
  - a. a current or future employee who refuses, declines, or fails to take or submit to a lie detector test; or
  - b. a current or future employee on the basis of the results of a lie detector test;
4. discharge, discipline, discriminate against, or deny employment or promotion to, or threaten to take any such action against a current or future employee for:
  - a. filing a complaint, or instituting or causing to be instituted a proceeding under this law;
  - b. having testified or testifying in a proceeding under this law;
  - c. exercising any rights under this law.

The polygraph testing law does not prohibit employers from administering polygraph tests or having polygraph tests administered on future employees, who, if hired, would serve as security personnel, armored car personnel, or personnel engaged in the design, installation, and maintenance of security alarm systems.

The law does not prohibit an employer that is authorized to manufacture, distribute, or dispense a controlled substance from administering a polygraph test or having a polygraph test administered to: 1) future employees who would have direct access to the manufacture, storage, distribution, or sale of the controlled substance, or 2) current employees if the test is administered in connection with an ongoing investigation of criminal or other misconduct that involves, or potentially involves, loss or injury to the manufacture, distribution, or dispensing of the controlled substance by that employer and an employee had access to the person or property that is the subject of the investigation.

*Permitted testing:* Except as restricted below, an employer may request an employee to submit to a polygraph test if all the following conditions apply.

1. The test is administered in connection with an ongoing investigation involving economic loss or injury of the employer's business, including theft, embezzlement, misappropriation, or unlawful industrial espionage or sabotage.
2. The employee had access to the property that is the subject of the investigation.
3. The employer has a reasonable suspicion that the employee was involved in the incident or activity under investigation.
4. The employer executes a statement, provided to the examinee before the test, that:

- a. sets forth the specific incident or activity being investigated and the basis for testing particular employees;
- b. is signed by a person, other than the polygraph examiner, authorized legally to bind the employer; and
- c. is kept for at least three years.

The statement must:

- i. identify the specific economic loss or injury to the business;
- ii. indicate that the employee had access to the property that is the subject of the investigation; and
- iii. describe the basis of the employer's reasonable suspicion that the employee was involved in the incident or activity under investigation.

**Note:** This exemption does not apply if an employee is discharged, disciplined, denied employment or promotion, or otherwise discriminated against on the basis of an analysis of a polygraph test chart or a refusal to take a polygraph test without additional supporting evidence.

*Special rules:* No exemption to the polygraph testing prohibition may be applied unless all of the following requirements are fulfilled.

1. The examinee may end the test at any time.
2. The examinee is not asked any questions in a manner that degrades or needlessly intrudes on the examinee.
3. The examinee is not asked any questions about religious beliefs or affiliations, political beliefs or affiliations, sexual behavior, beliefs or opinions on racial matters, or beliefs, affiliations, opinions or lawful activities regarding union or labor organizations.
4. The examiner does not conduct the test if there is sufficient written evidence provided by a physician that the examinee is suffering from a medical or psychological condition or undergoing treatment that might cause abnormal responses during the testing.

Before the test is administered, the prospective examinee must:

1. be provided with reasonable oral and written notice of the date, time, and location of the test, and of the right to obtain and consult with legal counsel or an employee representative before each phase of the test;
2. be informed orally and in writing of the nature and characteristics of the tests and of the instruments involved;
3. be informed orally and in writing as to whether the testing area contains a two-way mirror, a camera, or any other device through which the test may be observed;
4. be informed orally and in writing as to whether any device other than the polygraph will be used, including any device for recording or monitoring the test;
5. be informed orally and in writing that the employer or examiner may, after informing the examinee, make a recording of the test;

6. read and sign a written notice informing the examinee that the examinee cannot be required to take the test as a condition of employment, that any statement made during the test may constitute additional supporting evidence for the purposes of an adverse employment action, of the limitations on the use of polygraph tests under this law, of the examinee’s legal rights and remedies if the polygraph test is not conducted in accordance with this law, and of the legal rights and remedies of the employer under this law;

7. be provided an opportunity to review all questions to be asked during the test; and

8. be informed of the right to end the test at any time.

The examiner may not ask the examinee any question during the test that was not presented in writing for review to the examinee before the test.

*Confidentiality:* No person other than the examinee may disclose information obtained during a polygraph test, except that a polygraph examiner may disclose information acquired from a polygraph test to the examinee or any other person specifically designated in writing by the examinee.

*Notification:* A notice containing excerpts of this law, prepared and distributed to employees, must be posted in conspicuous places in the premises of employers that administer lie detector tests or have lie detector tests administered to their employees.

### ➤ POSTING REQUIREMENTS ◀

Unemployment Insurance (English, Spanish, and Hmong) — All employers subject to Wisconsin’s Unemployment Compensation Law

Minimum Wage — Informational, recommended

Child Labor Law — All employers, except agriculture and domestic service, who hire minors

Fair Employment (English, Spanish, and Hmong) — All employers

Family & Medical Leave Act (English & Spanish) — All employers with 50 or more employees

Health Care — Cessation Benefits — All employers with 50 or more employees

Layoff Notice — All employers with 50 or more employees

Workers with Disabilities at Special Minimum Wage — Employers with a special minimum wage license issued by DWD

Honesty Testing — All employers

Retaliation Protection for Health Care Workers — All employers who are health care providers or who own or manage a health care facility

Right to Know — All public employers

Public Employee Safety & Health — All public employers

No Smoking — All employers

Medical leave donation — Employers subject to the state’s family and medical leave law

## ➤ PREGNANCY ◀

*General rule:* Employers are prohibited from discriminating against any employee on the basis of pregnancy, childbirth, maternity leave, or related medical conditions by refusing to hire, terminating, refusing to promote, or refusing to grant her employment benefits granted to other employees, including compensation and conditions or privileges of employment, such as fringe benefit programs covering illness and disability.

See also family/medical leave.

## ➤ RACE ◀

Under the Wisconsin Fair Employment Act, employers are prohibited from refusing to hire, employ, or license; barring from employment; terminating; or otherwise discriminating against an individual with respect to promotion and compensation or terms, conditions, or privileges of employment based on race or color.

Employers also cannot print, circulate, or cause to be printed or circulated any statement, advertisement, or publication, or use any form of application for employment or make any inquiry in connection with prospective employment, which expresses, directly or indirectly, any limitation, specification, or discrimination based on race or color.

An employer is defined as any person who engages in any activity, enterprise, or business and employs at least one individual.

## ➤ REFERENCES ◀

*Blacklisting:* An employer cannot conspire to attempt to prevent a discharged employee from obtaining other employment. An employer also cannot permit any agent to blacklist any voluntarily or involuntarily terminated employee. However, upon request of a former employee, bondsman, or surety, former employers may give a prospective employer, bondsman, or surety a truthful statement of the reasons for discharge. For its own information and protection, employers may keep records of employees' habits, character, competence, and reason for separation.

*References:* Employers are immune from liability when provided, at the request of a prospective employer or current/former employee, a statement about the employee's job performance or qualifications for employment, even if the statement is provided in connection with the settlement of a dispute related to the employee's termination.

Employers that provide such information are presumed to be acting in good faith and are immune from liability that may result, unless it can be shown that they knowingly provided false information, made the reference maliciously, or made the reference in violation of law.

*Social media:* Employers are prohibited from requesting or requiring employees or job applicants to disclose usernames or passwords for accessing any personal account or service they use primarily for personal communications, from disclosing details regarding their personal social media, from disclosing their personal e-mail addresses, and from requiring anyone to be added

to their personal social media accounts. Employers may obtain information that's in the public domain. Employers aren't liable if they inadvertently obtain information, but they can't use it.

Employers may monitor employees' use of electronic equipment and e-mail; and request or require that employees disclose usernames or passwords information for employer-provided equipment or accounts or services.

Employers may require disclosure in connection with investigations to ensure compliance with federal or state laws or to prohibit workplace misconduct and to determine whether employees disclosed proprietary information, confidential information, or financial data without authorization. Employers may also require disclosure to comply with federal laws or regulatory requirements.

### ➤ RELIGION ◀

Under the Wisconsin Fair Employment Act, employment discrimination because of creed includes, but is not limited to, refusing to reasonably accommodate an employee's or applicant's religious observance or practice, unless the employer can demonstrate that the accommodation would pose an undue hardship on the employer's program, enterprise, or business.

The Act defines creed to mean a system of religious beliefs, including moral or ethical beliefs about right and wrong, which are sincerely held with the strength of religious views. An employer is defined as any person who engages in any activity, enterprise, or business and employs at least one individual.

In addition, employers are prohibited from discriminating against an employee who declines to attend or participate in an employer-sponsored meeting if the primary purpose of the meeting is to communicate the opinion of the employer about religious matters.

### ➤ REPORTING PAY ◀

Compensable working time includes hours during which employees must be on duty, on the premises, or at a prescribed workplace. However, whether waiting time is working time depends on the facts and circumstances. This determination involves scrutinizing the employment agreement, an appraisal of how this agreement is actually implemented, and a consideration of the nature of employees' services and their relation to the waiting time. Facts may show that employees were engaged to wait, or they may show that they were waiting to be engaged.

### ➤ SAFETY ◀

There is no OSHA-monitored state plan. For general information about health and safety consultation services for employers, click on [http://dwd.wisconsin.gov/wc/safety/Safety\\_Works/safety\\_osh\\_consult.htm](http://dwd.wisconsin.gov/wc/safety/Safety_Works/safety_osh_consult.htm).

➤ **SCHOOL VISITATION LEAVE** ◀

No provision.

➤ **SEX DISCRIMINATION** ◀

Under the Wisconsin Fair Employment Act, employers are prohibited from refusing to hire, employ, or license; barring from employment; terminating; or otherwise discriminating against an individual with respect to promotion and compensation or terms, conditions, or privileges of employment based on sex.

Employers also cannot print, circulate, or cause to be printed or circulated any statement, advertisement, or publication, or use any form of application for employment or make any inquiry in connection with prospective employment, which expresses, directly or indirectly, any limitation, specification, or discrimination based on sex.

An employer is defined as any person who engages in any activity, enterprise, or business and employs at least one individual.

➤ **SEXUAL HARASSMENT** ◀

According to the Wisconsin Department of Workforce Development, it is illegal for an employer, supervisor, or co-worker to harass a person because of his/her sex. The Department of Workforce Development states harassment may include verbal abuse, vulgar or derogatory language, displays of offensive cartoons or materials, and lewd or offensive gestures and jokes. The behavior must consist of more than a few isolated incidents or casual comments. It must involve a pattern of abusive and degrading conduct directed against a person because of his/her sex that is sufficient to interfere with his/her work or create an offensive and hostile work environment.

An executive order specifically requires public employers to prevent and eliminate sexual harassment in the workplace. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, physical contact of a sexual nature, or verbal or physical conduct of a sexual nature.

An employer is presumed liable for an act of sexual harassment by any of its employees if the act occurs while the complaining employee is at his/her place of employment or is performing duties relating to his/her employment, if the complaining employee informs the employer of the act, and if the employer fails to take appropriate action within a reasonable amount of time.

➤ **SEXUAL ORIENTATION DISCRIMINATION** ◀

Under the Wisconsin Fair Employment Act, employers with one or more employees are prohibited from refusing to hire, employ, or license; barring from employment; terminating; or otherwise discriminating against an individual with respect to promotion and compensation or terms, conditions, or privileges of employment based on sexual orientation.

➤ **SMOKING** ◀

Smoking is prohibited, with limited exceptions, in public places, including indoor workplaces, restaurants, and taverns. Businesses can establish an outdoor smoking area that cannot be regulated by local governments.

Signs setting forth the smoking prohibition must be posted.

See also lifestyle discrimination.

➤ **SOCIAL SECURITY NUMBER PRIVACY** ◀

Under the Personal Information Disclosure Law, employers must notify individuals within 45 days upon learning that there has been an unauthorized disclosure of their personal information. To be considered personal information, the information disclosed must include the individual's first and last name (or first initial) in combination with: a Social Security number; a driver's license or state identification number; an account number (including security code, password, or access number); DNA profile; or biometric data (fingerprint, voice print, retina, etc.).

➤ **UNEMPLOYMENT INSURANCE** ◀

Click on the following link <http://workforcewv.org/unemployment/employers.html> to access the Wisconsin Department of Workforce Development unemployment insurance tax and accounting home page for employers. .

➤ **VACATION PAY UPON TERMINATION** ◀

Final wages include vacation pay, when an employer provides vacation pay under a company policy or employment agreement.

➤ **VIOLENCE** ◀

No general workplace violence provision.

➤ **VOTING** ◀

Employees may be absent from work for a period not exceeding three successive hours to vote while the polls are open. The employer may designate the hours employees may be absent.

*Wages:* No penalty, other than a deduction for time lost, may be imposed on employees for taking time off to vote.

*Notification:* Employees must notify employers before Election Day of intended absences.

➤ **WAGE DEDUCTIONS** ◀

Deductions authorized by federal or state law are permitted. Other deductions are permitted where authorized by the employee in writing for employee club dues, insurance, government bonds, contributions to charities, and indebtedness to the employer.

➤ **WAGE GARNISHMENT** ◀

Up to 20% of disposable weekly pay may be withheld. No garnishments may be issued against employees with household income below the federal poverty line. Employers may not terminate or otherwise discipline an employee because his/her disposable pay is subject to a creditor garnishment.

Creditors must pay a \$15 fee to employers for each earnings garnishment or stipulated extension of that earnings garnishment.

➤ **WAGE PAYMENT ON TERMINATION** ◀

*Employee who quits:* Next payday.

*Employee who's fired:* Next payday.

➤ **WAGE PAYMENTS** ◀

*Payday requirements:* Monthly.

*Direct deposit:* Employers may require employees to be paid electronically if employee incurs no expense, and in-state bank is designated. Otherwise, employers may not require employees to be paid electronically.

➤ **WHISTLEBLOWING** ◀

Employers are prohibited from discharging or otherwise discriminating against any individual for opposing a discriminatory practice under the Wisconsin Fair Employment Law, or for filing a complaint, testifying, or assisting in any related proceeding.

An appointing authority, appointing authority agent, or supervisor may not initiate or administer — or threaten to initiate or administer — any retaliatory action against an employee for disclosing information.

A person may not discharge, otherwise retaliate against, or discriminate against an employee, or person acting on an employee's behalf, for reporting abuse, material abuse, neglect, or self-neglect if the employee or person acting on an employee's behalf indicates facts and circumstances of the situation as a part of the report.

➤ **WORK AUTHORIZATION** ◀

No general provision.

➤ **WORKERS' COMPENSATION** ◀

Click on the following link <http://www.wvinsurance.gov/WorkersCompensation.aspx> to access the Wisconsin Department of Workforce Development Workers' Compensation home page.