



NANCY VANDERMEER

STATE REPRESENTATIVE • 70TH ASSEMBLY DISTRICT

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Worker Freedom and Retaining Those Willing to Serve

Since April of 2020, residents of the 70th Assembly District, the State of Wisconsin, and throughout the nation, for that matter, have had a front row seat for very real and tangible lessons on the scope and breadth of local, state, and federal government authority, and unfortunately, in many cases, the lengths in many instances that governmental bodies will go to abuse their power, utilize loopholes in statutes, or outright violate the law while daring the judicial branch to intervene. Additionally, in many instances, residents have witnessed the breadth and scope of intervention from the Judicial Branch, or lack thereof, on matters of critical importance to an individual's health and well-being, livelihood, civic duties, and others.

Residents of our state need not look further than the governor's mansion in Madison to see repeated abuses of executive authority, ranging from attempting to continue to issue identical emergency orders for the same reason without receiving consent from the Legislature or pursuing rules promulgation as prescribed in state statutes, to attempting to change the date of the 2020 Spring Election eighteen hours before polls were set to open on election day. As if the number of local examples aren't enough, in early September, Joe Biden directed the Federal Department of Labor's OSHA (Occupational Safety and Health Administration) to develop a rule that requires organizations with one-hundred or more employees to require that their employees receive COVID-19 vaccination or face negative sanctions from the federal government. That mandate was just successfully challenged in the Fifth District Court of Appeals and ordered suspended. Subsequently, Biden has publicly directed businesses to follow the directive anyway.

Highly questionable, borderline or overtly unconstitutional edicts, and tyrannical actions from Democrat executive office holders have become commonplace. They're frustrating, discouraging, but really not surprising at this point. That said, I believe it is incumbent on myself and my colleagues to not only challenge these actions, demand accountability, and provide oversight wherever and whenever possible, but also to develop policy proposals that provide relief, show contrast and an alternate way when possible.

That's why I recently authored and introduced two bills with Senator Steve Nass of Whitewater. The first proposal targets workers with a non-compete agreement subjected to forced vaccination requirements by their employer. This bill states that an existing non-compete agreement for an employee to not compete with their employer within a specified territory and during a specified time is illegal if an employee is terminated from employer with one-hundred or more employees for choosing not to receive a COVID-19 vaccine, or for refusing to provide information regarding the individual's COVID-19 vaccination status. This would include: an employee entering into a non-compete agreement after the effective date of the bill or any modifications or revisions to an existing non-compete agreement after the effective date of the bill. A primary premise behind this proposal is that employers should have the ability to manage and operate their organization as they see fit while adhering to established regulatory frameworks, but workers should not be punished by the Biden Administration's politicization and weaponization of federal agencies.



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In August of this year, Secretary of Defense Lloyd Austin III issued a memo that stated, in part, “...After careful consultation with medical experts and military leadership, and with the support of the President, I have determined that mandatory vaccination against coronavirus disease 2019 (COVID-19) is necessary to protect the Force and defend the American people.” Publicly available information and guidance issued by service branches varies, and reprimands and punishment for not receiving COVID-19 vaccination varies by branch and leadership level, however, as a result of the COVID-19 vaccination requirement, service members from Wisconsin that choose to not receive a COVID-19 vaccine may be subject to termination of their service as a result of this requirement. Some will electively terminate their military service as a result and in either instance, these individuals may be dishonorably discharged from military service.

In current state statutes, under certain conditions, service members that are honorably discharged are eligible for preferential treatment when applying for jobs with the state. In the interest of not losing out on talented individuals that have honorably served their country and state based on politically driven decisions from the Biden Administration and a number of federal agencies, the second proposal expands the definition of a veteran to include a person who would otherwise qualify under existing law, but who was discharged under other than honorable conditions solely on the basis that the person chose not to receive the COVID-19 vaccine, and makes these veterans eligible for the existing veteran preferential hiring system.

There are a number of my colleagues from both houses and across the state that have chosen to co-sponsor both proposals. I’m grateful for that and look forward to advancing them in the legislative process.

Nancy VanderMeer represents the 70th Wisconsin State Assembly District, which includes portions of Monroe, Jackson, Portage and Wood counties and serves as the Chairperson of the Assembly Committee on Rural Development and Vice-Chairperson of the Assembly Committee on Veterans and Military Affairs.