



2003 ASSEMBLY BILL 878

February 23, 2004 - Introduced by Representatives M. WILLIAMS, MUSSER, SUDER, J. WOOD, GRONEMUS, TURNER, JESKEWITZ, NISCHKE, ALBERS, MCCORMICK, HAHN, FREESE, HINES, PETROWSKI, WEBER, KRAWCZYK, TAYLOR, OWENS and GUNDERSON. Referred to Committee on Veterans and Military Affairs.

1 **AN ACT** *to create* 103.06, 106.54 (8) and 230.45 (1) (n) of the statutes; **relating**
2 **to:** requiring an employer to grant to an employee who is a veteran a leave of
3 absence for the purpose of attending a memorial service or ceremony in
4 observance of Veterans Day.

Analysis by the Legislative Reference Bureau

Under current law, November 11 (Veterans Day) is a legal holiday. This bill requires an employer, including the state, to grant to an employee who is a veteran a leave of absence for a reasonable period of time, not to exceed eight hours, on Veterans Day for the purpose of attending a memorial service or ceremony in observance of Veterans Day (Veterans Day leave). Under the bill, an employee is not entitled to receive wages or salary while taking Veterans Day leave, but may substitute, for portions of that leave, paid or unpaid leave of any other type provided by the employer. An employee who intends to take Veterans Day leave must give the employer advance notice of that leave.

The bill prohibits an employer from discharging or discriminating against an employee in promotion, in compensation, or in the terms, conditions, or privileges of employment for taking Veterans Day leave, opposing a discharge or discrimination in violation of the bill, filing a complaint or attempting to enforce a right under the bill, or testifying or assisting in any action or proceeding to enforce a right under the bill. An employee who is discharged or discriminated against in violation of the bill may file a complaint with the Department of Workforce Development (DWD) or, in the case of a state employee, the Personnel Commission, and DWD or the Personnel

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Commission must process the complaint in the same manner that employment discrimination complaints are processed under current law, which processing may include the ordering of back pay, reinstatement, or compensation in lieu of reinstatement.

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.** 103.06 of the statutes is created to read:

2 **103.06 Veterans Day leave. (1)** In this section:

3 (a) “Employee” means an individual employed in this state by an employer.

4 (b) “Employer” means a person engaging in any activity, enterprise, or business
5 in this state. “Employer” includes the state and any office, department, independent
6 agency, authority, institution, association, society, or other body in state government
7 created or authorized to be created by the constitution or any law, including the
8 legislature and the courts.

9 (c) “Veteran” means any individual who has served on active duty in the U.S.
10 armed forces or in forces incorporated as part of the U.S. armed forces and who has
11 been discharged or released from that duty under honorable conditions.

12 **(2)** (a) An employer shall grant to each employee who is a veteran a leave of
13 absence for a reasonable period of time, not to exceed 8 hours, on November 11 for
14 the purpose of attending a memorial service or ceremony in observance of Veterans
15 Day. If an employee intends to take a leave of absence under this paragraph, the
16 employee shall, in a reasonable and practicable manner, give the employer advance
17 notice of the leave of absence.

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1 (b) An employee is not entitled to receive wages or salary while taking a leave
2 of absence under par. (a), but may substitute, for portions of the leave of absence, paid
3 or unpaid leave of any other type provided by the employer.

4 (3) An employer may not discharge or discriminate against an employee in
5 promotion, in compensation, or in the terms, conditions, or privileges of employment
6 for taking a leave of absence under sub. (2) (a), opposing a practice prohibited under
7 this section, filing a complaint or attempting to enforce any right under this section,
8 or testifying or assisting in any action or proceeding to enforce any right under this
9 section.

10 (4) (a) Subject to par. (b), any employee who is discharged or discriminated
11 against in violation of sub. (3) may file a complaint with the department, and the
12 department shall process the complaint in the same manner that employment
13 discrimination complaints are processed under s. 111.39.

14 (b) Any employee of an agency, as defined in s. 111.32 (6), who is discharged or
15 discriminated against in violation of sub. (3) may file a complaint with the personnel
16 commission, and the personnel commission shall process the complaint in the same
17 manner that employment discrimination complaints are processed under s. 111.39.

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

19 106.54 (8) The division shall receive complaints under s. 103.06 (4) (a) and shall
20 process the complaints in the same manner that employment discrimination
21 complaints are processed under s. 111.39.

22 **SECTION 3.** 230.45 (1) (n) of the statutes is created to read:

23 230.45 (1) (n) Receive complaints under s. 103.06 (4) (b) and, except as provided
24 in sub. (1m), process the complaints in the same manner that employment
25 discrimination complaints are processed under s. 111.39.

