

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-3456/2dn  
RAC:jlg:hmh

September 1, 1999

Per your request, I changed the bill to require that the appointing authority give a bone marrow donor a leave of absence of 5 workdays and a human organ donor a leave of absence of 30 workdays. Do you wish to retain the requirement that only one such leave of absence may be granted in a year?

With respect to your wishing to include "fringe benefits" under s. 230.35 (2d) (d), I am unaware of any state employe benefit that would be affected by a *paid* leave of absence; nonetheless, I have expanded the coverage of this paragraph to apply to such benefits. At the very least, this will ensure that any benefit that may be awarded in the future to state employes and that may be affected by a *paid* leave of absence would be unaffected by a leave of absence for the purpose of serving as a bone marrow or human organ donor.

I clarified s. 230.35 (2d) (e) to make certain that it is clear that I am only dealing with the special situation of employes who are included in collective bargaining units. I am hesitant to put language in the draft that states that the program applies to all employes, because there are numerous provisions of ch. 230 that apply to all employes that do not contain similar coverage language. The clarification that I made to s. 230.35 (2d) (e) treats employes who are included in collective bargaining units as a subset of all employes covered under the program.

You have asked whether it is necessary to retain the Initial Applicability section of the draft. Under s. 111.84 (1) (e), it is an unfair labor practice for any employer to violate any collective bargaining agreement previously agreed upon by the parties with respect to wages, hours and conditions of employment. Because the benefit offered under this program does relate to wages, hours and conditions of employment, the awarding of this benefit would violate the agreement previously agreed upon by the parties. Obviously, the likelihood that this would be challenged as an unfair labor practice is quite remote, given that this program provides an additional fringe benefit to employes and does not take away a bargained benefit from employes. Please advise if you wish for me to remove this Initial Applicability section from the bill.

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