

**1999 DRAFTING REQUEST**

**Bill**

Received: **08/10/1999**

Received By: **kenneda**

Wanted: **As time permits**

Identical to LRB:

For: **Shirley Krug (608) 266-5813**

By/Representing: **Helen Forster (aide)**

This file may be shown to any legislator: **NO**

Drafter: **champra**

May Contact:

Alt. Drafters:

Subject: **Employ Pub - miscellaneous**

Extra Copies:

**Pre Topic:**

No specific pre topic given


**Topic:**


Provide state employees leave for donation of bone marrow or organs

**Instructions:**

See Attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>		<u>Required</u>
/1	champra 08/30/1999	jgeller 08/30/1999	hhagen 08/31/1999	_____	lrb_docadmin 08/31/1999		State
/2	champra 09/01/1999	jgeller 09/01/1999	hhagen 09/01/1999	_____	lrb_docadmin 09/01/1999		State
/3	champra 09/02/1999	jgeller 09/02/1999	haueca 09/03/1999	_____	lrb_docadmin 09/03/1999	lrb_docadminState 09/10/1999	

  
"1/3"

**1999 DRAFTING REQUEST**

**Bill**

Received: **08/10/1999**

Received By: **kenneda**

Wanted: **As time permits**

Identical to LRB:

For: **Shirley Krug (608) 266-5813**

By/Representing: **Helen Forster (aide)**

This file may be shown to any legislator: **NO**

Drafter: **champra**

May Contact:

Alt. Drafters:

Subject: **Employ Pub - miscellaneous**

Extra Copies:

**Pre Topic:**

No specific pre topic given

**Topic:**

Provide state employes leave for donation of bone marrow or organs

**Instructions:**

See Attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	champra 08/30/1999	ygeller 08/30/1999	hhagen 08/31/1999	_____	lrb_docadmin 08/31/1999		State
/2	champra 09/01/1999	ygeller 09/01/1999	hhagen 09/01/1999	_____	lrb_docadmin 09/01/1999		State
/3	champra 09/02/1999	ygeller 09/02/1999	haugeca 09/03/1999	_____	lrb_docadmin 09/03/1999		State

FE Sent For:

<END>

**1999 DRAFTING REQUEST**

**Bill**

Received: 08/10/1999

Received By: kenneda

Wanted: As time permits

Identical to LRB:

For: Shirley Krug (608) 266-5813

By/Representing: Helen Forster (aide)

This file may be shown to any legislator: NO

Drafter: champra

May Contact:

Alt. Drafters:

Subject: Employ Pub - miscellaneous

Extra Copies:

**Pre Topic:**

No specific pre topic given

**Topic:**

Provide state employes leave for donation of bone marrow or organs

**Instructions:**

See Attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	champra 08/30/1999	jgeller 08/30/1999	hhagen 08/31/1999	_____	lrb_docadmin 08/31/1999		State
/2	champra 09/01/1999	jgeller 09/01/1999	hhagen 09/01/1999	_____	lrb_docadmin 09/01/1999		State

FE Sent For:

*1/3 9/2 jlg*  
*CH 9-3*  
*CH 9-3*  
*omb*  
 <END>

**1999 DRAFTING REQUEST**

**Bill**

Received: 08/10/1999

Received By: kenneda

Wanted: As time permits

Identical to LRB:

For: Shirley Krug (608) 266-5813

By/Representing: Helen Forster (aide)

This file may be shown to any legislator: NO

Drafter: champra

May Contact:

Alt. Drafters:

Subject: Employ Pub - miscellaneous

Extra Copies:

**Pre Topic:**

No specific pre topic given

**Topic:**

Provide state employes leave for donation of bone marrow or organs

**Instructions:**

See Attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	champra 08/30/1999	jgeller 08/30/1999	hhagen 08/31/1999	_____	lrb_docadmin 08/31/1999		State

*1/2 9/1 jg*     *12/4 9/1*     *01/26 9/1*

FE Sent For:

<END>

**1999 DRAFTING REQUEST**

**Bill**

Received: **08/10/1999**

Received By: **kenneda**

Wanted: **As time permits**

Identical to LRB:

For: **Shirley Krug (608) 266-5813**

By/Representing: **Helen Forster (aide)**

This file may be shown to any legislator: **NO**

Drafter: **champra**

May Contact:

Alt. Drafters:

Subject: **Employ Pub - miscellaneous**

Extra Copies:

**Pre Topic:**

No specific pre topic given

**Topic:**

Provide state employees leave for donation of bone marrow or organs

**Instructions:**

See Attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
1?	champra	11/8/30 jlg	11/11/30	11/11/30 mc			

FE Sent For:

<END>

## Kennedy, Debora

---

**From:** Forster, Helen  
**Sent:** Thursday, August 05, 1999 4:45 PM  
**To:** Kennedy, Debora  
**Subject:** #3



(2).htm

Helen Forster, Office of Representative Shirley Krug

-----Original Message-----

**From:** Sweet, Richard  
**Sent:** Tuesday, August 03, 1999 4:33 PM  
**To:** Forster, Helen  
**Subject:**  
(<http://thomas.loc.gov/cgi-bin/query/D?r106:2:./temp/~r106BfwEE6:>)

## Kennedy, Debora

---

**From:** Forster, Helen  
**Sent:** Thursday, August 05, 1999 4:45 PM  
**To:** Kennedy, Debora  
**Subject:** #1



Bill Summary &  
Status.htm

ebora,

I'm working with Dick Sweet to clear up any questions that arise in adapting this idea to Wisconsin. But, in the meantime, I thought I would get this going. So this is a formal request for a bill draft. !!  
thanks, hf

Helen Forster, Office of Representative Shirley Krug

-----Original Message-----

**From:** Sweet, Richard  
**Sent:** Tuesday, August 03, 1999 4:16 PM  
**To:** Forster, Helen  
**Subject:** Bill Summary & Status  
(<http://thomas.loc.gov/cgi-bin/bdquery/z?d106:h.r.00457:>)

---

<b><u>THIS SEARCH</u></b>	<b><u>THIS DOCUMENT</u></b>	<b><u>THIS CR ISSUE</u></b>	<b><u>GO TO</u></b>
<b><u>Next Hit</u></b>	<b><u>Forward</u></b>	<b><u>Next Document</u></b>	<b><u>New CR Search</u></b>
<b><u>Prev Hit</u></b>	<b><u>Back</u></b>	<b><u>Prev Document</u></b>	<b><u>HomePage</u></b>
<b><u>Hit List</u></b>	<b><u>Best Sections</u></b>	<b><u>Daily Digest</u></b>	<b><u>Help</u></b>
	<b><u>Doc Contents</u></b>		

---

**Congressional Record article 2 of 17**      *Full Display - 3,163 bytes.*[[Help](#)]

---

**ORGAN DONATION -- HON. ELIJAH E. CUMMINGS (Extension of Remarks - May 04, 1999)**

[Page: E844] [Link to GPO's PDF version for this page.](#) ~~NEW~~

---

## HON. ELIJAH E. CUMMINGS

In the House of Representatives

TUESDAY, MAY 4, 1999

- Mr. CUMMINGS. Mr. Speaker, recently, we celebrated National Organ and Tissue Donor Awareness Week and today I recognize the medical advances that have made organ transplantation a viable treatment option. Thanks to those who have given the gift of life, more than 20,000 individuals received an organ transplant in 1996.
- However, each year, the number of organs donated in the United States falls tragically short of the need. Sadly, more than 55,000 people are on the national organ transplant waiting list and about 10 will die each day as the waiting lists continue to grow.
- Organ donation is increasing, but not fast enough to come close to meeting the need. In recent years, progress has been made in creating awareness of the need for organ donation. Most Americans indicate they support organ donation. Nonetheless, only about 50 percent of families asked to donate a loved one's organs agree to do so. Moreover, thousands of opportunities to donate are missed each year, either because families do not know what their loved ones wanted, or because potential donors are not identified for organ procurement organizations and their families are never asked.
- To address these barriers to donation, government and private sector partnerships must be focused on \* \* \*
- \* \* \* that we from government and the private sector. But most importantly, we need volunteers willing to share the gift of life. To achieve this goal, there must be an emphasis on increasing consent to donation and referrals to organ procurement organizations.
- However, we must also ensure that our social and work environments are amenable to persons serving as donors. That is why I urge support of my legislation **H.R. 457**, the Organ Donor



Leave Act, which would provide federal employees an additional 7 days to serve as a bone-marrow donor, and 30 days to serve as an organ donor.

- Passage of this measure would stand as a model for private employees to amend their personnel policies to grant additional paid leave to living donors who give bone marrow, a kidney, or other organs.
- Without donors, transplant surgeons cannot save even one life. With just one donor, they can save and improve as many as 50 lives. I believe that we must all pledge to join the national community of organ and tissue sharing by closing the gap between donated organs and tissue and the people who need them.
- With this commitment, we pave the way for our nation to be able to answer the hopes and needs of those who now wait too long for a second chance at life.
- I urge support of **H.R. 457** and challenge all Americans to say 'yes' to organ and tissue donation.

---

**THIS SEARCH**[Next Hit](#)[Prev Hit](#)[Hit List](#)**THIS DOCUMENT**[Forward](#)[Back](#)[Best Sections](#)[Doc Contents](#)**THIS CR ISSUE**[Next Document](#)[Prev Document](#)[Daily Digest](#)**GO TO**[New CR Search](#)[HomePage](#)[Help](#)

---

---

<b><u>THIS SEARCH</u></b>	<b><u>THIS DOCUMENT</u></b>	<b><u>GO TO</u></b>
<a href="#">Next Hit</a>	<a href="#">Forward</a>	<a href="#">New Bills Search</a>
<a href="#">Prev Hit</a>	<a href="#">Back</a>	<a href="#">HomePage</a>
<a href="#">Hit List</a>	<a href="#">Best Sections</a>	<a href="#">Help</a>
	<a href="#">Doc Contents</a>	

---

**Bill 1 of 4**

There are 3 other versions of this bill.

<a href="#">GPO's PDF version of this bill</a>	<a href="#">References to this bill in the Congressional Record</a>	<a href="#">Link to House Committee Report 174</a>	<a href="#">Link to the Bill Summary &amp; Status file.</a>	<a href="#">Full Display - 1,958 bytes. [Help]</a>
--	---	--	---	--

**Organ Donor Leave Act (Referred in Senate)**

HR 457 RFS

106th CONGRESS

1st Session

**H. R. 457****IN THE SENATE OF THE UNITED STATES****July 27, 1999**

Received; read twice and referred to the Committee on Governmental Affairs

**AN ACT**

To amend title 5, United States Code, to increase the amount of leave time available to a Federal employee in any year in connection with serving as an organ donor, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. INCREASED LEAVE TIME TO SERVE AS AN ORGAN DONOR.**

(a) **SHORT TITLE-** This Act may be cited as the 'Organ Donor Leave Act'.

(b) **IN GENERAL-** Subsection (b) of the first section 6327 of title 5, United States Code (relating to absence in connection with serving as a bone-marrow or organ donor) is amended to read as follows:

'(b) An employee may, in any calendar year, use--

'(1) not to exceed 7 days of leave under this section to serve as a bone-marrow donor;  
and

'(2) not to exceed 30 days of leave under this section to serve as an organ donor.'

(c) TECHNICAL AMENDMENTS- (1) The second section 6327 of title 5, United States Code (relating to absence in connection with funerals of fellow Federal law enforcement officers) is redesignated as section 6328.

(2) The table of sections at the beginning of chapter 63 of title 5, United States Code, is amended by adding after the item relating to section 6327 the following:

'6328. Absence in connection with funerals of fellow Federal law enforcement officers.'

Passed the House of Representatives July 26, 1999.

Attest:

JEFF TRANDAHL,

Clerk.

---

*Bill Summary & Status for the 106th Congress*

---

**NEW SEARCH | HOME | HELP**

---

**H.R.457**

SPONSOR: Rep Cummings, Elijah E. (introduced 02/02/99)

A bill to amend title 5, United States Code, to increase the amount of leave time available to a Federal employee in any year in connection with serving as an organ donor, and for other purposes.

---

All Bill Summary & Status Info (except Bill Text)

Titles

Status:

- Detailed Legislative Status
- Floor/Executive Actions
- Congressional Record Page References

Committees:

- Referral, Reporting, Origin, Subcommittees
- Other Committee Information

Amendments

Subjects

Cosponsors (24)

Summary

Text of Legislation



D-Note  
State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-3456/1

RAC:.....

Soor

Jlg

1999 BILL

gen-cat

1 AN ACT ...; relating to: ✓ paid leaves of absence for state employes for the purpose  
2 of serving as bone marrow and human organ donors.

*Analysis by the Legislative Reference Bureau*

This bill requires the chief administrative officer of any state agency to permit an employe to take a leave of absence if the employe requests the leave of absence to serve as a bone marrow donor or a human organ donor. An employe who serves as a bone marrow donor may take a leave of absence not to exceed 5 workdays a year. An employe who serves as a human organ donor may take a leave of absence not to exceed 30 workdays a year. Under the bill, any employe who takes such a leave of absence is entitled to receive his or her base state pay without interruption during the leave of absence. For purposes of determining seniority, pay or pay advancement and performance awards, the service of the employe shall be considered uninterrupted by the leave of absence.

~~five~~ five

For further information see the *state* 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:*

3 SECTION 1. 111.93 (3) ✓ of the statutes is amended to read:  
4 111.93 (3) Except as provided in ss. 40.05, 40.80 (3), 111.91 (1) (cm), ✓ 230.35 (2d)  
5 and 230.88 (2) (b), if a collective bargaining agreement exists between the employer

## BILL

1 and a labor organization representing employes in a collective bargaining unit, the  
 2 provisions of that agreement shall supersede the provisions of civil service and other  
 3 applicable statutes, as well as rules and policies of the board of regents of the  
 4 university of Wisconsin system, related to wages, fringe benefits, hours and  
 5 conditions of employment whether or not the matters contained in those statutes,  
 6 rules and policies are set forth in the collective bargaining agreement.

History: 1971 c. 270, 336; 1977 c. 196 s. 131; 1981 c. 187; 1983 ~~A~~ 46, 409; 1985 a. 42; 1989 a. 13, 31.

7 **SECTION 2.** 230.35 (2d) of the statutes is created to read:

8 230.35 (2d) (a) In this subsection:

9 1. "Bone marrow" has the meaning given in s. 146.34 (1) (a).

10 2. "Human organ" means a human kidney, liver, heart, lung, pancreas, ~~bone~~

11 ~~marrow~~, cornea, eye, bone or skin or any other human organ specified by the  
 12 department by rule.

13 (b) An appointing authority shall grant a leave of absence to any employe who  
 14 requests a leave of absence to serve as a bone marrow donor. A leave of absence  
 15 granted under this paragraph may not exceed ~~3~~<sup>5</sup> workdays in any year.

16 (c) An appointing authority shall grant a leave of absence to any employe who  
 17 requests a leave of absence to serve as a human organ donor. A leave of absence  
 18 granted under this paragraph may not exceed 30 workdays in any year.

19 (d) An employe who is granted a leave of absence under this subsection shall  
 20 receive his or her base state pay without interruption during the leave of absence.  
 21 For purposes of determining seniority, pay or pay advancement and performance  
 22 awards, the service of the employe shall be considered uninterrupted by the leave of  
 23 absence.

**BILL**

1 (e) This subsection shall apply to employes who are included in a collective  
2 bargaining unit for which a representative is recognized or certified under subch. V  
3 of ch. 111 unless otherwise provided in a collective bargaining agreement.

4 **SECTION 3. Initial applicability.**

5 (1) This act first applies to employes who are covered by a collective bargaining  
6 agreement under subchapter V of chapter 111 of the statutes that is in effect on the  
7 effective date of this subsection on the day on which the collective bargaining  
8 agreement expires or is extended, modified or renewed, whichever occurs first.

9 (END)

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

LRB-3456/1dn

RAC:.....

↑  
JG

Please note that under the federal proposal, federal employes are entitled to *paid* leaves of absence for the purpose of serving as bone marrow or human organ donors. I assume that this is your intent for state employes in Wisconsin. If you do not wish for the employes to be paid during the leave of absence, please advise and I will redraft.

The bill also provides that the program will apply to employes in collective bargaining units unless their collective bargaining agreements provide otherwise. Without this provision, the employes would have to bargain for the paid benefit. is this your intent?

Richard A. Champagne  
Legislative Attorney  
Phone: (608) 266-9930  
E-mail: Rick.Champagne@legis.state.wi.us

It Also, you may wish to make certain that the way in which I defined "human <sup>organ</sup> organ" is consistent with your intent.



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

LRB-3456/1dn  
RAC:jlg:hmh

August 30, 1999

Please note that under the federal proposal, federal employees are entitled to *paid* leaves of absence for the purpose of serving as bone marrow or human organ donors. I assume that this is your intent for state employees in Wisconsin. If you do not wish for the employees to be paid during the leave of absence, please advise and I will redraft.

Also, you may wish to make certain that the way in which I defined "human organ" is consistent with your intent.

The bill also provides that the program will apply to employees in collective bargaining units unless their collective bargaining agreements provide otherwise. Without this provision, the employees would have to bargain for the paid benefit. Is this your intent?

Richard A. Champagne  
Legislative Attorney  
Phone: (608) 266-9930  
E-mail: Rick.Champagne@legis.state.wi.us

Reek -

① I don't think it's good to include  
cornea, skin etc. -

so are definition of vascular organ  
in 157.06 (1)(2), if that's ok.

② p. 2 (b) + (c) We don't want to give  
the employer description for how many  
days granted for leave

③ (d) do we need to include "foreign  
benefits" in our list?

④ to be clear, do we need to add:  
employees not in collective bargaining  
units?

⑤ Is section 3 necessary? Since it is  
of benefit to employees. - can't it  
apply immediately?

call me if there are questions. Helen Forster  
6-5302

**SUBMITTAL  
FORM**

**LEGISLATIVE REFERENCE BUREAU  
Legal Section Telephone: 266-3561  
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 08/31/1999

To: Representative Krug

Relating to LRB drafting number: LRB-3456

**Topic**

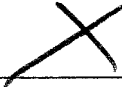
Provide state employes leave for donation of bone marrow or organs

**Subject(s)**

Employ Pub - miscellaneous

1. **JACKET** the draft for introduction \_\_\_\_\_

in the **Senate** \_\_\_\_ or the **Assembly** \_\_\_\_ (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT**. See the changes indicated or attached  \_\_\_\_\_.

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction \_\_\_\_\_.

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Richard A. Champagne, Legislative Attorney  
Telephone: (608) 266-9930

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

LRB-3456/1dn  
RAC:jlg:hmh

August 30, 1999

Please note that under the federal proposal, federal employes are entitled to *paid* leaves of absence for the purpose of serving as bone marrow or human organ donors. I assume that this is your intent for state employes in Wisconsin. If you do not wish for the employes to be paid during the leave of absence, please advise and I will redraft.

Also, you may wish to make certain that the way in which I defined "human organ" is consistent with your intent.

The bill also provides that the program will apply to employes in collective bargaining units unless their collective bargaining agreements provide otherwise. Without this provision, the employes would have to bargain for the paid benefit. Is this your intent?

Richard A. Champagne  
Legislative Attorney  
Phone: (608) 266-9930  
E-mail: Rick.Champagne@legis.state.wi.us



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-3456/1  
RAC:jlg:hmh

1999 BILL

1 AN ACT to amend 111.93 (3); and to create 230.35 (2d) of the statutes; relating  
2 to: paid leaves of absence for state employes for the purpose of serving as bone  
3 marrow and human organ donors.

---

*Analysis by the Legislative Reference Bureau*

This bill requires the chief administrative officer of any state agency to permit an employe to take a leave of absence if the employe requests the leave of absence to serve as a bone marrow donor or a human organ donor. An employe who serves as a bone marrow donor may take a leave of absence not to exceed five workdays a year. An employe who serves as a human organ donor may take a leave of absence not to exceed 30 workdays a year. Under the bill, any employe who takes such a leave of absence is entitled to receive his or her base state pay without interruption during the leave of absence. For purposes of determining seniority, pay or pay advancement and performance awards, the service of the employe shall be considered uninterrupted by the leave of absence.

For further information see the *state* 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:*

4 SECTION 1. 111.93 (3) of the statutes is amended to read:

**BILL**

1 (e) This subsection shall apply to employees who are included in a collective  
2 bargaining unit for which a representative is recognized or certified under subch. V  
3 of ch. 111 unless otherwise provided in a collective bargaining agreement, and shall  
4 apply to employees not included in a collective bargaining unit.  
**SECTION 3. Initial applicability.**

5 (1) This act first applies to employees who are covered by a collective bargaining  
6 agreement under subchapter V of chapter 111 of the statutes that is in effect on the  
7 effective date of this subsection on the day on which the collective bargaining  
8 agreement expires or is extended, modified or renewed, whichever occurs first.

9 (END)

*Is Section 3 necessary?*



D-Note  
State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-3456/2  
RAC:jlg:hmh

Seon

RM has been  
run

1999 BILL

and the receipt of any benefit  
that may be affected by a leave  
of absence

Regen

1 AN ACT to amend 111.93 (3); and to create 230.35 (2d) of the statutes; relating  
2 to: paid leaves of absence for state employes for the purpose of serving as bone  
3 marrow and human organ donors.

*Analysis by the Legislative Reference Bureau*

any state  
of

This bill requires the chief administrative officer of any state agency to permit  
an employe to take a leave of absence if the employe requests the leave of absence  
to serve as a bone marrow donor or a human organ donor. An employe who serves  
as a bone marrow donor may take a leave of absence ~~not to exceed five workdays a~~  
~~year.~~ An employe who serves as a human organ donor may take a leave of absence  
~~not to exceed 30 workdays a year.~~ Under the bill, any employe who takes such a leave  
of absence is entitled to receive his or her base state pay without interruption during  
the leave of absence. For purposes of determining seniority, pay or pay advancement  
and performance awards, the service of the employe shall be considered  
uninterrupted by the leave of absence.

For further information see the *state* 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:*

4 SECTION 1. 111.93 (3) of the statutes is amended to read:

**BILL**

1 (e) ~~This subsection shall apply to~~ <sup>For</sup> employees who are included in a collective  
 2 bargaining unit for which a representative is recognized or certified under subch. V  
 3 of ch. 111 <sup>, this subsection shall apply to ~~new~~ employees</sup> unless otherwise provided in a collective bargaining agreement.

**SECTION 3. Initial applicability.**

4  
 5 (1) This act first applies to employees who are covered by a collective bargaining  
 6 agreement under subchapter V of chapter 111 of the statutes that is in effect on the  
 7 effective date of this subsection on the day on which the collective bargaining  
 8 agreement expires or is extended, modified or renewed, whichever occurs first.

(END)

D-note





**1999-2000 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-3456/2ins  
RAC::

**Insert 2-12:**

2. "Human organ" has the meaning given for "vascularized organ" in s. 157.06

(1) (L).<sup>✓</sup>

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

LRB-3456/2dn

RAC:

← JG

Per your request, I changed the bill to require that the appointing authority give a bone marrow donor a leave of absence of 5<sup>✓</sup> workdays and a human organ donor a leave of absence of 30<sup>✓</sup> 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)<sup>✓</sup> 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)<sup>✓</sup>, 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.

Rick Champagne  
Legislative Attorney  
Phone: (608) 266-9930  
E-mail: Rick.Champagne@legis.state.wi.us

**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.

Rick Champagne  
Legislative Attorney  
Phone: (608) 266-9930  
E-mail: Rick.Champagne@legis.state.wi.us

**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.

Rick Champagne  
Legislative Attorney  
Phone: (608) 266-9930  
E-mail: Rick.Champagne@legis.state.wi.us

Per  
Helen -  
take out  
Inid. App.  
section



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-3456/2 3

RAC;jlg:hmh

R.M. has been

run

1999 BILL

Reger

1 AN ACT to amend 111.93 (3); and to create 230.35 (2d) of the statutes; relating  
2 to: paid leaves of absence for state employees for the purpose of serving as bone  
3 marrow and human organ donors.

---

*Analysis by the Legislative Reference Bureau*

This bill requires the chief administrative officer of any state agency to permit any state employe to take a leave of absence if the employe requests the leave of absence to serve as a bone marrow donor or a human organ donor. An employe who serves as a bone marrow donor may take a leave of absence of five workdays. An employe who serves as a human organ donor may take a leave of absence of 30 workdays. Under the bill, any employe who takes such a leave of absence is entitled to receive his or her base state pay without interruption during the leave of absence. For purposes of determining seniority, pay or pay advancement and performance awards and the receipt of any benefit that may be affected by a leave of absence, the service of the employe shall be considered uninterrupted by the leave of absence.

For further information see the *state* 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:*

4 SECTION 1. 111.93 (3) of the statutes is amended to read:

**BILL**

1  
2  
3  
4  
5  
6

**SECTION 3. Initial applicability.**

(1) This act first applies to employees who are covered by a collective bargaining agreement under subchapter V of chapter 111 of the statutes that is in effect on the effective date of this subsection on the day on which the collective bargaining agreement expires or is extended, modified or renewed, whichever occurs first.

(END)

**SUBMITTAL  
FORM**

**LEGISLATIVE REFERENCE BUREAU  
Legal Section Telephone: 266-3561  
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 09/03/1999

To: Representative Krug

Relating to LRB drafting number: LRB-3456

**Topic**

Provide state employes leave for donation of bone marrow or organs

**Subject(s)**

Employ Pub - miscellaneous

1. **JACKET** the draft for introduction \_\_\_\_\_  
in the **Senate** \_\_\_\_\_ or the **Assembly**  (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT**. See the changes indicated or attached \_\_\_\_\_.  
A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction \_\_\_\_\_.  
If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Richard A. Champagne, Legislative Attorney  
Telephone: (608) 266-9930