

March 2, 2000

Assembly Bill 545 (Kreuser/Erpenbach)

Leaves of Absence for State Employees to Serve as Bone Marrow and Human Organ Donors

Summary of proposal

This bill would require state agencies (except the Legislature, Judiciary & state authorities) to grant paid leave of absence of 5 days for any state employee who requests it in order to be a bone marrow donor, or 30 days to any employee who requests it to be an organ donor. The organs specified in the bill to be donated include the heart. I'm not sure how you collect on this one.

For the Legislature, Judiciary & state authorities, the benefit is not automatic, the employee has to have the approval of their appointing authority.

This benefit will not be a subject of collective bargaining.

Employees would not have to use any accrued sick leave or vacation time. The time granted would be in addition to any other leave granted.

It is impossible to estimate the fiscal effect of this bill. Some employees may have to be replaced on an interim basis (i.e., prison guards or state troopers).

Standing Committee Action

Assembly Amend 1 requires written verification that the employee is to serve as an organ donor or bone marrow donor. Adopted on a 4-0 vote

AB 545 as amended passed on a 3-1 vote (Nass objected)

Staff Comments

Seems like good public policy. But I still want to know how heart donors are going to be able to cash in on this. Seems like a common sense amendment would be to delete "heart" as an organ to be donated under this provision.

Recommended JFC Action-

Adopt AA 1.
Passage of AB 545 as amended.

Prepared by: Cindy



Legislative Fiscal Bureau

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March 2, 2000

TO: Members
Joint Committee on Finance

FROM: Bob Lang, Director

SUBJECT: Assembly Bill 545: Leaves of Absence for State Employees to Serve as Bone Marrow and Human Organ Donors

SUMMARY OF BILL

Leave of Absence for State Employees to Serve as Bone Marrow and Human Organ Donors. Assembly Bill 545 would require an appointing authority of a state agency to grant a paid leave of absence of: (1) five work days to any state employee who requests a leave of absence to serve as a bone marrow donor; and (2) 30 days to any state employee who requests a leave of absence to serve as a human organ donor. Under the bill, "bone marrow" is defined as the soft material that fills the human bone cavities and "human organ" is defined for the purposes of this bill as the heart, lung, liver, pancreas, kidney, intestine or other organ that requires the continuous circulation of blood to remain useful for the purpose of transplantation.

Under the current law definition of state agency that would be applicable under the AB 545 [s. 230.03(3) of the statutes], the provisions of the bill would not apply to employees of the legislative branch, the judicial branch or state authorities. Such employees would not be accorded the new leave of absence benefits under the bill but could be awarded the benefit upon the approval of the employee's appointing authority.

Under the bill, when an appointing authority is granted a leave of absence to an employee to serve as a bone marrow or human organ donor, the employee would continue to receive his or her base pay without interruption during the leave of absence. The employee would not be required to use sick leave or existing vacation leave. Further, AB 545 would provide that for the purpose of determining seniority, pay or pay advancement, and performance awards and for the receipt of any benefit that may be affected by the leave of absence, the service of the employee would be considered uninterrupted by the leave of absence.

Applicability of AB 545 to Represented State Employees. Under current law [s. 111.93(3) of the statutes], unless otherwise expressly provided, if a collective bargaining agreement exists for represented state employees, the provisions of that agreement supersede the provisions of civil service law and other applicable statutes that relate to wages, fringe benefits, hours and conditions of employment, only to the extent the provisions as contained in those statutes are also set forth in the collective bargaining agreement.

AB 545 would specifically exempt the new leave of absence benefit for bone marrow or human organ donation from the current s. 111.93(3) provision that the collective bargaining agreement controls unless the agreement specifically addresses the new benefit. AB 545 would expressly provide that represented employees are covered by the new leave of absence provisions of the bill unless otherwise provided in the collective bargaining agreement. Thus, under AB 545, a represented employee would be exempted from coverage by the new leave of absence provisions only if the collective bargaining agreement specifically stipulated that the new provisions not apply to the employees covered by the agreement. Consequently, represented employees would be covered by the provisions of AB 545 even if the collective bargaining agreement (including any current collective bargaining agreement) is silent on this new benefit.

AB 545, as amended by Assembly Amendment 1, has been recommended for passage by the Assembly Committee on Government Operations, on a vote of 3-1.

ASSEMBLY AMENDMENT 1

Assembly Amendment 1 was offered by the Assembly Committee on Government Operations and was adopted on a vote of 4-0. The amendment would specify that the agency appointing authority must grant an employee's leave of absence for the purpose of bone marrow or human organ donation provided the employee supplies the appointing authority with "written verification" that the employee is to serve as a bone marrow or human organ donor.

FISCAL EFFECT

There are two ways in which one can view the fiscal impacts that could be associated with the proposed granting of paid leaves of absence to state employees for the purpose of serving as a bone marrow or human organ donor. The first type of impact would be a measurement of the value of salary and fringe benefits for each day of state service which would not be performed by an actual employee on an approved leave of absence but for which compensation would continue to be paid; in other words, the value to the employee of an additional paid day off. This type of fiscal impact would not represent an increased cost to the state but instead would represent the value of services foregone.

The second type of impact associated with granting these paid leaves of absence would be the increased expenditures for any salaries and fringe benefits paid to any new interim employees,

or for overtime paid to existing employees, that might be required to provide the services otherwise foregone during the period of the original employee's leave of absence. Examples of where this might occur would be where the employer must expend additional funds to replace the services of a prison guard or state trooper whose shift must be covered during the incumbent employee's leave of absence. In such cases, the employer would incur additional costs.

There is no available data on which to provide an estimate of how often leaves of absence might actually be granted under AB 545 nor on how many replacement employees and how much overtime expense, if any, might be required during any leave of absence. However, since AB 545 would not appropriate any additional funds to agencies, to the extent that any new costs were incurred by a state agency, they would have to be supported from within the agency's budgeted base level resources unless other supplemental funding were subsequently provided.

Prepared by: Tony Mason