

State of Misconsin 1995 - 1996 LEGISLATURE

# ASSEMBLY SUBSTITUTE AMENDMENT 1, TO 1995 ASSEMBLY BILL 614

March 11, 1996 - Offered by Representative R. YOUNG.

AN ACT to repeal 103.10 (3) (a) 2., 103.10 (3) (a) 3., 103.10 (3) (b) (intro.), 103.10 1  $\mathbf{2}$ (3) (c), 103.10 (4) (title), 103.10 (4) (b), 103.10 (12) (c), 103.10 (13) (b) 2., 103.10 3 (14) (b), 252.17 (3) (i) and 252.17 (4) (c); to renumber 103.10 (3) (b) 3., 103.10 4 (3) (d) and 103.10 (4) (c); to renumber and amend 103.10 (3) (a) 1., 103.10 (3)  $\mathbf{5}$ (b) 1., 103.10 (3) (b) 2., 103.10 (4) (a), 103.10 (7) (c) and 103.10 (14) (a); to consolidate, renumber and amend 103.10 (13) (b) (intro.) and 1.; to amend 6 7 103.10 (1) (a) (intro.), 103.10 (1) (a) 2., 103.10 (1) (c), 103.10 (1) (d), 103.10 (1) 8 (f), 103.10 (1) (g) (intro.), 103.10 (1) (g) 2., 103.10 (2) (c), 103.10 (3) (title), 103.10 9 (6) (a), 103.10 (6) (b) (intro.), 103.10 (6) (b) 1., 103.10 (6) (b) 2., 103.10 (7) (a), 10 103.10 (7) (b) 4., 103.10 (8) (a), 103.10 (8) (b), 103.10 (9) (b), 103.10 (12) (b), 11 103.10 (12) (d), 103.10 (13) (a), 111.322 (2m) (a), 111.322 (2m) (b), 252.17 (4) (a) 12and 632.897 (6); to repeal and recreate 103.10 (8) (c), 103.10 (9) (c), 103.10 13 (9) (d) and 103.10 (11) (c); and to create 103.10 (4g) (title), 103.10 (7) (c) 2., 14 103.10 (7) (d), 103.10 (7) (e), 103.10 (8) (d), 103.10 (11) (d), 103.10 (12) (e), 103.10 15(12) (f), 103.10 (12) (g), 103.10 (13) (c), 103.10 (15) and 103.10 (16) of the statutes; relating to: various changes to the family and medical leave law and
 granting rule-making authority.

# The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3	SECTION 1. 103.10 (1) (a) (intro.) of the statutes is amended to read:
4	103.10 (1) (a) (intro.) "Child" means a natural, adopted, foster or treatment
5	foster child, a stepchild or a legal ward <u>, or an individual for whom an employe stands</u>
6	in the place of a parent, to whom any of the following applies:
7	<b>SECTION 2.</b> 103.10 (1) (a) 2. of the statutes is amended to read:
8	103.10 (1) (a) 2. The individual is 18 years of age or older and cannot care for
9	himself or herself is incapable of self-care because of a serious health condition
10	mental or physical disability.
11	<b>SECTION 3.</b> 103.10 (1) (c) of the statutes is amended to read:
12	103.10 (1) (c) Except as provided in sub. (14) (b), "employer" "Employer" means
13	a person engaging in any activity, enterprise or business in this state employing at
14	least 50 individuals <del>on a permanent basis</del> <u>for each working day during each of 20 or</u>
15	more calendar weeks in the current or preceding year. "Employer" includes the state,
16	its political subdivisions and any office, department, independent agency, authority,
17	institution, association, society or other body in state <u>or local</u> government created or
18	authorized to be created by the constitution or any law, including the legislature and
19	the courts. <u>"Employer" also includes any person who acts, directly or indirectly, in</u>
20	the interest of an employer with respect to an employe and any successor in interest
21	<u>of an employer.</u>
22	<b>SECTION 4.</b> 103.10 (1) (d) of the statutes is amended to read:

1	103.10 (1) (d) "Employment benefit" means an insurance, leave or retirement
2	<u>a</u> benefit <del>which</del> <u>that</u> an employer <u>provides or</u> makes available to an employe <u>.</u>
3	including group life insurance, health insurance, disability insurance, sick leave,
4	annual leave, educational benefits and pensions, regardless of whether those
5	benefits are provided by a practice or policy of the employer or through an employe
6	<u>benefit plan, as defined in 29 USC 1002 (3)</u> .
7	<b>SECTION 5.</b> 103.10 (1) (f) of the statutes is amended to read:
8	103.10 (1) (f) "Parent" means a natural biological parent, foster parent,
9	treatment foster parent, adoptive parent, stepparent or legal guardian of an employe
10	or an employe's spouse <u>or a person who stood in the place of a parent of the employe</u>
11	or the employe's spouse when the employe or spouse was a child.
12	<b>SECTION 6.</b> 103.10 (1) (g) (intro.) of the statutes is amended to read:
13	103.10 (1) (g) (intro.) "Serious health condition" means a disabling physical or
14	mental <u>an</u> illness, injury, impairment or <u>physical or mental</u> condition involving any
15	of the following:
16	<b>SECTION 7.</b> 103.10 (1) (g) 2. of the statutes is amended to read:
17	103.10 (1) (g) 2. Outpatient care that requires continuing Continuing
18	treatment <del>or supervision</del> by a health care provider.
19	<b>SECTION 8.</b> 103.10 (2) (c) of the statutes is amended to read:
20	103.10 (2) (c) This section only applies to an employe who has been employed
21	for more than 52 consecutive weeks by the same employer for more than $52$
22	consecutive weeks from whom leave under sub. (3) is requested and who worked for
23	the <u>that</u> employer for at least 1,000 hours during the preceding 52-week period.
24	<b>SECTION 9.</b> 103.10 (3) (title) of the statutes is amended to read:
25	103.10 (3) (title) FAMILY ENTITLEMENT TO LEAVE.

- 3 -

1995 – 1996 Legislature – 4 –

1	<b>SECTION 10.</b> 103.10 (3) (a) 1. of the statutes is renumbered 103.10 (3) (intro.)
2	and amended to read:
3	103.10 (3) (intro.) In a 12-month period no an employe may take more than 6
4	<u>12</u> weeks of <del>family</del> leave <del>under par. (b) 1. and 2.</del> <u>for any one or more of the following</u>
5	reasons:
6	<b>SECTION 11.</b> 103.10 (3) (a) 2. of the statutes is repealed.
7	<b>SECTION 12.</b> 103.10 (3) (a) 3. of the statutes is repealed.
8	SECTION 13. 103.10 (3) (b) (intro.) of the statutes is repealed.
9	<b>SECTION 14.</b> 103.10 (3) (b) 1. of the statutes is renumbered 103.10 (3) (a) and
10	amended to read:
11	103.10 (3) (a) The birth of the employe's natural child, if the leave begins within
12	<del>16 weeks of <u>12</u> months before or after</del> the child's birth.
13	<b>SECTION 15.</b> 103.10 (3) (b) 2. of the statutes is renumbered 103.10 (3) (b) and
14	amended to read:
15	103.10 (3) (b) The placement of a child with the employe for adoption or as a
16	precondition to adoption under s. 48.90 (2), but not both, or for foster care, if the leave
17	begins within <del>16 weeks of</del> <u>12 months before or after</u> the child's placement.
18	<b>SECTION 16.</b> 103.10 (3) (b) 3. of the statutes is renumbered 103.10 (3) (c).
19	SECTION 17. 103.10 (3) (c) of the statutes is repealed.
20	<b>SECTION 18.</b> 103.10 (3) (d) of the statutes is renumbered 103.10 (4g) (a).
21	SECTION 19. 103.10 (4) (title) of the statutes is repealed.
22	SECTION 20. 103.10 (4) (a) of the statutes is renumbered 103.10 (3) (d) and
23	amended to read:
24	103.10 (3) (d) Subject to pars. (b) and (c), an employe who has a A serious health
25	condition <del>which</del> <u>that</u> makes the employe unable to perform <del>his or her employment</del>

1	duties may take medical leave for the period during which he or she is unable to
2	perform those duties the functions of the employe's position.
3	<b>SECTION 21.</b> 103.10 (4) (b) of the statutes is repealed.
4	<b>SECTION 22.</b> 103.10 (4) (c) of the statutes is renumbered 103.10 (4g) (b).
5	<b>SECTION 23.</b> 103.10 (4g) (title) of the statutes is created to read:
6	103.10 (4g) (title) SCHEDULING OF LEAVE.
7	<b>SECTION 24.</b> 103.10 (6) (a) of the statutes is amended to read:
8	103.10 (6) (a) If an employe intends to take family leave for the reasons in <u>under</u>
9	sub. (3) (b) 1. or 2. (a) or (b) that is foreseeable because of the expected birth or
10	<u>placement of a child</u> , the employe shall <del>, in a reasonable and practicable manner,</del> give
11	the employer <del>advance</del> notice of the <del>expected birth or placement</del> <u>employe's intention</u>
12	to take that leave not less than 30 days before the date the leave is to begin, except
13	<u>that if the date of the birth or placement requires the leave to begin in less than 30</u>
14	days, the employe shall provide notice to the employer in a reasonable and
15	<u>practicable manner</u> .
16	<b>SECTION 25.</b> 103.10 (6) (b) (intro.) of the statutes is amended to read:
17	103.10 (6) (b) (intro.) If an employe intends to take family leave because of
18	under sub. (3) (c) or (d) that is foreseeable based on the planned medical treatment
19	<del>or supervision</del> of <u>the employe or of</u> a child, spouse or parent <del>or intends to take medical</del>
20	leave because of the planned medical treatment or supervision of the employe, the
21	employe shall do all of the following:
22	<b>SECTION 26.</b> 103.10 (6) (b) 1. of the statutes is amended to read:
23	103.10 (6) (b) 1. Make a reasonable effort to schedule the medical treatment
24	<del>or supervision</del> so that it does not unduly disrupt the employer's operations, subject
25	to the approval of the health care provider of the child, spouse, parent or employe.

1	SECTION 27. 103.10 (6) (b) 2. of the statutes is amended to read:
2	103.10 (6) (b) 2. Give the employer advance notice of the medical treatment or
3	supervision employe's intention to take that leave not less than 30 days before the
4	leave is to begin, except that if the date of the treatment requires the leave to begin
5	in less than 30 days, the employe shall provide notice to the employer in a reasonable
6	and practicable manner.
7	SECTION 28. 103.10 (7) (a) of the statutes is amended to read:
8	103.10 (7) (a) If an employe requests family leave for a reason described in
9	under sub. (3) (b) 3. or requests medical leave (c) or (d), the employer may require the
10	employe to provide certification, as described in par. (b), issued by the health care
11	provider or Christian Science practitioner of the child, spouse, parent or employe,
12	whichever is appropriate, and the employe shall provide a copy of that certification
13	to the employer in a timely manner.
14	<b>SECTION 29.</b> 103.10 (7) (b) 4. of the statutes is amended to read:
15	103.10 (7) (b) 4. If the employe requests medical leave, an explanation of the
16	extent to which under sub. (3) (d), a statement that the employe is unable to perform
17	his or her employment duties the functions of the employe's position.
18	<b>SECTION 30.</b> 103.10 (7) (c) of the statutes is renumbered 103.10 (7) (c) 1. and
19	amended to read:
20	103.10 (7) (c) 1. The If the employer has reason to doubt the validity of a
21	certification provided under par. (a), the employer may require the employe to obtain
22	the opinion of a 2nd health care provider, <del>chosen</del> <u>designated</u> , or approved, and paid
23	for by the employer, concerning any information certified under par. (b).
24	SECTION 31. 103.10 (7) (c) 2. of the statutes is created to read:

- 6 -

1	103.10 (7) (c) 2. A health care provider designated or approved under subd. 1.
2	may not be employed on a regular basis by the employer.
3	<b>SECTION 32.</b> 103.10 (7) (d) of the statutes is created to read:
4	103.10 (7) (d) If a 2nd opinion obtained under par. (c) 1. differs from the opinion
5	in the certification provided under par. (a), the employer may require the employe
6	to obtain the opinion of a 3rd health care provider, designated, or approved, by the
7	employer and employe jointly and paid for by the employer, concerning any
8	information certified under par. (b). The employer and employe shall accept the 3rd
9	opinion obtained under this paragraph as final and binding upon them.
10	<b>SECTION 33.</b> 103.10 (7) (e) of the statutes is created to read:
11	103.10 (7) (e) The employer may require that an employe obtain
12	recertifications after the original certification under par. (b) on a reasonable basis.
13	<b>SECTION 34.</b> 103.10 (8) (a) of the statutes is amended to read:
14	103.10 (8) (a) Subject to par. (c) (d), when an employe returns from who takes
15	family leave or medical leave <u>returns from that leave</u> , his or her employer shall
16	immediately place the employe in an employment position as follows:
17	1. If <u>In</u> the employment position which the employe held <del>immediately before</del>
18	when the family leave or medical leave began is vacant when the employe returns,
19	in that position.
20	2. If the employment position which the employe held immediately before the
21	family leave or medical leave began is not vacant when the employe returns, in <u>In</u>
22	an equivalent employment position having equivalent compensation, employment
23	benefits, working shift, hours of employment and other terms and conditions of
24	employment.
25	<b>SECTION 35.</b> 103.10 (8) (b) of the statutes is amended to read:

1	103.10 (8) (b) No employer may, because an employe received family leave or
2	medical leave, reduce or deny an employment benefit which accrued to the employe
3	before his or her leave began <del>or, consistent with sub. (9), accrued after his or her leave</del>
4	began.
5	<b>SECTION 36.</b> 103.10 (8) (c) of the statutes is repealed and recreated to read:
6	103.10 (8) (c) An employer may require an employe who is on family or medical
7	leave to report periodically to the employer on the employe's status and intention of
8	returning to work.
9	<b>SECTION 37.</b> 103.10 (8) (d) of the statutes is created to read:
10	103.10 (8) (d) Notwithstanding par. (a), an employer may adopt a uniformly
11	applied practice or policy that requires an employe who is returning from leave under
12	sub. (3) (d) to obtain a certification from the employe's health care provider that the
13	employe is able to return to work.
14	<b>SECTION 38.</b> 103.10 (9) (b) of the statutes is amended to read:
15	103.10 (9) (b) Subject to par. (c), during a period <u>that</u> an employe takes family
16	leave or medical leave, his or her employer shall maintain group health insurance
17	coverage <u>at the level and</u> under the conditions that <del>applied immediately before the</del>
18	family leave or medical leave began. If the employe continues making any
19	contribution required for participation in the group health insurance plan, the
20	employer shall continue making group health insurance premium contributions as
21	if the employe had not taken the family leave or medical the employer would have
22	provided coverage if the employe had continued in employment continuously during
23	<u>that</u> leave.
24	SECTION 39. 103.10 (9) (c) of the statutes is repealed and recreated to read:

- 8 -

1 103.10 (9) (c) An employer may recover from an employe the premium paid by 2 the employer to maintain group health insurance coverage for the employe during 3 a period of unpaid family leave or medical leave if the employe fails to return from 4 that leave after the period of leave to which the employe is entitled has expired for 5 a reason other than the continuation, recurrence or onset of a serious health 6 condition that entitles the employe to leave under sub. (3) (c) or (d) or other 7 circumstances beyond the control of the employe.

8

**SECTION 40.** 103.10 (9) (d) of the statutes is repealed and recreated to read:

9 103.10 (9) (d) If an employe claims that he or she is unable to return to work 10 because of the continuation, recurrence or onset of a serious health condition that 11 entitles the employe to leave under sub. (3) (d), the employer may require the 12employe to provide certification issued by the health care provider or Christian 13 Science practitioner that a serious health condition prevented the employe from 14 being able to perform the functions of the employe's position on the day that the 15employe's leave expired. The employe shall provide a copy of the certification under 16 this paragraph to the employer in a timely manner.

SECTION 41. 103.10 (11) (c) of the statutes is repealed and recreated to read: 103.10 (11) (c) 1. No person may discharge or in any manner discriminate against any individual for filing a complaint or attempting to enforce any right under this section or for testifying or assisting in any action or proceeding to enforce any right under this section.

22 2. No person may discharge or in any manner discriminate against any
23 individual because that person believes that the individual has engaged or may
24 engage in an activity described in subd. 1.

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**SECTION 42.** 103.10 (11) (d) of the statutes is created to read:

1 103.10 (11) (d) Notwithstanding pars. (a) to (c), any action taken by an 2 employer to comply with 29 USC 2601 to 2654 is not considered to be a violation of 3 this section.

4 **SECTION 43.** 103.10 (12) (b) of the statutes is amended to read:  $\mathbf{5}$ 103.10 (12) (b) An employe who believes that his or her employer has violated 6 sub. (11) (a) or (b) may, within 30 days after the violation occurs or the employe should 7 reasonably have known that the violation occurred, whichever is later, file a complaint with the department alleging the violation. A complaint under this 8 9 subsection may be filed no later than 300 days after the date of the last event 10 constituting the alleged violation for which the complaint is brought. Except as 11 provided in s. 230.45 (1m), the department shall investigate the complaint and shall 12attempt to resolve the complaint by conference, conciliation or persuasion. If the 13 complaint is not resolved and the department finds probable cause to believe a 14violation has occurred, the department shall proceed with notice and a hearing on 15the complaint as provided in ch. 227. The hearing shall be held within 60 days after 16 the department receives the complaint.

17 **SECTION 44.** 103.10 (12) (c) of the statutes is repealed.

18 SECTION 45. 103.10 (12) (d) of the statutes is amended to read:

19 103.10 (12) (d) The department shall issue its decision and order within 30 days 20 after the hearing. If the department finds that an employer violated sub. (11) (a) or 21 (b), it may order the employer to take action to remedy the violation, including 22 providing requested family leave or medical leave, reinstating an employe, 23 promoting an employe, providing back pay accrued not more than 2 years before the 24 complaint was filed and employment benefits to an employe and paying reasonable 25 actual attorney fees to the complainant.

1	SECTION 46. 103.10 (12) (e) of the statutes is created to read:
2	103.10 (12) (e) Any respondent or complainant who is dissatisfied with the
3	findings and order of the examiner may file a written petition with the department
4	for review by the commission of the findings and order.
5	SECTION 47. 103.10 (12) (f) of the statutes is created to read:
6	103.10 (12) (f) If no petition is filed within 21 days from the date that a copy
7	of the findings and order of the examiner is mailed to the last-known address of the
8	respondent, the findings and order shall be considered final. If a timely petition is
9	filed, the commission, on review, may either affirm, reverse or modify the findings
10	or order in whole or in part, or set aside the findings and order and remand to the
11	department for further proceedings. Such actions shall be based on a review of the
12	evidence submitted. If the commission is satisfied that a respondent or complainant
13	has been prejudiced because of exceptional delay in the receipt of a copy of any
14	findings and orders it may extend the time another 21 days for filing the petition with
15	the department.
16	SECTION 48. 103.10 (12) (g) of the statutes is created to read:
17	103.10 (12) (g) On motion, the commission may set aside, modify or change any
18	decision made by the commission, at any time within 28 days from the date thereof
19	if it discovers any mistake therein, or upon the grounds of newly discovered evidence.
20	The commission may on its own motion, for reasons it considers sufficient, set aside
21	any final decision of the commission within one year after the date thereof upon

grounds of mistake or newly discovered evidence, and remand the case to thedepartment for further proceedings.

24 **SECTION 49.** 103.10 (13) (a) of the statutes is amended to read:

1	103.10 (13) (a) An employe or the department may bring an action in circuit
2	court against an employer <u>on behalf of the employe, or on behalf of the employe and</u>
3	other employes similarly situated, to recover damages, as described in par. (c),
4	caused by a violation of sub. (11) after the completion of an administrative
5	proceeding, including judicial review, concerning the same violation.
6	SECTION 50. 103.10 (13) (b) (intro.) and 1. of the statutes are consolidated,
7	renumbered 103.10 (13) (b) and amended to read:
8	103.10 (13) (b) An action under par. (a) shall be commenced within the later
9	of the following periods, or be barred: 1. Within 60 days from after the completion
10	of an administrative proceeding, including judicial review, concerning the same
11	violation <u>, or be barred</u> .
12	<b>SECTION 51.</b> 103.10 (13) (b) 2. of the statutes is repealed.
13	<b>SECTION 52.</b> 103.10 (13) (c) of the statutes is created to read:
14	103.10 (13) (c) If a circuit court finds that an employer has violated sub. (11),
15	it may order the employer to take action to remedy the violation, including providing
16	requested family leave or medical leave, reinstating an employe, promoting an
17	employe and paying reasonable actual attorney fees to the complainant,
18	notwithstanding s. $814.04$ (1), and to pay all of the following damages to the affected
19	employe:
20	1. Damages equal to the amount of any wages, salary, employment benefits or
21	other compensation that was denied to or lost by the employe because of the violation
22	or, if the employe has not lost or been denied any wages, salary, employment benefits
23	or other compensation, any actual monetary losses sustained by the employe as a
24	direct result of the violation up to a sum equal to 12 weeks of wages or salary for the
25	employe.

- 12 -

1	2. As liquidated damages, an amount equal to the damages described in subd.
2	1., except that the court may reduce the amount of damages that the employer is
3	liable for to the amount described in subd. 1. if the employer shows that the act or
4	omission that was in violation of sub. (11) was in good faith and that the employer
5	had reasonable grounds to believe that the act or omission was not a violation of sub.
6	(11).
7	SECTION 53. 103.10 (14) (a) of the statutes is renumbered 103.10 (14) and
8	amended to read:
9	103.10 (14) NOTICE POSTED. Each employer shall post, in one or more
10	conspicuous places on the employer's premises where notices to employes and
11	applicants for employment are customarily posted, a notice in a form prepared or
12	approved by the department setting forth employes' rights under this section
13	excerpts from, or summaries of, the pertinent provisions of this section and
14	information relating to the filing of a complaint under sub. (12) or a civil action under
15	sub. (13). Any employer who wilfully violates this subsection shall forfeit not more
16	than \$100 for each offense.
17	SECTION 54. 103.10 (14) (b) of the statutes is repealed.
18	<b>SECTION 55.</b> 103.10 (15) of the statutes is created to read:
19	103.10 (15) LOCAL ORDINANCES. A county, city, village or town may enact an
20	ordinance that provides employes with rights to family leave or medical leave that
21	are more generous to the employe than the rights provided under this section.
22	SECTION 56. 103.10 (16) of the statutes is created to read:
23	103.10 (16) RULES. The department shall promulgate rules to implement this
24	section. Those rules shall conform to 29 CFR 825 to the extent that 29 CFR 825 is
25	consistent with this section.

1	SECTION 57. 111.322 (2m) (a) of the statutes is amended to read:
2	111.322 (2m) (a) The individual files a complaint or attempts to enforce any
3	right under s. 103.02, <del>103.10,</del> 103.13, 103.28, 103.32, 103.455, 103.50, 104.12, 109.03
4	or 109.07 or ss. 101.58 to 101.599 or 103.64 to 103.82.
5	SECTION 58. 111.322 (2m) (b) of the statutes is amended to read:
6	111.322 ( <b>2m</b> ) (b) The individual testifies or assists in any action or proceeding
7	held under or to enforce any right under s. 103.02, <del>103.10,</del> 103.13, 103.28, 103.32,
8	103.455, 103.50, 104.12, 109.03  or  109.07  or  ss.  101.58  to  101.599  or  103.64  to  103.82.
9	SECTION 59. 252.17 (3) (i) of the statutes is repealed.
10	<b>SECTION 60.</b> 252.17 (4) (a) of the statutes is amended to read:
11	252.17 (4) (a) Except as provided in pars. (b) and (c) par. (b), if an individual
12	satisfies sub. (3), the department shall pay the amount of each premium payment for
13	coverage under the group health plan under sub. (3) (d) that is due from the
14	individual on or after the date on which the individual becomes eligible for a subsidy
15	under sub. (3). The department may not refuse to pay the full amount of the
16	individual's contribution to each premium payment because the coverage that is
17	provided to the individual who satisfies sub. (3) includes coverage of the individual's
18	spouse and dependents. Except as provided in par. (b), the department shall
19	terminate the payments under this section when the individual's unpaid medical
20	leave ends, when the individual no longer satisfies sub. (3) or upon the expiration of
21	29 months after the unpaid medical leave began, whichever occurs first.
22	SECTION 61. 252.17 (4) (c) of the statutes is repealed.
23	SECTION 62. 632.897 (6) of the statutes is amended to read:
24	632.897 (6) If the terminated insured elects to continue group coverage as

- 14 -

25 provided in this section, the insurer may require conversion to individual coverage

by the terminated insured and his or her spouse and dependents 18 months after the
terminated insured elects the group coverage except as provided in s. 103.10 (9) (d).
The conditions, rights and procedures governing conversion under sub. (4) (a) apply
to this conversion.

- 15 -

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## SECTION 63. Initial applicability.

6 (1) This act first applies to an employe, as defined in section 103.10 (1) (b) of 7 the statutes, who is covered under a collective bargaining agreement on the effective 8 date of this subsection on the day after the collective bargaining agreement expires 9 or on the day that the collective bargaining agreement is extended, modified or 10 renewed.

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#### SECTION 64. Effective date.

12 (1) This act takes effect on the first day of the 6th month beginning after13 publication.

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### (END)