



State of Wisconsin
2007 - 2008 LEGISLATURE

LRBs0021/1
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**ASSEMBLY SUBSTITUTE AMENDMENT 2,
TO 2007 ASSEMBLY BILL 31**

February 20, 2007 – Offered by Representative KAUFERT.

1 **AN ACT to renumber and amend** 13.121 (4), 230.35 (2) and 757.02 (5); **to amend**
2 40.08 (3); and **to create** 13.121 (4) (b), 230.35 (2) (b) and 757.02 (5) (b) of the
3 statutes; **relating to:** sick leave for legislators, justices and judges, and all
4 other state elected officials.

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

5 **SECTION 1.** 13.121 (4) of the statutes is renumbered 13.121 (4) (a) and amended
6 to read:
7 13.121 (4) (a) For the purpose of premium determinations under s. 40.05 (4)
8 and (5) each member of the legislature shall accrue sick leave at a rate equivalent
9 to a percentage of time worked recommended for such positions by the director of the
10 office of state employment relations and approved by the joint committee on
11 employment relations in the same manner as compensation for such positions is

1 determined under s. 20.923, except as provided in par. (b). This percentage of time
2 worked shall be applied to the sick leave accrual rate established under s. 230.35 (2).
3 The approved percentage shall be incorporated into the compensation plan under s.
4 230.12 (1).

5 **SECTION 2.** 13.121 (4) (b) of the statutes is created to read:

6 13.121 (4) (b) A member of the legislature shall accrue sick leave at 50 percent
7 of the sick leave accrual rate established under s. 230.35 (2) for classified employees
8 during any term of office that begins after the effective date of this paragraph
9 [revisor inserts date]. A member of the legislature who is absent during a floor
10 session day or who does not attend a public hearing or meeting of a committee on
11 which he or she serves must claim sick leave for that session day or missed hearing
12 or meeting.

13 **SECTION 3.** 40.08 (3) of the statutes is amended to read:

14 40.08 (3) WAIVERS. Any participant, beneficiary or distributee of any estate
15 may waive, absolutely and without right of reconsideration or recovery, the right to
16 or the payment of all or any portion of any benefit payable or to become payable under
17 this chapter. A person who holds a state office, as defined in s. 5.02 (23), may waive
18 at any time, absolutely and without right of reconsideration or recovery, the right to
19 receive and convert for health insurance premiums accumulated sick leave
20 conversion credits under s. 40.05 (4) or health insurance premium credits under
21 subch. IX. The waiver shall be effective on the first day of the 2nd month commencing
22 after it is received by the department or on the date specified in the waiver if later.

23 **SECTION 4.** 230.35 (2) of the statutes is renumbered 230.35 (2) (a) and amended
24 to read:

1 230.35 (2) (a) Leave Subject to par. (b), leave of absence with pay owing to
2 sickness and leave of absence without pay, other than annual leave and leave under
3 s. 103.10, shall be regulated by rules of the director, except that unused sick leave
4 shall accumulate from year to year. After July 1, 1973, employees appointed to
5 career executive positions under the program established under s. 230.24 or
6 positions designated in s. 19.42 (10) (L) or 20.923 (4), (7), (8), and (9) or authorized
7 under s. 230.08 (2) (e) shall have any unused sick leave credits restored if they are
8 reemployed in a career executive position or in a position under s. 19.42 (10) (L) or
9 20.923 (4), (7), (8), and (9) or authorized under s. 230.08 (2) (e), regardless of the
10 duration of their absence. Restoration of unused sick leave credits if reemployment
11 is to a position other than those specified above shall be in accordance with rules of
12 the director.

13 **SECTION 5.** 230.35 (2) (b) of the statutes is created to read:

14 230.35 (2) (b) A person who holds a state office, as defined in s. 5.02 (23), and
15 who accrues sick leave under this subsection accrue sick leave at 50 percent of the
16 sick leave accrual rate established under par. (a) for classified employees during any
17 term of office that begins after the effective date of this paragraph [revisor inserts
18 date].

19 **SECTION 6.** 757.02 (5) of the statutes is renumbered 757.02 (5) (a) and amended
20 to read:

21 757.02 (5) (a) Except for retired judges appointed under s. 753.075, and except
22 as provided in par. (b), each supreme court justice, court of appeals judge and circuit
23 court judge included under ch. 40 shall accrue sick leave at the rate established
24 under s. 230.35 (2) for the purpose of credits under s. 40.05 (4) (b) and for premium
25 payment determinations under s. 40.05 (4) and (5).

