



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1775/P3
MIM:cdc&cjs

DOA:.....Hynek, BB0279 - Family and medical leave

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EMPLOYMENT

FAMILY AND MEDICAL LEAVE

1. Family and leave expansion

This bill expands the family and medical leave law to allow an employee covered under that law to take family leave to care for a grandparent, grandchild, or sibling and for the active duty of a family member, and lowers the threshold number of employees above which an employer must allow an employee to take family or medical leave.

Under current law, an employer that employs at least 50 individuals on a permanent basis in this state must allow an employee who has been employed by the employer for more than 52 consecutive weeks and who has worked for the employer for at least 1,000 hours during the preceding 52 weeks to take up to eight weeks of family leave in a 12-month period for the birth or adoptive placement of a child or to care for a child, spouse, parent, or domestic partner of the employee or a parent of the spouse or domestic partner of the employee who has a serious health condition; and up to two weeks of medical leave in a 12-month period when the employee has a serious health condition.

This bill requires an employer that employs at least 25 employees on a permanent basis in this state to allow an employee to take family or medical leave

as provided under current law. The bill also allows an employee to take family leave as provided under current law to care for a grandparent, grandchild, or sibling of the employee who has a serious health condition. In addition, the bill requires an employer to allow an employee to take family leave because of any qualifying exigency, as determined by DWD by rule, arising out of the fact that the spouse, child, domestic partner, parent, grandparent, grandchild, or sibling of the employee is on deployment with the U.S. armed forces to a foreign country (covered active duty), has been notified of an impending call or order to covered active duty, or because of an unforeseen school or child care facility closure.

Because this bill relates to an exemption from state or local taxes, it may be referred to the Joint Survey Committee on Tax Exemptions for a report to be printed as an appendix to the bill.

For further information see the *state and local* 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:

SECTION 1. 103.10 (1) (a) (intro.) of the statutes is renumbered 103.10 (1) (a) and amended to read:

103.10 (1) (a) “Child” means a natural, adopted, or foster child, a stepchild, or a legal ward to whom any of the following applies:

SECTION 2. 103.10 (1) (a) 1. of the statutes is repealed.

SECTION 3. 103.10 (1) (a) 2. of the statutes is repealed.

SECTION 4. 103.10 (1) (ap) of the statutes is created to read:

103.10 (1) (ap) “Covered active duty” means any of the following:

1. In the case of a member of a regular component of the U.S. armed forces, duty during the deployment of the member with the U.S. armed forces to a foreign country.

2. In the case of a member of a reserve component of the U.S. armed forces, duty during the deployment of the member with the U.S. armed forces to a foreign country under a call or order to active duty under a provision of law specified in [10 USC 101](#)

(a) (13) (B).

SECTION 5. 103.10 (1) (b) of the statutes is amended to read:

103.10 (1) (b) Except as provided in ~~sub. (1m) (b) 2.~~ and s. 452.38, “employee” means an individual employed in this state by an employer, except the employer’s ~~parent, child, spouse, domestic partner, or child parent, grandparent, grandchild, or sibling.~~

***NOTE: This is reconciled s. 103.10 (1) (b). This SECTION has been affected by drafts with the following LRB numbers: -1775/P2 and -2039/P2

SECTION 6. 103.10 (1) (dm) of the statutes is created to read:

103.10 (1) (dm) “Grandchild” means the child of a child.

SECTION 7. 103.10 (1) (dp) of the statutes is created to read:

103.10 (1) (dp) “Grandparent” means the parent of a parent.

SECTION 8. 103.10 (1) (gm) of the statutes is created to read:

103.10 (1) (gm) “Sibling” means a brother, sister, half brother, half sister, stepbrother, or stepsister, whether by blood, marriage, or adoption.

SECTION 9. 103.10 (3) (a) 1. of the statutes is amended to read:

103.10 (3) (a) 1. In a 12-month period no employee may take more than 6 weeks of family leave under par. (b) 1. ~~and, 2., 4., and 5.~~

SECTION 10. 103.10 (3) (b) 3. of the statutes is amended to read:

103.10 (3) (b) 3. To care for the employee’s child, spouse, domestic partner, ~~or parent, grandparent, grandchild, or sibling,~~ if the child, spouse, domestic partner, ~~or parent, grandparent, grandchild, or sibling~~ has a serious health condition.

SECTION 11. 103.10 (3) (b) 4. of the statutes is created to read:

103.10 (3) (b) 4. Because of any qualifying exigency, as determined by the department by rule, arising out of the fact that the spouse, child, domestic partner,

parent, grandparent, grandchild, or sibling of the employee is on covered active duty or has been notified of an impending call or order to covered active duty.

SECTION 12. 103.10 (3) (b) 5. of the statutes is created to read:

103.10 (3) (b) 5. Because a child care center, child care provider, or school that the employee's child attends is experiencing an unforeseen or unexpected short-term closure.

SECTION 13. 103.10 (6) (b) (intro.) of the statutes is amended to read:

103.10 (6) (b) (intro.) If an employee intends to take family leave because of the planned medical treatment or supervision of a child, spouse, domestic partner, ~~or parent, grandparent, grandchild, or sibling~~ or intends to take medical leave because of the planned medical treatment or supervision of the employee, the employee shall do all of the following:

SECTION 14. 103.10 (6) (b) 1. of the statutes is amended to read:

103.10 (6) (b) 1. Make a reasonable effort to schedule the medical treatment or supervision so that it does not unduly disrupt the employer's operations, subject to the approval of the health care provider of the child, spouse, domestic partner, parent, grandparent, grandchild, sibling, or employee.

SECTION 15. 103.10 (6) (c) of the statutes is created to read:

103.10 (6) (c) If the employee intends to take leave under sub. (3) (b) 4. that is foreseeable because the spouse, child, domestic partner, parent, grandparent, grandchild, or sibling of the employee is on covered active duty or has been notified of an impending call or order to covered active duty, the employee shall provide notice of that intention to the employer in a reasonable and practicable manner.

SECTION 16. 103.10 (7) (a) of the statutes is amended to read:

103.10 (7) (a) If an employee requests family leave for a reason described in sub. (3) (b) 3. or requests medical leave, the employer may require the employee to provide certification, as described in par. (b), issued by the health care provider or Christian Science practitioner of the child, spouse, domestic partner, parent, grandparent, grandchild, sibling, or employee, whichever is appropriate.

SECTION 17. 103.10 (7) (b) (intro.) of the statutes is amended to read:

103.10 (7) (b) (intro.) No employer may require certification under par. (a) stating more than the following:

SECTION 18. 103.10 (7) (b) 1. of the statutes is amended to read:

103.10 (7) (b) 1. That the child, spouse, domestic partner, parent, grandparent, grandchild, sibling, or employee has a serious health condition.

SECTION 19. 103.10 (7) (d) of the statutes is created to read:

103.10 (7) (d) If an employee requests leave under sub. (3) (b) 4., the employer may require the employee to provide certification that the spouse, child, domestic partner, parent, grandparent, grandchild, or sibling of the employee is on covered active duty or has been notified of an impending call or order to covered active duty issued at such time and in such manner as the department may prescribe by rule, and the employee shall provide a copy of that certification to the employer in a timely manner.

SECTION 20. 103.10 (7) (e) of the statutes is created to read:

103.10 (7) (e) If an employee requests leave under sub. (3) (b) 5., the employer may require the employee to provide certification that the child care center, child care provider, or school that the employee's child attends is experiencing an unforeseen or unexpected short-term closure. The department may prescribe by rule the form and content of the certification.

SECTION 21. 103.10 (12) (c) of the statutes is amended to read:

103.10 (12) (c) If 2 or more health care providers disagree about any of the information required to be certified under sub. (7) (b), the department may appoint another health care provider to examine the child, spouse, domestic partner, parent, grandparent, grandchild, sibling, or employee and render an opinion as soon as possible. The department shall promptly notify the employee and the employer of the appointment. The employer and the employee shall each pay 50 percent of the cost of the examination and opinion.

SECTION 22. 103.10 (14) (a) of the statutes is renumbered 103.10 (14).

SECTION 23. 103.10 (14) (b) of the statutes is repealed.

(END)