



2003 SENATE BILL 50

February 26, 2003 – Introduced by Senators DECKER and HANSEN, cosponsored by Representatives BERCEAU, TURNER, BIES and ZEPNICK. Referred to Committee on Labor, Small Business Development and Consumer Affairs.

1 **AN ACT** *to create* 103.06, 106.54 (8) and 230.45 (1) (n) of the statutes; **relating**
2 **to:** requiring that all employers in this state provide employees who are
3 veterans a paid leave of absence on Veterans Day.

Analysis by the Legislative Reference Bureau

This bill requires that every public and private employer in this state grant to each employee who is a veteran a paid leave of absence for the entire workday on November 11, or on the Monday following if November 11 falls on a Saturday or Sunday (Veterans Day). Under the bill, for employees who are included in a collective bargaining unit, the paid leave of absence is granted only if so provided in a collective bargaining agreement.

The bill prohibits an employer from discharging or discriminating against an employee in promotion, in compensation, or in the terms, conditions, or privileges of employment for taking a paid leave of absence on Veterans Day, opposing a discharge or discrimination in violation of the bill, filing a complaint or attempting to enforce a right under the bill, or testifying or assisting in any action or proceeding to enforce a right under the bill. An employee who is discharged or discriminated against in violation of the bill may file a complaint with the Department of Workforce Development (DWD) or, in the case of a state employee, the Personnel Commission, and DWD or the Personnel Commission must process the complaint in the same manner that employment discrimination complaints are processed under current law, which processing may include the ordering of back pay, reinstatement, or compensation in lieu of reinstatement.

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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:

1 **SECTION 1.** 103.06 of the statutes is created to read:

2 **103.06 Paid leave of absence on Veterans Day.** (1) In this section,
3 “veteran” has the meaning given in s. 45.001 (4).

4 (2) (a) Subject to par. (b), an employer shall grant to each employee who is a
5 veteran a paid leave of absence on November 11, or the Monday following if
6 November 11 falls on a Saturday or Sunday. The leave of absence shall be for the
7 entire workday.

8 (b) For employees whose wages, hours, and conditions of employment are
9 determined in a collective bargaining agreement, par. (a) applies only if the paid
10 leave of absence on November 11, or on the Monday following if November 11 falls
11 on a Saturday or Sunday, is provided in an applicable collective bargaining
12 agreement.

13 (3) An employer may not discharge or discriminate against an employee in
14 promotion, in compensation, or in the terms, conditions, or privileges of employment
15 for taking a paid leave of absence as provided in sub. (2), opposing a practice
16 prohibited under this section, filing a complaint or attempting to enforce any right
17 under this section, or testifying or assisting in any action or proceeding to enforce any
18 right under this section.

19 (4) (a) Subject to par. (b), any employee who is discharged or discriminated
20 against in violation of sub. (3) may file a complaint with the department, and the

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1 department shall process the complaint in the same manner that employment
2 discrimination complaints are processed under s. 111.39.

3 (b) Any employee of a state agency, as defined in s. 111.32 (6), who is discharged
4 or discriminated against in violation of sub. (3) may file a complaint with the
5 personnel commission, and the personnel commission shall process the complaint in
6 the same manner that employment discrimination complaints are processed under
7 s. 111.39.

8 **SECTION 2.** 106.54 (8) of the statutes is created to read:

9 106.54 (8) The division shall receive complaints under s. 103.06 (4) (a) and shall
10 process the complaints in the same manner that employment discrimination
11 complaints are processed under s. 111.39.

12 **SECTION 3.** 230.45 (1) (n) of the statutes is created to read:

13 230.45 (1) (n) Receive complaints under s. 103.06 (4) (b) and, except as provided
14 in sub. (1m), process the complaints in the same manner that employment
15 discrimination complaints are processed under s. 111.39.

16 **SECTION 4. Initial applicability.**

17 (1) This act first applies to employees who are covered by a collective bargaining
18 agreement that contains provisions inconsistent with this act on the day on which
19 the collective bargaining agreement expires or is extended, modified, or renewed,
20 whichever occurs first.

21 (END)