



2009 ASSEMBLY BILL 917

March 31, 2010 – Introduced by Representatives STRACHOTA, ZIPPERER, HUEBSCH, NASS, KNODL, KLEEFISCH, PETERSEN, VOS, KERKMAN, LOTHIAN, ROTH and DAVIS, cosponsored by Senators KANAVAS, DARLING, LEIBHAM, GROTHMAN, LAZICH, KAPANKE and COWLES. Referred to Committee on Assembly Organization.

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

Analysis by the Legislative Reference Bureau

Under current law, a state employee in a position that is covered under the Wisconsin Retirement System (WRS) is entitled to receive paid sick leave as part of his or her compensation under the state compensation plan, at the election of the employer, or pursuant to a collective bargaining agreement. If a state employee does not use all of his or her sick leave during a calendar year, he or she may accumulate this unused sick leave from year to year in a sick leave account. Generally, if a state employee terminates covered employment under the WRS and meets certain conditions related to age or years of employment, the employee's accumulated unused sick leave may be converted, at his or her highest basic pay rate, to credits for the payment of postretirement health insurance premiums under a health insurance plan administered by the Group Insurance Board.

This bill provides that:

1. No member of the legislature may receive sick leave as a member of the legislature during any term of office that begins after the bill's effective date.
2. No supreme court justice, court of appeals judge, or circuit court judge may receive sick leave as a supreme court justice, court of appeals judge, or circuit court

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judge beginning on the date that the next justice or judge assumes office after the bill's effective date.

3. No other state elected official, including a district attorney, may receive sick leave while in state office during any term of office that begins after the bill's effective date.

For further information see the *state* 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.** 13.121 (4) of the statutes is renumbered 13.121 (4) (a) and amended
2 to read:

3 13.121 (4) (a) For the purpose of premium determinations under s. 40.05 (4)
4 and (5) each member of the legislature shall accrue sick leave at a rate equivalent
5 to a percentage of time worked recommended for such positions by the director of the
6 office of state employment relations and approved by the joint committee on
7 employment relations in the same manner as compensation for such positions is
8 determined under s. 20.923, except as provided in par. (b). This percentage of time
9 worked shall be applied to the sick leave accrual rate established under s. 230.35 (2).
10 The approved percentage shall be incorporated into the compensation plan under s.
11 230.12 (1).

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

13 13.121 (4) (b) No member of the legislature may receive sick leave as a member
14 of the legislature during any term of office that begins after the effective date of this
15 paragraph [LRB inserts date].

16 **SECTION 3.** 230.35 (2) of the statutes is renumbered 230.35 (2) (a) and amended
17 to read:

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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 4.** 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 may not receive sick leave while in state
16 office during any term of office that begins after the effective date of this paragraph
17 [LRB inserts date].

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

20 757.02 (5) (a) Except for retired judges appointed under s. 753.075, and except
21 as provided in par. (b), each supreme court justice, court of appeals judge and circuit
22 court judge included under ch. 40 shall accrue sick leave at the rate established
23 under s. 230.35 (2) for the purpose of credits under s. 40.05 (4) (b) and for premium
24 payment determinations under s. 40.05 (4) and (5).

25 **SECTION 6.** 757.02 (5) (b) of the statutes is created to read:

