



1999 SENATE BILL 223

August 26, 1999 – Introduced by Senators ERPENBACH, ROESSLER, PLACHE and GROBSCHMIDT, cosponsored by Representatives SCHNEIDER, RYBA, MUSSER, MILLER, POWERS and HASENOHRL. Referred to Committee on Labor.

1 **AN ACT to amend** 111.93 (3); and **to create** 230.35 (3) (e) 6. of the statutes;
2 **relating to:** the provision of specialized disaster relief services by represented
3 state employes.

Analysis by the Legislative Reference Bureau

Under current law, the department of employment relations operates a program under which a state employe may be granted a leave of absence to help provide specialized disaster relief services through the American Red Cross. Such services include professional, technical or other services that require advanced training or expertise and that are provided to assist persons affected by a disaster. Currently, the employe's appointing authority may grant a leave of absence to an employe if the employe is a certified disaster service volunteer of the American Red Cross, the American Red Cross makes a written request for the services of the employe to the employe's appointing authority and the employe has successfully completed his or her probationary period and has permanent employe status, if the employe's position is included in the classified service.

Under current law, this program permits a leave of absence to provide specialized disaster relief services for not more than 30 work days each year. An employe who is granted a leave of absence to help provide disaster relief services is entitled to his or her base rate of pay during the leave of absence. A leave of absence to provide disaster relief services does not affect the employe's earning of paid annual leave (vacation), sick leave or retirement benefits. Also, for purposes of calculating seniority, pay or pay advancement and performance awards, the time during which

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an employe is on a leave of absence to help provide disaster relief services counts as time served in the state service.

Under current law, because this program affects the wages, fringe benefits, hours or conditions of employment of represented state employes, the program only applies to represented state employes to the extent provided in their collective bargaining agreements. This bill requires that the program apply to represented state employes unless their collective bargaining agreements provide otherwise.

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.** 111.93 (3) of the statutes is amended to read:

2 111.93 (3) Except as provided in ss. 40.05, 40.80 (3), 111.91 (1) (cm), 230.35 (3)
3 (e) 6. and 230.88 (2) (b), if a collective bargaining agreement exists between the
4 employer and a labor organization representing employes in a collective bargaining
5 unit, the provisions of that agreement shall supersede the provisions of civil service
6 and other applicable statutes, as well as rules and policies of the board of regents of
7 the university of Wisconsin system, related to wages, fringe benefits, hours and
8 conditions of employment whether or not the matters contained in those statutes,
9 rules and policies are set forth in the collective bargaining agreement.

10 **SECTION 2.** 230.35 (3) (e) 6. of the statutes is created to read:

11 230.35 (3) (e) 6. This paragraph shall apply to employes who are included in
12 a collective bargaining unit for which a representative is recognized or certified
13 under subch. V of ch. 111 unless otherwise provided in a collective bargaining
14 agreement.

15 **SECTION 3. Initial applicability.**

16 (1) This act first applies to employes who are covered by a collective bargaining
17 agreement under subchapter V of chapter 111 of the statutes that is in effect on the

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1 effective date of this subsection on the day on which the collective bargaining
2 agreement expires or is extended, modified or renewed, whichever occurs first.

3 (END)