



## 2005 ASSEMBLY BILL 513

June 23, 2005 - Introduced by Representatives PARISI, ZEPNICK, BLACK, SHERIDAN, YOUNG, BERCEAU, TURNER and POCAN. Referred to Committee on Campaigns and Elections.

1     **AN ACT to renumber and amend** 230.35 (4) (b) and 230.35 (4) (c); **to amend** 6.76  
2           (1); and **to create** 230.35 (4) (a) 5m., 230.35 (4) (b) 2. and 230.35 (4) (c) 2. of the  
3           statutes; **relating to:** leave provided to employees for voting on election day  
4           and granting certain state employees a holiday on the day of the general  
5           election.

---

### *Analysis by the Legislative Reference Bureau*

Currently, every employer, including the state and local governments, must grant to its employees at least three successive hours off work on election day for the purpose of permitting the employees to vote. To take advantage of this right, an employee must provide notice to his or her employer no later than the day before election day, and the employer may designate the time at which the employee is permitted to take off work. No penalty may be enforced against an employee for exercising this right, except that an employee is not entitled to be paid for time not worked. This bill increases the minimum time off that employers must grant to employees for voting to four successive hours.

Under current law, nonrepresented state employees receive a total of nine paid holidays annually, while represented employees receive the paid holidays provided for in their collective bargaining agreements. This bill provides that the Tuesday that falls after the first Monday in November in each even-numbered year is a day on which the offices of state government are closed. In addition, the bill increases the number of paid holidays for most nonrepresented state employees from nine to

**ASSEMBLY BILL 513**

ten days, but does not do so for those nonrepresented state employees who are required by their appointing authorities to work on the Tuesday that falls after the first Monday in November in each even-numbered year and whose duties on that day do not involve election administration. Represented state employees continue to have the paid holidays provided for in their collective bargaining agreements.

---

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

1           **SECTION 1.** 6.76 (1) of the statutes is amended to read:

2           6.76 (1) Any person entitled to vote at an election is entitled to be absent from  
3 work while the polls are open for a period not to exceed ~~3~~ 4 successive hours to vote.  
4 The elector shall notify the affected employer before election day of the intended  
5 absence. The employer may designate the time of day for the absence.

6           **SECTION 2.** 230.35 (4) (a) 5m. of the statutes is created to read:

7           230.35 (4) (a) 5m. In each even-numbered year, the Tuesday that falls after the  
8 first Monday in November.

9           **SECTION 3.** 230.35 (4) (b) of the statutes is renumbered 230.35 (4) (b) 1. and  
10 amended to read:

11           230.35 (4) (b) 1. Compensatory ~~Except as provided in subd. 2., compensatory~~  
12 time off or payment, either of which shall be at the rate of time and one-half, shall  
13 be granted to state employees for all work performed on the holidays enumerated in  
14 par. (a) 1. to 9.

15           **SECTION 4.** 230.35 (4) (b) 2. of the statutes is created to read:

16           230.35 (4) (b) 2. An employee who is required by his or her appointing authority  
17 to work on the holiday enumerated in par. (a) 5m. and whose duties on that day do  
18 not involve election administration may not receive compensatory time off or  
19 payment for work performed on that holiday.

**ASSEMBLY BILL 513**

1           **SECTION 5.** 230.35 (4) (c) of the statutes is renumbered 230.35 (4) (c) 1. and  
2 amended to read:

3           230.35 (4) (c) 1. All employees, except limited term employees and employees  
4 specified in subd. 2., shall receive 9 10 paid holidays annually in addition to any other  
5 authorized paid leave, the time to be at the discretion of the appointing authorities.

6           **SECTION 6.** 230.35 (4) (c) 2. of the statutes is created to read:

7           230.35 (4) (c) 2. An employee who is required by his or her appointing authority  
8 to work on the day specified in par. (a) 5m. and whose duties on that day do not  
9 involve election administration shall receive 9 paid holidays annually in addition to  
10 any other authorized paid leave, the time to be at the discretion of the appointing  
11 authorities.

12

(END)