

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2988/2dn
GMM:jlg:km

May 11, 1999

Tara:

In addition to clarifying the statute of limitations for bringing a civil action under the family and medical leave law (FMLL) in accordance with 1997 AB-166, this redraft also includes language from 1997 AB-166 clarifying the process for appealing an administrative decision under the FMLL. Specifically, the current appeal process causes confusion because a determination under s. 103.10 (11) (a) or (b), that is, that an employe has been wrongfully denied family or medical leave or that an employe has been retaliated against for *informally* opposing such a wrongful denial, must be appealed directly to the circuit court, while a determination under s. 103.10 (11) (c), that is, that an employe has been retaliated against for instituting *formal* proceedings under the FMLL, may be appealed to the Labor and Industry Review Commission (LIRC). For an example of this confusion, see *Kayler v. Stoughton Trailers*, (LIRC 10/27/97), which you may access by going to the state's home page, then to state agencies, then to the Labor and Industry Review Commission, then to "ER Links," then to "LIRC ER Decisions," then searching for "Kayler". Accordingly, this draft includes language from 1997 AB-166 to permit a determination under s. 103.10 (11) (a) or (b) to be appealed to LIRC in the same manner as a determination under s. 103.10 (11) (c).

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