

2001 DRAFTING REQUEST

Bill

Received: **09/20/2001**

Received By: **malaigm**

Wanted: **As time permits**

Identical to LRB:

For: **Sheldon Wasserman (608) 266-7671**

By/Representing: **Sara**

This file may be shown to any legislator: **NO**

Drafter: **malaigm**

May Contact:

Addl. Drafters:

Subject: **Employ Priv - family leave**

Extra Copies:

Submit via email: **NO**

Pre Topic:

No specific pre topic given

Topic:

Medical leave for prenatal checkups

Instructions:

Require employers to allow pregnant employees eight hours per month off for prenatal check-ups

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	malaigm 09/20/2001	gilfokm 10/25/2001					S&L
/1			jfrantze 10/25/2001		lrb_docadmin 10/25/2001	lrb_docadmin 12/12/2001	

FE Sent For: **11/07/2001, 11/07/2001, 11/07/2001.**

<END>

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/1			jfrantze 10/25/2001		lrb_docadmin 10/25/2001		

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<END>

11-07-2001
("1")

requested by Sara

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1/?	malaigm	 10-5-1	 10/25	 10/25			
		 1-10/24 King					

FE Sent For:

<END>

9/19 Sarah - Wasserman -
Bill request: 6-7671

Require ~~up to~~ 8
hrs./mo. unpaid leave
for prenatal care

Dr.'s excuse needed in
writing

Considerations:

Sex of co.

Time limits

Related budget audit
was drafted through
Black's office.

61862

Re: amend Family Medical Leave
Law

2001

Date (time) needed

10
Will / 26 / 01

LRB - 3822 / 1

GMM : rs EKmg

BILL

~~(OLD)~~

Use the appropriate components and routines developed for bills.

AN ACT... (generate catalog) ^{medical} to repeal ... ; to renumber ... ; to consolidate and renumber ... ; to renumber and amend ... ; to consolidate, renumber and amend ... ; to amend ... ; to repeal and recreate ... ; and to create ... of the statutes; relating to: leave from employment for the purpose of receiving prenatal health care check-ups

LPS: THAW SECTIONS ✓

[NOTE: See section 4.02 (2) (br), Drafting Manual, for specific order of standard phrases.]

Analysis by the Legislative Reference Bureau

If titles are needed in the analysis, in the component bar:

For the main heading, execute: create → anal: → title: → head

For the subheading, execute: create → anal: → title: → sub

For the sub-subheading, execute: create → anal: → title: → sub-sub

For the analysis text, in the component bar:

For the text paragraph, execute: create → anal: → text

(Attached)

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

SECTION #.



**ASSEMBLY AMENDMENT,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2001 SENATE BILL 55**

~~The 72 hours of~~
No employee may take more than the total amount
of medical leave permitted under pars. (a) and (am)
for any combination of reasons specified in
pars. (a) and (am) during a 12-month period

8

15A

72

- 1
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- 12

At the locations indicated, amend the substitute amendment as follows:

1. Page 903, line 17: after that line insert:

^{auto.#}
SECTION 2556e. 103.10 (4) (am) of the statutes is created to read:

103.10 (4) (am) Subject to pars. (b) and (c), an employee who is pregnant may take up to 8 hours of medical leave during each month of the employee's pregnancy for the purpose of receiving prenatal health care check-ups.

SECTION 2556f. 103.10 (4) (b) of the statutes is amended to read:

103.10 (4) (b) No employee may take more than 2 weeks of medical leave under par. (a) during a 12-month period. No employee may take more than 8 hours of medical leave under par. (am) ^{during} a 12-month period. ~~No employee may take more than 16 hours of medical leave for any combination of reasons specified in pars. (a) and (am) during a 12-month period.~~

auto #

SECTION ~~2556g~~. 103.10 (7) (a) (intro.) of the statutes is amended to read:

103.10 (7) (a) (intro.) If an employee requests family leave for a reason described in sub. (3) (b) 3. or requests medical leave under sub. (4) (a), the employer may require the employee to provide certification, as described in par. (b), issued by the health care provider or Christian Science practitioner of the child, spouse, parent, or employee, whichever is appropriate.

auto #

SECTION ~~2556h~~. 103.10 (7) (am) of the statutes is created to read:

103.10 (7) (am) If an employee requests medical leave under sub. (4) (am), the employer may require the employee to provide certification issued by the employee's health care provider or Christian Science practitioner stating that the employee is pregnant and the date on which the pregnancy commenced and its probable duration. No employer may require certification under this paragraph stating more than the information specified in this paragraph.

auto #

SECTION ~~2556i~~. 103.10 (7) (b) (intro.) of the statutes is amended to read:

103.10 (7) (b) (intro.) No employer may require certification under par. (a) stating more than the following:

~~2. Page 1180, line 21: after that line insert:~~

~~"SECTION 3741c. 609.05 (3) of the statutes is amended to read:~~

~~609.05 (3) Except as provided in ss. 609.22 (4), 609.22 (4m), 609.65 and 609.655, a limited service health organization, preferred provider plan or managed care plan may require an enrollee to obtain a referral from the primary provider designated under sub. (2) to another participating provider prior to obtaining health care services from that participating provider.~~

~~SECTION 3741e. 609.16 of the statutes is created to read:~~

Int. App
Comp. (#)

create
new test
comp for
test

(a) The treatment of section 609.16 (1) of the statutes first applies to grievances arising on September 1, 2001, or on the effective date of this paragraph, whichever is later.

(b) The treatment of section 609.16 (2) of the statutes first applies to policies issued or renewed on September 1, 2001, or on the effective date of this paragraph, whichever is later.

(1t) LAWSUITS AGAINST MANAGED CARE PLANS. The treatment of section 609.39 of the statutes first applies to claims arising on the effective date of this subsection."

Insert
5-9

4. Page 1414, line 2: after that line insert:

This act

~~(10c) MEDICAL LEAVE FOR PRENATAL CHECK-UPS. The treatment of section 103.10~~

~~(4) (am) and (b) and (7) (a) (intro.), (am), and (b) (intro.) of the statutes first applies to an employee, as defined in section 103.10 (1) (b) of the statutes, who is affected by a collective bargaining agreement that contains provisions inconsistent with that treatment on the day on which the collective bargaining agreement expires or is extended, modified, or renewed, whichever occurs first.~~

5. Page 1421, line 4: after that line insert:

"(1) APPEALS OF DECISIONS OF MANAGED CARE PLANS. The treatment of section 609.16 (1) and (2) of the statutes takes effect on September 1, 2001, or on the effective date of this subsection, whichever is later."

Insert 5-9

Section #. 230.35 (2m) of the statutes is amended to read:

Except as provided in this subsection, an

230.35 (2m) that ~~An~~ employee shall be eligible for medical or family leave under s. 103.10 upon the expiration, extension, or renewal of any collective bargaining agreement in effect on April 26, 1988, which covers the employee.

History: 1971 c. 91, 125, 183, 211, 226; 1971 c. 270 ss. 70, 71, 83, 104; Stats. 1971 s. 16.30; 1973 c. 51, 243; 1975 c. 28, 39, 41; 1975 c. 147 s. 54; 1975 c. 189, 199, 421, 422; 1977 c. 44; 1977 c. 187 s. 135; 1977 c. 196 ss. 56, 118, 130 (3), (5), (12), 131; 1977 c. 273; 1977 c. 418 ss. 726, 727, 924 (13m); Stats. 1977 s. 230.35; 1979 c. 34, 89; 1979 c. 110 s. 60 (11); 1979 c. 221; 1981 c. 20, 96, 140; 1983 a. 27 s. 2200 (15); 1983 a. 30 ss. 4 to 11, 14; 1983 a. 71, 140; 1983 a. 192 ss. 220, 221, 304; 1985 a. 119; 1987 a. 63, 287, 340, 399, 403; 1989 a. 56 s. 259; 1991 a. 39; 1993 a. 12, 47; 1995 a. 37, 178; 1997 a. 118, 307; 1999 a. 42, 85, 101, 125.

An employee shall be eligible for medical leave under
s. 103.10 (4)(am) upon the expiration, extension,
or renewal of any collective bargaining agreement
in effect on ~~the~~ the effective date of this
~~date~~ [reviser inserts date], that covers
the employee.

subsection

2001

Insert 5-9 court

Nonstat File Sequence: **EEE**

LRB _____/____

INITIAL APPLICABILITY

- In the component bar:
 For the action phrase, execute: create → action: → *NS: → inappl
 For the budget action phrase, execute: create → action: → *NS: → 93XX
 For the text, execute: create → text: → *NS: → inappl
- Nonstatutory subunits are numbered automatically. Fill in the Section # or subsection # only if a "frozen" number is needed. Below, for the budget, fill in the 9300 department code.

SECTION # 93 **Initial applicability;**

(#1) ()

The treatment of sections ..

of the statutes

first applies to

- In the component bar:
 For the action phrase, execute: create → action: → *NS: → inappl
 For the text, execute: create → text: → *NS: → inapplA
- Nonstatutory subunits are numbered automatically. Fill in the Section # or subsection # only if a "frozen" number is needed.

SECTION # _____ **Initial applicability;**

(#1) () This act first

applies to

(ed of insert)

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3822/1insA
GMM.....

(INSERT A)

Under current law, an employer, including the state, employing at least 50 individuals on a permanent basis in this state must permit an employee who has been employed by the employer for more than 52 consecutive weeks and who has worked for the employer for at least 1,000 hours during the preceding 52-week period to take two weeks of medical leave in a 12-month period. Medical leave may be taken when an employee has a serious health condition that makes the employee unable to perform the employee's employment duties. An employee is not entitled to receive wages or salary while taking medical leave, but may substitute, for portions of medical leave, other types of paid or unpaid leave provided by the employer. An employee who intends to take medical leave for planned medical treatment must give the employer notice of the planned medical treatment and make a reasonable effort to schedule the medical treatment so that it does not unduly disrupt the operations of the employer. An employer may require an employee who requests medical leave to provide certification by a health care provider stating that the employee has a serious health condition, the date ^{on} the condition commenced and its probable duration, the medical facts regarding the condition, and an explanation of the extent to which the employee is unable to perform his or her employment duties. The employer may also require the employee to obtain, at the employer's expense, a second opinion concerning that information. ^{which}

This bill permits a pregnant employee who is eligible to take medical leave to take up to eight hours of medical leave during each month of her pregnancy for the purpose of receiving prenatal health care check-ups. The bill limits the amount of medical leave that an employee may take for the purpose of receiving those check-ups to 72 hours in a 12-month period and provides that those 72 hours are in addition to the two weeks of medical leave that the employee may take for a serious health condition. Under the bill, all of the provisions under current law relating to medical leave for a serious health condition, including the provision permitting substitution of other types of leave and the provisions requiring advance notice of planned medical treatment, reasonable effort not to unduly disrupt the employer's operations, and certification by a health care provider, apply to medical leave for the purpose of receiving prenatal health care check-ups, except that the employer may ~~require~~ an employee who is requesting medical leave for the purpose of receiving prenatal health care check-ups to provide certification stating no more than the fact that the employee is pregnant and the date on which the pregnancy commenced and its probable duration and may not require the employee to obtain a second opinion concerning that information.

require

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

(END OF INSERT)

Emery, Lynn

From: Emery, Lynn
Sent: Tuesday, November 06, 2001 4:34 PM
To: Rep.Wasserman
Subject: LRB-3822/1 (attached as requested)

Lynn Emery

Lynn Emery - Program Asst. (PH. 608-266-3561)
(E-Mail: lynn.emery@legis.state.wi.us) (FAX: 608-264-6948)

Legislative Reference Bureau - Legal Section - Front Office
100 N. Hamilton Street - 5th Floor
Madison, WI 53703

11/6/2001

Emery, Lynn

From: Osterberg, Sarah

Sent: Wednesday, December 12, 2001 2:24 PM

To: LRB.Legal

Subject: LRB-3822/1

Please jacket this bill for introduction in the assembly and send it over to Rep. Wasserman's office in 111-North.

Thanks!

Sarah Osterberg

12/12/2001

Memo

To: Wasserman

(The Draft's Requestor)

Attached is a fiscal estimate prepared for your 2001 draft that has not yet been introduced.

LRB Number: LRB - 3822

Version: "/ 1 "

Entered In Computer And Copy Sent To Requestor Via E-Mail: 11 / 13 / 2001

Fiscal Estimate Prepared By: (agency abbr.) PERS

If you have questions about the attached fiscal estimate, you may contact the agency/ individual who prepared the fiscal estimate. If you disagree with the enclosed fiscal estimate, please contact the LRB drafter of your proposal to discuss your options under the fiscal estimate procedure.

* * * * *

To: LRB – Legal Section PA's

Subject: Fiscal Estimate Received For A Un-Introduced Draft

- If this is **re-drafted** to a new version please attach this early fiscal estimate to the back of the draft's file between the old version and the new version.
- If this draft gets **introduced** ... and the version of the attached fiscal estimate is correct ... please write the drafts intro. number below and give this fiscal estimate to Mike (or Lynn) to process.

THIS DRAFT WAS INTRODUCED AS: 2001 ABLE85

- If this draft gets **introduced** ... and the version of the attached fiscal estimate is for a previous version ... please attach this early fiscal estimate to the back of the draft's file between the old version and the new version. Have Mike (or Lynn) get the ball rolling on getting a fiscal estimate prepared for the introduced version.

Barman, Mike

From: Barman, Mike
Sent: Tuesday, November 13, 2001 11:40 AM
To: Rep.Wasserman
Subject: LRB-3822/1 (FE by PERS - attached - for your review)



FE_Wasserman.pdf

FE_Wasserman.pdf

Memo

To: Rep. Wasserman (The Draft's Requestor)

Attached is a fiscal estimate prepared for your 2001 draft that has not yet been introduced.

LRB Number: LRB - 3822

Version: "/ 1 "

Entered In Computer And Copy Sent To Requestor Via E-Mail: 11 / 14 / 2001

Fiscal Estimate Prepared By: (agency abbr.) DWD

If you have questions about the attached fiscal estimate, you may contact the agency/individual who prepared the fiscal estimate. If you disagree with the enclosed fiscal estimate, please contact the LRB drafter of your proposal to discuss your options under the fiscal estimate procedure.

* * * * *

To: LRB – Legal Section PA's

Subject: Fiscal Estimate Received For A Un-Introduced Draft

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THIS DRAFT WAS INTRODUCED AS: 2001 ABLE 85

- If this draft gets **introduced** ... and the version of the attached fiscal estimate is for a previous version ... please attach this early fiscal estimate to the back of the draft's file between the old version and the new version. Have Mike (or Lynn) get the ball rolling on getting a fiscal estimate prepared for the introduced version.

Barman, Mike

From: Barman, Mike
Sent: Wednesday, November 14, 2001 11:53 AM
To: Rep.Wasserman
Subject: LRB-3822/1 (FE by DWD - attached - for your review)



FE_Wasserman.pdf

FE_Wasserman.pdf

Memo

To: Rep. Wasserman (The Bill's Requestor)

Attached is a fiscal estimate prepared for your 2001 draft that has not yet been introduced.

LRB Number: LRB - 3822

Version: “ / 1 ”

Entered In Computer And Copy Sent To Requestor Via E-Mail: 11 / 21 / 2001

Fiscal Estimate Prepared By: (agency abbr.) DER

If you have questions about the attached fiscal estimate, you may contact the agency/individual who prepared the fiscal estimate. If you disagree with the enclosed fiscal estimate, please contact the LRB drafter of your proposal to discuss your options under the fiscal estimate procedure.

* * * * *

To: LRB – Legal Section PA's

Subject: Fiscal Estimate Received For A Un-Introduced Draft

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THIS DRAFT WAS INTRODUCED AS: 2001 ABU 85

- If this draft gets **introduced** ... and the version of the attached fiscal estimate is for a previous version ... please attach this early fiscal estimate to the back of the draft's file between the old version and the new version. Have Mike (or Lynn) get the ball rolling on getting a fiscal estimate prepared for the introduced version.

Emery, Lynn

From: Emery, Lynn
Sent: Wednesday, November 21, 2001 2:31 PM
To: Rep.Wasserman
Subject: LRB-3822/1 (FE by DER-attached-for your review)



LRB-3822feDER.pdf

LRB-3822feDER.pdf