

**2003 DRAFTING REQUEST**

**Assembly Substitute Amendment (ASA-AB80)**

Received: **05/23/2003**

Received By: **jkuesel**

Wanted: **As time permits**

Identical to LRB:

For: **Terry Musser (608) 266-7461**

By/Representing: **Marlene Reineking**

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

Drafter: **jkuesel**

May Contact:

Addl. Drafters:

Subject: **Employ Pub - employee benefits**  
**Employ Pub - miscellaneous**

Extra Copies: **RAC - 1**

Submit via email: **YES**

Requester's email: **Rep.Musser@legis.state.wi.us**

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

ASA to AB-80

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**Instructions:**

Employees who are veterans are entitled to take off on Veterans Day, but must charge the day either as annual leave or as a personal holiday.

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**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>
/?	jkuesel 06/06/2003	kfollett 06/06/2003		_____			
/1			chaskett 06/06/2003	_____	lemery 06/06/2003	lemery 06/06/2003	

FE Sent For:

<END>

2003 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB80)

Received: 05/23/2003

Received By: jkuesel

Wanted: As time permits

Identical to LRB:

For: Terry Musser (608) 266-7461

By/Representing: Marlene Reineking

This file may be shown to any legislator: NO

Drafter: jkuesel

May Contact:

Addl. Drafters:

Subject: Employ Pub - employee benefits  
Employ Pub - miscellaneous

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12/1	jkuesel 6/6	11 kjl 6/6		_____ _____			

FE Sent For:

<END>

## Kuesel, Jeffery

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**From:** Champagne, Rick  
**Sent:** Saturday, May 24, 2003 9:53 AM  
**To:** Kuesel, Jeffery  
**Subject:** RE: LRBs0092 - ASA to AB-80

Jeff:

I have not drafted this before, but I think that it would be a fairly straightforward draft. Essentially, what needs to be done is to take away employer discretion in approving a veteran using one of his or her annual leave or personal holidays days on Veterans Day. Section 230.35 (1) (j) allows employees to time their annual leave "insofar as the needs of the service will permit" and s. 230.35 (4) (d) 3. permits employees to time their personal days "insofar as the needs of the service will permit". You may wish to create a s. 230.35 (6) and notwithstanding these two sections to allow veterans to use their annual leave days and personal days on Veterans Day regardless of the needs of the service. You can also refer to Veterans day as I have in AB 80 as November 11, or the Monday following if November 11 falls on a Saturday or Sunday. (Note that veteran is a defined term in ch. 230, so no need to define veteran.) Thanks again for covering for me.

Rick

-----Original Message-----

**From:** Kuesel, Jeffery  
**Sent:** Friday, May 23, 2003 12:50 PM  
**To:** Champagne, Rick  
**Subject:** LRBs0092, - ASA to AB-80

Rick,

Rep. Musser wants to change AB-80 to require that when a veteran takes off on Veterans Day, the veteran must charge the day as annual leave or a personal holiday. Do you know if this has been drafted, perhaps with some other holiday but the same concept?

If you do not reply to this E mail, I may call to ask you this question before drafting.

Jeff

Wanted Mon 6/9

2003 - 2004 LEGISLATURE

500921  
LRB-023671

JTK+RAC:kjf&jld:pg

Assembly Sub Amdr

TO

2003 ASSEMBLY BILL 80

February 20, 2003 - Introduced by Representatives MUSSER, PETROWSKI, BERCEAU, PETTIS, HINES, BOYLE, STONE, BIES, FREESE, TURNER, GRONEMUS, OWENS, COGGS and GUNDERSON, cosponsored by Senators HANSEN, BRESKE and WIRCH. Referred to Committee on Veterans and Military Affairs.

Reger

1 AN ACT to amend 111.93 (3); and to create 230.35 (3) (f) of the statutes; relating  
2 to: ~~paid leaves of absence for~~ <sup>used annual leave and personal holidays by</sup> state employees who are veterans.

Trs A

Analysis by the Legislative Reference Bureau

This bill provides that state employees who are veterans <sup>is a veteran</sup> must be ~~granted a paid~~ <sup>allowed to use</sup> leave of absence for participating in or attending a Veterans Day ceremony on November 11, or the Monday following if November 11 falls on a Saturday or Sunday. ~~The leave of absence must be for the entire workday.~~ <sup>an accrued vacation day or a personal holiday</sup> In order to be ~~granted the paid~~ leave of absence, the employee must notify his or her appointing authority of his or her intention to participate in or attend a Veterans Day ceremony no later than the November 1 that immediately precedes the day of the Veterans Day ceremony.

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

Substitute amendment

entitled to use a vacation day or personal holiday an

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

3 SECTION 1. 111.93 (3) of the statutes is amended to read:

4 111.93 (3) Except as provided in ss. 7.33 (4), 40.05, 40.80 (3), 111.91 (1) (cm),  
5 230.35 (2d) and (3) (e) 6. ~~and~~ <sup>(c)(c)</sup> and 230.88 (2) (b), if a collective bargaining  
6 agreement exists between the employer and a labor organization representing

ASSEMBLY BILL 80

1 employees in a collective bargaining unit, the provisions of that agreement shall  
 2 supersede the provisions of civil service and other applicable statutes, as well as  
 3 rules and policies of the board of regents of the University of Wisconsin System,  
 4 related to wages, fringe benefits, hours, and conditions of employment whether or  
 5 not the matters contained in those statutes, rules, and policies are set forth in the  
 6 collective bargaining agreement.

~~SECTION 2. 230.35 (3) (f) of the statutes is created to read:~~

7 ~~230.35 (3) (f) (a) An appointing authority shall grant a paid leave of absence on~~  
 8 ~~accrued annual leave or a personal holiday on~~ *permit an employee to use*  
 9 ~~November 11, or the Monday following if November 11 falls on a Saturday or Sunday,~~  
 10 ~~to any employee who is a veteran if the employee is participating in or attending a~~ *is a veteran and*  
 11 ~~Veterans Day ceremony on that day. The leave of absence shall be for the entire~~

12 ~~workday~~

13 ~~(b) In order to be granted a paid leave of absence under subch. V of ch. 111, the employee~~ *entitled to use annual leave or a personal holiday*  
 14 ~~must notify the appointing authority of his or her intention to participate in or attend~~ *subch. V of ch. 111, the employee*  
 15 ~~a Veterans Day ceremony no later than the November 1 that immediately precedes~~ *par. (a) an*  
 16 ~~the day of the Veterans Day ceremony.~~

17 ~~(c) For employees who are included in a collective bargaining unit for which a~~  
 18 ~~representative is recognized or certified under subch. V of ch. 111, this paragraph~~ *subsection*  
 19 ~~shall apply unless otherwise provided in a collective bargaining agreement.~~

20 ~~SECTION 3.~~ **Initial applicability.**

21 (1) This act first applies to employees who are covered by a collective bargaining  
 22 agreement under subchapter V of chapter 111 of the statutes that contains provisions  
 23 inconsistent with this act on the day on which the collective bargaining agreement  
 24 expires or is extended, modified, or renewed, whichever occurs first.

25 (END)

*INS*  
*2/6*

2003-2004 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB0092/1ins  
JTK.....

INS A:

Currently, an appointing authority must respect the wishes of a state employee as to the time of taking vacation and personal holidays that the employee has earned in so far as the needs of the civil service will permit. X

INS 2-6:

~~SECTION 1~~ SECTION 230.35 (1) (j) of the statutes is amended to read:

230.35 (1) (j) The appointing authority shall respect the wishes of the eligible employees as to the time of taking their annual leave in all cases under sub. (6) and otherwise insofar as the needs of the service will permit.

**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; 2001 a. 16, 109; 2003 a. 22.

~~SECTION 2~~ SECTION 230.35 (4) (d) 3. of the statutes is amended to read:

230.35 (4) (d) 3. ~~Such~~ Personal holidays shall be taken at the discretion of the appointing authority who shall respect the wishes of the eligible employees as to the time of taking the holidays under this paragraph in all cases under sub. (6) and otherwise insofar as the needs of the service will permit.

**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; 2001 a. 16, 109; 2003 a. 22.

~~SECTION 3~~ SECTION 230.35 (6) of the statutes is created to read:

end insert