2003 SENATE BILL 152

May 5, 2003 – Introduced by JOINT COMMITTEE ON EMPLOYMENT RELATIONS. Referred to Committee on Senate Organization.

1 AN ACT *to repeal* 230.35 (1m) (a); and *to amend* 230.35 (1) (a) (intro.) and 230.35 2 (1m) (bt) (intro.) of the statutes; **relating to:** providing additional paid vacation 3 leave for certain state agency employees.

Analysis by the Legislative Reference Bureau

This bill is introduced under s. 230.12, stats., which requires that it be put on the calendar. The bill accomplishes certain statutory changes necessary to implement the nonrepresented state employee compensation plan, as modified and approved by the Joint Committee on Employment Relations.

Under current law, nonrepresented employees of any state agency in the executive branch are entitled to paid vacation based on their years of service, usually beginning with two weeks of paid vacation at the time of their initial employment with the state (general vacation provisions). However, certain nonrepresented employees who are in career executive positions, division administrator positions, attorney positions, professional employee positions at the State Investment Board, and senior state agency positions are entitled to three weeks of paid vacation at the time of their initial employment with the state (executive vacation provisions). Represented state employees are not subject to either the general vacation provisions determined in applicable collective bargaining agreements.

This bill authorizes the Department of Employment Relations to promulgate rules excluding any nonrepresented state employee from the general vacation provisions. In addition, the bill changes current law to provide that the executive

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vacation provisions apply only to nonrepresented employees who are not subject to the minimum wage and overtime requirements under the federal Fair Labor Standards Act (FLSA). Generally, under FLSA, employees who are not subject to the minimum wage and overtime requirements are those employees holding executive, administrative, or professional positions.

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:

SECTION 1. 230.35 (1) (a) (intro.) of the statutes is amended to read: 1 2 230.35 (1) (a) (intro.) Except as provided in subs. (1m), (1r), and (1s), appointing 3 authorities shall grant to each person in their employ, except employees excluded 4 from coverage under this subsection by the department by rule and limited-term 5 employees, based on accumulated continuous state service, annual leave of absence 6 without loss of pay at the rate of: 7 **SECTION 2.** 230.35 (1m) (a) of the statutes is repealed. 8 **SECTION 3.** 230.35 (1m) (bt) (intro.) of the statutes is amended to read: 9 230.35 (1m) (bt) (intro.) An employee appointed to a position listed under par. 10 (a) who is not subject to the minimum wage and overtime requirements under the 11 federal Fair Labor Standards Act, 29 USC 201 to 219, shall be entitled to annual 12 leave of absence without loss of pay based upon accumulated continuous state service 13 at the rate of: 14 **SECTION 4. Effective date.** 15 This act takes effect on July 1, 2003, or on the day after publication, (1)

- 16 whichever is later.
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(END)