

2007 SENATE BILL 5

January 9, 2007 – Introduced by Senators KANAVAS, DARLING, LEIBHAM, KAPANKE, GROTHMAN, COWLES and LAZICH, cosponsored by Representatives STRACHOTA, KLEEFISCH, ZIPPERER, KESTELL, LEMAHIEU, ZIEGELBAUER, PRIDEMORE, VUKMIR, KERKMAN, LOTHIAN, HAHN, NYGREN, GOTTLIEB, VOS, BIES, GUNDRUM, J. OTT, J. FITZGERALD and ROTH. Referred to Committee on Ethics Reform and Government Operations.

1 **AN ACT to renumber and amend** 13.121 (4), 230.35 (2) and 757.02 (5); and **to**
2 **create** 13.121 (4) (b), 230.35 (2) (b) and (c) and 757.02 (5) (b) of the statutes;
3 **relating to:** elimination of accumulated sick leave credit program for
4 legislators, justices and judges, all other state elected officials, and certain
5 appointed executive branch officials.

Analysis by the Legislative Reference Bureau

Under current law, a state employee in a position that is covered under the Wisconsin Retirement System (WRS) is entitled to receive paid sick leave credits as part of his or her compensation under the state compensation plan, at the election of the employer, or pursuant to a collective bargaining agreement. If a state employee does not use all of his or her sick leave credits during a calendar year, he or she may accumulate this unused sick leave from year to year in a sick leave account. Generally, if a state employee terminates covered employment under the WRS and meets certain conditions related to age or years of employment, the employee's accumulated unused sick leave may be converted, at his or her highest basic pay rate, to credits for the payment of postretirement health insurance premiums under a health insurance plan administered by the Group Insurance Board.

This bill provides that:

1. No member of the legislature may accumulate unused sick leave from year to year in his or her sick leave account for work performed as a member of the legislature during any term of office that begins after the bill's effective date.

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2. No supreme court justice, court of appeals judge, or circuit court judge may accumulate unused sick leave from year to year in his or her sick leave account for work performed as a supreme court justice, court of appeals judge, or circuit court judge during any term of office that begins after the bill's effective date.

3. No other state elected official may accumulate unused sick leave from year to year in his or her sick leave account for work performed during any term of office that begins after the bill's effective date.

4. No person who is appointed by the governor to a position in the executive branch after the bill's effective date, and whose appointment requires confirmation by the senate, may accumulate unused sick leave from year to year in his or her sick leave account for work performed while serving in that position.

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:

1 **SECTION 1.** 13.121 (4) of the statutes is renumbered 13.121 (4) (a) and amended
2 to read:

3 13.121 (4) (a) For the purpose of premium determinations under s. 40.05 (4)
4 and (5) each member of the legislature shall accrue sick leave at a rate equivalent
5 to a percentage of time worked recommended for such positions by the director of the
6 office of state employment relations and approved by the joint committee on
7 employment relations in the same manner as compensation for such positions is
8 determined under s. 20.923, except as provided in par. (b). This percentage of time
9 worked shall be applied to the sick leave accrual rate established under s. 230.35 (2).
10 The approved percentage shall be incorporated into the compensation plan under s.
11 230.12 (1).

12 **SECTION 2.** 13.121 (4) (b) of the statutes is created to read:

13 13.121 (4) (b) No member of the legislature may accumulate unused sick leave
14 from year to year in his or her sick leave account for work performed as a member

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1 of the legislature during any term of office that begins after the effective date of this
2 paragraph [revisor inserts date].

3 **SECTION 3.** 230.35 (2) of the statutes is renumbered 230.35 (2) (a) and amended
4 to read:

5 230.35 (2) (a) ~~Leave~~ Subject to pars. (b) and (c), leave of absence with pay owing
6 to sickness and leave of absence without pay, other than annual leave and leave
7 under s. 103.10, shall be regulated by rules of the director, except that unused sick
8 leave shall accumulate from year to year. After July 1, 1973, employees appointed
9 to career executive positions under the program established under s. 230.24 or
10 positions designated in s. 19.42 (10) (L) or 20.923 (4), (7), (8), and (9) or authorized
11 under s. 230.08 (2) (e) shall have any unused sick leave credits restored if they are
12 reemployed in a career executive position or in a position under s. 19.42 (10) (L) or
13 20.923 (4), (7), (8), and (9) or authorized under s. 230.08 (2) (e), regardless of the
14 duration of their absence. Restoration of unused sick leave credits if reemployment
15 is to a position other than those specified above shall be in accordance with rules of
16 the director.

17 **SECTION 4.** 230.35 (2) (b) and (c) of the statutes are created to read:

18 230.35 (2) (b) A person who holds a state office, as defined in s. 5.02 (23), and
19 who accrues sick leave under this subsection may not accumulate unused sick leave
20 from year to year in his or her sick leave account for work performed during any term
21 of office that begins after the effective date of this paragraph [revisor inserts date].

22 (c) A person who is appointed by the governor to a position in the executive
23 branch after the effective date of this paragraph [revisor inserts date], and whose
24 appointment requires confirmation by the senate, may not accumulate unused sick

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1 leave from year to year in his or her sick leave account for work performed while
2 serving in that position.

3 **SECTION 5.** 757.02 (5) of the statutes is renumbered 757.02 (5) (a) and amended
4 to read:

5 757.02 (5) (a) Except for retired judges appointed under s. 753.075, and except
6 as provided in par. (b), each supreme court justice, court of appeals judge and circuit
7 court judge included under ch. 40 shall accrue sick leave at the rate established
8 under s. 230.35 (2) for the purpose of credits under s. 40.05 (4) (b) and for premium
9 payment determinations under s. 40.05 (4) and (5).

10 **SECTION 6.** 757.02 (5) (b) of the statutes is created to read:

11 757.02 (5) (b) No supreme court justice, court of appeals judge, or circuit court
12 judge may accumulate unused sick leave from year to year in his or her sick leave
13 account for work performed as a supreme court justice, court of appeals judge, or
14 circuit court judge included under ch. 40 during any term of office that begins after
15 the effective date of this paragraph [revisor inserts date].

16 (END)