

Fiscal Estimate Narratives
OSER 5/21/2007

LRB Number 07-2195/2	Introduction Number SB-173	Estimate Type Original
Description Family military leave		

Assumptions Used in Arriving at Fiscal Estimate

This bill extends the job protections and leave substitution rights of the Wisconsin Family and Medical Leave (FMLA) provisions to employees, their spouses, or their children who take leave when they are activated for military service. The family military leave may be up to 15 or 30 days, depending on the size of the employer. The bill establishes the employee is not entitled to receive wages or salary while taking family military leave but may substitute available earned paid leave or unpaid leave of any other type provided to cover the time off work for family military leave. Upon return from family military leave the employee shall be placed in the position held before the leave began or in an equivalent employment position. The bill is unclear whether a period of family military leave may be taken for each period of active service, annually, or one time only.

Currently state employees receive military leave benefits if they have permanent employment status and are a member of a reserve component of the military. The state provides 30 work days of leave without loss of pay and benefits, "to attend military school programs and annual field training or annual active duty for training, and any other state or federal tours of active duty, except extended active duty or service as a member of the active armed forces of the United States." During such a leave of at least 3 days, the employee receives base state pay less base military pay and accrues all benefits as though continuously employed. State statues also grant employees activated for federal military duty other than training, or employees required to serve in the U.S. public health service on detail with any of the U.S. armed forces, with up to 179 days of military leave without loss of pay and benefits, or for longer periods in 2-year increments by executive order of the governor, and permits employees released from such military duty to use up to 160 hours of accumulated paid leave before the employee resumes employment with the state.

With regards to state employees who are activated for military service, this bill does not provide an additional benefit except for the option of substituting paid sick leave during the military service. Approximately 140 state employees are presently on active duty. However, it is indeterminate how many would choose to substitute accrued sick leave under this bill. The cost of sick leave substitution is indeterminate, because in many cases it trades the future value of the sick leave for its present value.

The state of Wisconsin does not track the military deployment of spouses or children of its approximately 63,000 state employees. Even if this data was known, it is indeterminate as to how many state employees would avail themselves of family military leave. Further, if such leave is taken, the fiscal impact would depend on whether or not the employee substituted accrued paid leave and whether it was necessary to back-fill the employee's position during the family military leave. The fiscal estimate pertaining to this bill is indeterminate.

Long-Range Fiscal Implications

Unknown