

2009 DRAFTING REQUEST

Bill

Received: 12/17/2008

Received By: **gmalaise**

Wanted: **Soon**

Identical to LRB:

For: **Robert Turner (608) 266-0731**

By/Representing: **Nancy McAdams**

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

Drafter: **gmalaise**

May Contact:

Addl. Drafters:

Subject: **Employ Pub - civil service**
Employ Priv - miscellaneous

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Turner@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Paid leave of absence for veterans on Veterans Day

Instructions:

See attached--draft companion to LRB09-1024/1

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>
/?	gmalaise 12/17/2008	jdye 12/18/2008		_____			S&L
/1			phenry 12/18/2008	_____	mbarman 12/18/2008	sbasford 12/18/2008	

FE Sent For: "/1" @ intro. 1/27/09

<END>

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/?	gmalaise	1 12/18 jld	12/18 ph	12/18 ph			

FE Sent For:

<END>

Malaise, Gordon

From: McAdams, Nancy
Sent: Thursday, December 04, 2008 9:06 AM
To: Malaise, Gordon
Cc: Wagnitz, John
Subject: Redraft of 2007 Senate Bill 109 for Rep. Turner

Hello Gordon,

Rep. Turner would like to introduce a companion bill to the one Senator Hanson has requested (above), relating to a requirement that all employers in this state grant a paid leave of absence on Veterans Day to employees who are veterans. Please make it identical to the bill Sen. Hanson has requested by incorporating 2007 Senate Amendment 1 into the draft. Thank you.

Nancy McAdams
Office of State Rep. Robert Turner
212 North Capitol
P.O. Box 8953
Madison, WI 53708-8953
Phone: 608-266-0731
Fax: 608-282-3661

RESEARCH APPENDIX - Draft Transfer/Copy Request Form

- Atty's please complete this form and give to Mike Barman

(Request Made By: GMM) (Date: 12 / 18 / 08)



Please transfer the drafting file for

2007 LRB to the drafting file

for 2009 LRB

The final version of the 2007 draft and the final Request Sheet will be copied on yellow paper, and returned to the original 2007 drafting file. A new cover sheet will be created/included listing the new location of the drafting file's "guts".

For research purposes, because the 2007 draft was incorporated into a new 2009 draft, the complete drafting file will be transferred, as a separate appendix, to the new 2009 drafting file. This request form will be inserted into the "guts" of the 2009 draft. If introduced, the appendix will be scanned/added to the electronic drafting file folder.

--OR--

Please copy the drafting file for

2009 LRB 1024 / 1 (include the version) and place it in the

drafting file for 2009 LRB 1197

For research purposes, because the original 2009 draft was incorporated into another 2009 draft, the original drafting file will be copied on yellow paper (darkened/auto centered/reduced to 90%) and added, as a separate appendix, to the new 2009 drafting file. This request form will be inserted into the "guts" of the new 2009 draft. If introduced the appendix will be scanned/added to the electronic drafting file folder.

The original drafting file will then be returned, intact, to its folder and filed. For future reference, a copy of the transfer/copy request form will also be added to the "guts" of the original draft.

2009 - 2010 LEGISLATURE

IN 11/17

-1197/1

LRB-102471

GMM(jld)ph

stays

2009 BILL

Soon

Companion - No change

Gen

1 AN ACT *to amend* 111.322 (2m) (a) and 111.322 (2m) (b); and *to create* 103.06
 2 and 106.54 (8) of the statutes; **relating to:** a requirement that all employers
 3 in this state grant a paid leave of absence on Veterans Day to employees who
 4 are veterans.

Analysis by the Legislative Reference Bureau

Under current law, November 11 (Veterans Day) is a legal holiday. This bill requires that every public and private employer in this state grant to each employee who is a veteran a paid leave of absence for the entire workday on Veterans Day, or on the following Monday if Veterans Day falls on a Saturday or Sunday and the employee is not scheduled to work on that day. Under the bill, for employees who are included in a collective bargaining unit, the paid leave of absence is granted only if so provided in a collective bargaining agreement.

The bill prohibits an employer from discharging or discriminating against an employee in promotion, in compensation, or in the terms, conditions, or privileges of employment for taking a paid leave of absence on Veterans Day; opposing a discharge or discrimination in violation of the bill; filing a complaint or attempting to enforce a right under the bill; or testifying or assisting in any action or proceeding to enforce a right under the bill. An employee who is discharged or discriminated against in violation of the bill may file a complaint with the Department of Workforce Development (DWD), and DWD must process the complaint in the same manner that employment discrimination complaints are processed under current law. That

BILL

processing may include the ordering of back pay, reinstatement, compensation in lieu of reinstatement, and costs and attorney fees.

For further information see the *state and local* 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.** 103.06 of the statutes is created to read:

2 **103.06 Paid leave of absence on Veterans Day. (1)** In this section:

3 (a) “Employee” means an individual employed in this state by an employer.

4 (b) “Employer” means a person engaging in any activity, enterprise, or business
5 in this state. “Employer” includes the state and any office, department, independent
6 agency, authority, institution, association, society, or other body in state government
7 created or authorized to be created by the constitution or any law, including the
8 legislature and the courts.

9 (c) “Veteran” has the meaning given in s. 45.01 (12).

10 **(2)** (a) Subject to par. (b), an employer shall grant to each employee who is a
11 veteran a paid leave of absence on November 11 or, if November 11 falls on a Saturday
12 or Sunday and the employee is not scheduled to work on November 11, on the
13 following Monday. The leave of absence shall be for the entire workday. If an
14 employee intends to take a leave of absence under this paragraph, the employee
15 shall, in a reasonable and practicable manner, give the employer advance notice of
16 the leave of absence.

17 (b) For employees whose wages, hours, and conditions of employment are
18 determined in a collective bargaining agreement, par. (a) applies only if the paid
19 leave of absence described in par. (a) is provided in an applicable collective
20 bargaining agreement.

BILL

1 **(3)** An employer may not discharge or discriminate against an employee in
2 promotion, in compensation, or in the terms, conditions, or privileges of employment
3 for taking a paid leave of absence as provided in sub. (2), opposing a practice
4 prohibited under this section, filing a complaint or attempting to enforce any right
5 under this section, or testifying or assisting in any action or proceeding to enforce any
6 right under this section.

7 **(4)** An employee who is discharged or discriminated against in violation of sub.
8 **(3)** may file a complaint with the department, and the department shall process the
9 complaint in the same manner that employment discrimination complaints are
10 processed under s. 111.39. If the department finds that an employer has violated sub.
11 **(3)**, it may order the employer to take such action under s. 111.39 as will effectuate
12 the purpose of this section. Section 111.322 (2m) applies to a discharge or other
13 discriminatory act arising in connection with any proceeding under this subsection.

14 **SECTION 2.** 106.54 (8) of the statutes is created to read:

15 106.54 **(8)** The division shall receive complaints under s. 103.06 (4) and shall
16 process the complaints in the same manner that employment discrimination
17 complaints are processed under s. 111.39.

18 **SECTION 3.** 111.322 (2m) (a) of the statutes is amended to read:

19 111.322 **(2m)** (a) The individual files a complaint or attempts to enforce any
20 right under s. 103.02, 103.06, 103.10, 103.13, 103.28, 103.32, 103.455, 103.50,
21 104.12, 109.03, 109.07, 109.075, or 146.997 or ss. 101.58 to 101.599 or 103.64 to
22 103.82.

23 **SECTION 4.** 111.322 (2m) (b) of the statutes is amended to read:

24 111.322 **(2m)** (b) The individual testifies or assists in any action or proceeding
25 held under or to enforce any right under s. 103.02, 103.06, 103.10, 103.13, 103.28,

BILL

1 103.32, 103.455, 103.50, 104.12, 109.03, 109.07, 109.075, or 146.997 or ss. 101.58 to
2 101.599 or 103.64 to 103.82.

3 (END)

Basford, Sarah

From: McAdams, Nancy
Sent: Thursday, December 18, 2008 11:41 AM
To: LRB.Legal
Subject: Draft Review: LRB 09-1197/1 Topic: Paid leave of absence for veterans on Veterans Day

Please Jacket LRB 09-1197/1 for the ASSEMBLY. This will be a companion bill to Senator Hanson's draft. Please call me if you have any questions. Thank you.

Nancy McAdams
Office of State Rep. Robert Turner
212 North Capitol
P.O. Box 8953
Madison, WI 53708-8953
Phone: 608-266-0731
Fax: 608-282-3661