

State of Misconsin LEGISLATIVE REFERENCE BUREAU

RESEARCH APPENDIX PLEASE DO NOT REMOVE FROM DRAFTING FILE

Date Transfer Requested: 12/18/2008 (Per: GMM)

Appendix A

The 2009 drafting file for LRB-1024/1

has been copied/added to the drafting file for

2009 LRB-1197

The attached 2009 draft was incorporated into the new 2009 draft listed above. For research purposes, this cover sheet and the attached drafting file were copied, and added, as a appendix, to the new 2009 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

This cover sheet was added to rear of the original 2009 drafting file. The drafting file was then returned, intact, to its folder and filed.

Received By: gmalaise

2009 DRAFTING REQUEST

1	_		•	•
ı	ĸ	ű	1	1
4		1	1	1

Received: 12/03/2008

Wanted: A	As time permi	its			Identical to LRB	: -		
For: David Hansen (608) 266-5670				By/Representing: Dave Wagnitz				
This file may be shown to any legislator: NO				Drafter: gmalaise				
May Cont	act:				Addl. Drafters:			
Subject:		Pub - civil ser Priv - miscella			Extra Copies:			
Submit vi	a email: YES	•						
Requester	's email:	Sen.Hanser	ı@legis.wis	sconsin.gov				
Carbon co	opy (CC:) to:							
Pre Topi	c:							
No specif	ic pre topic gi	ven						
Topic:								
Paid leave	e of absence for	or veterans on V	eterans Day	y				
Instructi	ons:							
See attach	edredraft 20	07 SB 109						
Drafting	History:							
Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required	
/?	gmalaise 12/03/2008	jdyer 12/16/2008					S&L	
/1			phenry 12/16/200	08	sbasford 12/16/2008	sbasford 12/18/2008		
FE Sent F	or:			<end></end>				

Received By: gmalaise

2009 DRAFTING REQUEST

Bill

Received: 12/03/2008

Wanted: As time permits For: David Hansen (608) 266-5670				Identical to LRB: By/Representing: Dave Wagnitz Drafter: gmalaise				
								This file may be shown to any legislator: NO
May Cor	ntact:							
Subject: Employ Pub - civil service Employ Priv - miscellaneous				Extra Copies:				
Submit v	via email: YES							
Requeste	er's email:	Sen.Hanse	n@legis.wi	sconsin.gov				
Carbon o	copy (CC:) to:							
Pre Top	oic:					and with heads other as soften medium blanks and who have		
No speci	ific pre topic gi	ven						
Topic:	ve of absence for	or veterans on	Veterans Da	.y	·			
Instruct	tions:							
See attac	chedredraft 20	007 SB 109						
Draftin	g History:						***************************************	
Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	<u>Jacketed</u>	Required	
/?	gmalaise 12/03/2008	jdyer 12/16/2008		***************************************			S&L	
/1			phenry 12/16/20	08	sbasford 12/16/2008	ı		
FE Sent	For:							

<END>

Received By: gmalaise

By/Representing: Dave Wagnitz

Identical to LRB:

Drafter: gmalaise

Addl. Drafters:

Extra Copies:

2009 DRAFTING REQUEST

Bill

Received: 12/03/2008

Wanted: As time permits

For: David Hansen (608) 266-5670

This file may be shown to any legislator: NO

May Contact:

Subject:

Employ Pub - civil service

Employ Priv - miscellaneous

Submit via email: YES

Requester's email:

Sen.Hansen@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--redraft 2007 SB 109

Drafting History:

Vers.

Drafted

Reviewed

Proofed

Submitted

Jacketed

Required

/?

gmalaise

FE Sent For:

<END>

Malaise, Gordon

From:

Wagnitz, John

Sent:

Wednesday, December 03, 2008 2:28 PM

To:

Malaise, Gordon

Subject:

requiring that all employers in this state grant a paid leave of absence on Veterans Day to

employees who are veterans

Gordon.

Please redraft 2007 SB 109 and please incorporate Senate Amendment 1 into the new bill.

Thank you,

John Wagnitz Office of State Senator Dave Hansen 18 South, State Capitol phone: (608) 266-5670

SB109

SENATE BILL 109

An Act to create 103.06 and 106.54 (8) of the statutes; relating to: a requirement that all employers in this state grant a paid leave of absence on Veterans Day to employees who are veterans. (FE) 2007

03-23-07.

S. Introduced by Senators Hansen, Decker and Sullivan; cosponsored by Representatives

Turner, Sinicki, Travis, Berceau and Sheridan.

03-23-07. S.

Read first time and referred to committee on Veterans and Military Affairs, Biotechnology

and Financial Institutions 147

04-09-07.

S. Fiscal estimate received.

08-01-07.

S. Public hearing held.

09-14-07.

S. Senate amendment 1 offered by Senator Hansen

332

2008

03-21-08.

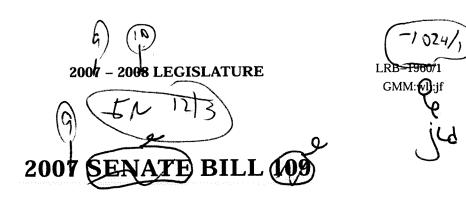
S.

Failed to pass pursuant to Senate Joint Resolution 1

SENATE AMENDMENT 1, TO 2007 SENATE BILL 109

September 14, 2007 – Offered by Senator Hansen.

1	At the locations indicated, amend the bill as follows:
2	1. Page 2, line 9: delete lines 9 to 11 and substitute:
3	"(cd) "Veteran" has the meaning given in s. 45.01 (12).".
4	2. Page 2, line 13: delete lines 13 and 14 and substitute: "veteran a paid leave
5	of absence on November 11 or, if November 11 falls on a Saturday or Sunday and the
6	employee is not scheduled to work on November 11, on the following Monday. The
7	leave of absence shall be for the".
8	Page 2, line 20: delete that line.
9	4. Page 3, line 1: delete "on a Saturday or Sunday," and substitute "leave of
10	absence described in par. (a)".
11	(END)



March 23, 2007 – Introduced by Senators Hansen, Decker and Sullivan cosponsored by Representatives TURNER, SINICKI, TRAVIS, BERCEAU and SHERIDAN. Referred to Committee on Veterans and Military Affairs, Biotechnology and Financial Institutions.

AN ACT to create 103.06 and 106.54 (8) of the statutes; relating to: a

requirement that all employers in this state grant a paid leave of absence on

2

3

Veterans Day to employees who are veterans.

and the employee is not scheduled to work on that da

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 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 processing may include the ordering of back pay, reinstatement, compensation in lieu of reinstatement.

, and costs and attorney fees

SENATE BILL 109

19

(20)

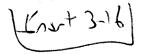
For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 103.06 of the statutes is created to read: 1 103.06 Paid leave of absence on Veterans Day. (1) In this section: 2 (a) "Employee" means an individual employed in this state by an employer. 3 (b) "Employer" means a person engaging in any activity, enterprise, or business 4 in this state. "Employer" includes the state and any office, department, independent 5 agency, authority, institution, association, society, or other body in state government 6 7 created or authorized to be created by the constitution or any law, including the and the employee is not scheduled to legislature and the courts. 8 (9)(c) "Veteran" means any individual when has served an active dury 10) honorable conditions in the U.S. armed forces or in forces incorporated as part of the 12 (2) (a) Subject to par. (b), an employer shall grant to each employee who is a 13 veteran a paid leave of absence on November 11, er on the following Monday if (14) November 11 falls on a Saturday or Sunday, The leave of absence shall be for the 15 entire workday. If an employee intends to take a leave of absence under this 16 paragraph, the employee shall, in a reasonable and practicable manner, give the 17 employer advance notice of the leave of absence. 18 (b) For employees whose wages, hours, and conditions of employment are determined in a collective bargaining agreement, par. (a) applies only if the paid

leave of absence on November 11, or on the following Monday if November 11 falls

	2007 - 2008 Legislature	LRB-1960/1 GMM:wlj:jf
	SENATE BILL 109 (de secrebal in par. (a)	Section 1
1)	en a Saturday or Sunday is provided in an applicable collective	bargaining
2	agreement	
3	(3) An employer may not discharge or discriminate against an	employee in
4	promotion, in compensation, or in the terms, conditions, or privileges of	employment
5	for taking a paid leave of absence as provided in sub. (2), opposing	g a practice
6	prohibited under this section, filing a complaint or attempting to enfor	ce any right
7	under this section, or testifying or assisting in any action or proceeding to	enforce any
8	right under this section.	
9	(4) An employee who is discharged or discriminated against in viol	ation of sub.
10	(3) may file a complaint with the department, and the department shall	l process the
11	complaint in the same manner that employment discrimination con	nplaints are
12	processed under s. 111.39.	
13	SECTION 2. 106.54 (8) of the statutes is created to read:	•
14	106.54 (8) The division shall receive complaints under s. 103.06 ((4) and shall
15	process the complaints in the same manner that employment dis	crimination
16	complaints are processed under s. 111.39.	
17	(END)	
・・・・・・・・・・・・・・・・・・・・・・・・・・・・・・・・・・・・・・・	ST V	
-		
(ar ,	the department finds that an employer has violated may are three employer to take such action under soull effectuate the water	s.b.(3)
G S A	Simil effect at in the such action under	5. 111,39
	we to a dical the purpose of this section. Sick	on 111.322 (2m)
~3,	Swill effectuate the purpose of this section. Set place to a discharge or other discriminatory act	arising in
1 60	so comection with any proceeding under this	subuction.



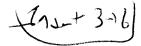
Section #. 111.322 (2m) (a) of the statutes is amended to read:

(103.06)

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

History: 1981 c. 334; 1989 a. 228, 359; 1997 a. 237; 1999 a. 150 s. 672; 1999 a. 167, 176.

V



Section #. 111.322 (2m) (b) of the statutes is amended to read:

111.322 (2m) (b) The individual testifies or assists in any action or proceeding held under or to enforce any right under s. 103.02, 103.10, 103.13, 103.28, 103.32, 103.455, 103.50, 104.12, 109.03, 109.07, 109.073 or 146.997 or ss. 101.58 to 101.599 or 103.64 to 103.82.

History: 1981 c. 334; 1989 a. 228, 359; 1997 a. 237; 1999 a. 150 s. 672; 1999 a. 167, 176.

(est-7)

Basford, Sarah

From:

Sent:

To:

Subject:

Wagnitz, John Thursday, December 18, 2008 11:42 AM LRB.Legal Draft Review: LRB 09-1024/1 Topic: Paid leave of absence for veterans on Veterans Day

Please Jacket LRB 09-1024/1 for the SENATE.



1

2

3

4

State of Misconsin 2009 - 2010 LEGISLATURE

LRB-1024/1 GMM:jld:ph

2009 BILL

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

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

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:

SECTION 1. 103.06 of the statutes is created to read:

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

- (a) "Employee" means an individual employed in this state by an employer.
- (b) "Employer" means a person engaging in any activity, enterprise, or business in this state. "Employer" includes the state and any office, department, independent agency, authority, institution, association, society, or other body in state government created or authorized to be created by the constitution or any law, including the legislature and the courts.
 - (c) "Veteran" has the meaning given in s. 45.01 (12).
- (2) (a) Subject to par. (b), an employer shall grant to each employee who is a veteran a paid leave of absence on November 11 or, if November 11 falls on a Saturday or Sunday and the employee is not scheduled to work on November 11, on the following Monday. The leave of absence shall be for the entire workday. If an employee intends to take a leave of absence under this paragraph, the employee shall, in a reasonable and practicable manner, give the employer advance notice of the leave of absence.
- (b) For employees whose wages, hours, and conditions of employment are determined in a collective bargaining agreement, par. (a) applies only if the paid leave of absence described in par. (a) is provided in an applicable collective bargaining agreement.

BILL

(3) An employer may not discharge or discriminate against an employee in
promotion, in compensation, or in the terms, conditions, or privileges of employmen
for taking a paid leave of absence as provided in sub. (2), opposing a practice
prohibited under this section, filing a complaint or attempting to enforce any righ
under this section, or testifying or assisting in any action or proceeding to enforce any
right under this section.
(4) An employee who is discharged or discriminated against in violation of sub
(3) may file a complaint with the department, and the department shall process the
complaint in the same manner that employment discrimination complaints are
$processed\ under\ s.\ 111.39.\ If\ the\ department\ finds\ that\ an\ employer\ has\ violated\ subsequent that\ violated\ subsequent\ finds\ that\ an\ employer\ has\ violated\ finds\ that\ finds\ that\$
(3), it may order the employer to take such action under s. 111.39 as will effectuate
the purpose of this section. Section 111.322 (2m) applies to a discharge or other
discriminatory act arising in connection with any proceeding under this subsection
SECTION 2. 106.54 (8) of the statutes is created to read:
106.54 (8) The division shall receive complaints under s. 103.06 (4) and shall
process the complaints in the same manner that employment discrimination
complaints are processed under s. 111.39.
SECTION 3. 111.322 (2m) (a) of the statutes is amended to read:
111.322 (2m) (a) The individual files a complaint or attempts to enforce any
right under s. 103.02, <u>103.06</u> , 103.10, 103.13, 103.28, 103.32, 103.455, 103.50
104.12, 109.03, 109.07, 109.075, or 146.997 or ss. 101.58 to 101.599 or 103.64 to
103.82.
SECTION 4. 111.322 (2m) (b) of the statutes is amended to read:
111.322 (2m) (b) The individual testifies or assists in any action or proceeding

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)

3.0