

# State of Wisconsin


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.

**2009 DRAFTING REQUEST**

**Bill**

Received: 12/03/2008

Received By: gmalaise

Wanted: As time permits

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 Contact:

Addl. Drafters:

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

Extra Copies:

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:**

<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 12/03/2008	jdyer 12/16/2008		_____			S&L
/1			phenry 12/16/2008	_____	sbasford 12/16/2008	sbasford 12/18/2008	

FE Sent For:

<END>

**2009 DRAFTING REQUEST**

**Bill**

Received: 12/03/2008

Received By: gmalaise

Wanted: As time permits

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 Contact:

Addl. Drafters:

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

Extra Copies:

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:**

<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 12/03/2008	jdye 12/16/2008		_____			S&L
/1			phenry 12/16/2008	_____	sbasford 12/16/2008		

FE Sent For:

<END>

2009 DRAFTING REQUEST

Bill

Received: 12/03/2008

Received By: gmalaise

Wanted: As time permits

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 Contact:

Addl. Drafters:

Subject: Employ Pub - civil service  
Employ Priv - miscellaneous

Extra Copies:

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:

<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	1/12/08 jld	1/16/08 ph	1/17/08 ph/jlc			

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 ~~3.~~ 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)

2007 - 2008 LEGISLATURE

LRB-196071

GMM:wl:jf

-1024/1

2007 **SENATE BILL 109**

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~~.

X

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

Regen ✓

and the employee is not scheduled to work on that day

**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, or compensation in lieu of reinstatement.

, and costs and attorney fees

**SENATE BILL 109**

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" means any individual who has served on active duty under honorable conditions in the U.S. armed forces or in forces incorporated as part of the U.S. armed forces.

*and the employee is not scheduled to work on November 11, on the following Monday*

*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 on the following Monday if November 11 falls on a Saturday or Sunday. 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.

*or,*

(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



SENATE BILL 109

described in par. (a)

1 ~~on 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 a practice  
6 prohibited under this section, filing a complaint or attempting to enforce 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 violation of sub.  
10 (3) may file a complaint with the department, and the department shall process the  
11 complaint in the same manner that employment discrimination complaints 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 discrimination  
16 complaints are processed under s. 111.39.

(END)

17  
Insert  
3-16

§ If the department finds that an employer has violated sub. (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.

Insert 3-16

Section #. 111.322 (2m) (a)<sup>x</sup> 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.

✓

Inst + 3-6

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, 103.06, 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.

(cost - 7)

**Basford, Sarah**

---

**From:** Wagnitz, John  
**Sent:** Thursday, December 18, 2008 11:42 AM  
**To:** LRB.Legal  
**Subject:** 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.



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-1024/1  
GMM:jld:ph

## 2009 BILL

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)