

Fiscal Estimate Narratives

OSER 1/24/2011

LRB Number	11-0678/2	Introduction Number	SB-008	Estimate Type	Original
Description Conforming the state family and medical leave law to the federal family and medical leave law and granting rule-making authority					

Assumptions Used in Arriving at Fiscal Estimate

These proposed changes to the WI Family and Medical Leave Act should have a minimal, though indeterminate fiscal effect. To the extent that certain changes may increase or decrease the total amount of FMLA leave used by employees, these changes should have minimal fiscal impact on the state as the employer, because the entitlement to FMLA leave is for unpaid leave. Employees that substitute paid leave during FMLA leave are using paid leave that they could use otherwise, so there is no direct fiscal difference whether they use the paid leave to cover family and medical leave or at another time.

Compared to the total amount of leave currently available under WI or federal FMLA, this Bill would increase the amount of leave available to care for a domestic partner or the parent of a domestic partner from 2 weeks to 12 weeks. Additionally, since domestic partner situations are not recognized under the federal FMLA, domestic partners could stack 12 weeks of leave for a domestic partner reason covered under this bill with 12 weeks under federal FMLA for federally-covered reasons, allowing the possibility of a combined 24 weeks of state and federal FMLA in a year.

This Bill would decrease the total amount of WI or federal FMLA leave available to employees who exhaust their 12 weeks of federal FMLA but did not use up all 3 categories of WI FMLA leave: 2 weeks for the employee's own illness; 2 weeks for the illness of a family member, and six weeks for the birth of a child. This bill would eliminate the possibility of stacking WI FMLA leave on top of federal FMLA leave except for the domestic partner situations described in the previous paragraph.

This Bill would decrease the total amount of FMLA leave available to married parents both working for the state, because of the restriction to 12 weeks total combined to match the federal FMLA. Currently, the state does not observe this federal FMLA limitation because it is perceived as unlawful discrimination against married persons under Wisconsin's Fair Employment Law.

In summary, this Bill has increases the total amount of state and federal FMLA leave available to some persons, and reduces it for others, but with little direct fiscal effect in either case.

Long-Range Fiscal Implications