



2011 SENATE BILL 23

1 **AN ACT** *to amend* 103.10 (1) (b) and 103.10 (1) (c); and *to create* 103.10 (1m) of
2 the statutes; **relating to:** preemption of city, village, town, or county
3 ordinances requiring employers to provide employees with leave from
4 employment to deal with family, medical, or health issues.

Analysis by the Legislative Reference Bureau

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

5 **SECTION 1.** 103.10 (1) (b) of the statutes is amended to read:

6 103.10 (1) (b) “Employee” Except as provided in sub. (1m) (b) 2., “employee”
7 means an individual employed in this state by an employer, except the employer’s
8 parent, spouse, domestic partner, or child.

9 **SECTION 2.** 103.10 (1) (c) of the statutes is amended to read:

10 103.10 (1) (c) Except as provided in sub. (14) (1m) (b) 3., “employer” means a
11 person engaging in any activity, enterprise or business in this state employing at

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1 least 50 individuals on a permanent basis. “Employer” includes the state and any
2 office, department, independent agency, authority, institution, association, society or
3 other body in state government created or authorized to be created by the
4 constitution or any law, including the legislature and the courts.

5 **SECTION 3.** 103.10 (1m) of the statutes is created to read:

6 103.10 **(1m)** STATEWIDE CONCERN; UNIFORMITY. (a) The legislature finds that the
7 provision of family and medical leave that is uniform throughout the state is a matter
8 of statewide concern and that the enactment of an ordinance by a city, village, town,
9 or county that requires employers to provide employees with leave from employment,
10 paid or unpaid, for any of the reasons specified in par. (c) would be logically
11 inconsistent with, would defeat the purpose of, and would go against the spirit of this
12 section. Therefore, this section shall be construed as an enactment of statewide
13 concern for the purpose of providing family and medical leave that is uniform
14 throughout the state.

15 (b) In this subsection:

16 1. “Domestic abuse” has the meaning given in s. 968.075 (1) (a).

17 2. “Employee” has the meaning given in s. 104.01 (2) (a).

18 3. “Employer” has the meaning given in s. 104.01 (3) (a).

19 4. “Family member” means a spouse or domestic partner of an employee; a
20 parent, child, sibling, including a foster sibling, brother-in-law, sister-in-law,
21 grandparent, stepgrandparent, or grandchild of an employee or of an employee’s
22 spouse or domestic partner; or any other person who is related by blood, marriage,
23 or adoption to an employee or to an employee’s spouse or domestic partner and whose
24 close association with the employee, spouse, or domestic partner makes the person
25 the equivalent of a family member of the employee, spouse, or domestic partner.

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1 5. “Health condition” means a physical or mental illness, injury, impairment,
2 or condition.

3 6. “Sexual abuse” means conduct that is in violation of s. 940.225, 944.30,
4 948.02, 948.025, 948.05, 948.051, 948.055, 948.06, 948.085, 948.09, or 948.10 or that
5 is in violation of s. 940.302 (2) if s. 940.302 (2) (a) 1. b. applies.

6 7. “Stalking” means to engage in a course of conduct, as defined in s. 940.32 (1)
7 (a), that meets the criteria of s. 940.32 (2) (a).

8 (c) Subject to par. (d), a city, village, town, or county may not enact and
9 administer an ordinance requiring an employer to provide an employee with leave
10 from employment, paid or unpaid, for any of the following reasons:

11 1. Because the employee has a health condition, is in need of medical diagnosis,
12 care, or treatment of a health condition, or is in need of preventive medical care.

13 2. To care for a family member who has a health condition, who is in need of
14 medical diagnosis, care, or treatment of a health condition, or who is in need of
15 preventive medical care.

16 3. Because the employee’s absence from work is necessary in order for the
17 employee to do any of the following:

18 a. Seek medical attention or obtain psychological or other counseling for the
19 employee or a family member to recover from any health condition caused by
20 domestic abuse, sexual abuse, or stalking.

21 b. Obtain services for the employee or a family member from an organization
22 that provides services to victims of domestic abuse, sexual abuse, or stalking.

23 c. Relocate the residence of the employee or of a family member due to domestic
24 abuse, sexual abuse, or stalking.

