

2017 DRAFTING REQUEST**Senate Amendment (SA-AB748)**For: **Jennifer Shilling (608) 266-5490**Drafter: **chanaman**By: **Danielle**

Secondary Drafters:

Date: **3/19/2018**

May Contact:

Same as LRB:

Submit via email: **YES**Requester's email: **Sen.Shilling@legis.wisconsin.gov**

Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Combined package for AB748

Instructions:

Restore prevailing wage

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	mduchek 3/20/2018	kfollett 3/20/2018			
/1			lparisi 3/20/2018	lparisi 3/20/2018	

FE Sent For:

<END>

Duchek, Michael

From: Shovers, Marc
Sent: Monday, March 19, 2018 11:39 AM
To: Hanaman, Cathlene; Pleviak, Krista; Knepp, Fern; Duchek, Michael
Subject: FW: Amendment requests to AB 748

Importance: High

Hello everyone:

Sen. Shilling requests that the following bills/provisions be drafted as amendments to AB 748. AB 748 has been affected by AA 1 (LRBa2192) and AA 4 (LRB a2340).

KRP: AB 212; restore prevailing wage; AB 998; AB 286; AB 866; AB 213

CMH: Repeal 2015 Act 1 (repeal right to work); repeal AB 24

FFK: Repeal 2015 AB 373 (restore civil service protections)

MED: SB 371

MES: AB 297/SB 14

From: Williams, Danielle
Sent: Sunday, March 18, 2018 9:59 AM
To: Shovers, Marc <Marc.Shovers@legis.wisconsin.gov>
Cc: Pennoyer, Kara <Kara.Pennoyer@legis.wisconsin.gov>
Subject: Amendment request to AB 748
Importance: High

Please draft separate amendments to AB 748 that incorporate the following provisions. (Fair warning, we may ask these to be combined later.)

- AB 212 Equal pay protections
- Restore state and local prevailing wage
- AB 998 Restore ability to set local living wage ordinances
- Repeal 2015 Act 1 (Repeal right to work)
- Repeal AB 24 (Project Labor agreements)
- Repeal 2015 AB 373 (Restore civil service protections)
- AB 286 Paid family leave
- AB 866 Right to request and receive work schedule
- AB 297/SB 14 Buy Wisconsin preference
- AB 213 prohibiting an employer from asking about a prospective employee's current or prior compensation
- SB 371 wage theft

Please contact me with any questions. Thank you for your assistance!

Danielle Williams

Shovers, Marc

From: Williams, Danielle
Sent: Monday, March 19, 2018 4:06 PM
To: Shovers, Marc
Cc: Pennoyer, Kara
Subject: RE: Amendment request to AB 748

Hi Marc,

Senator Shilling would like all of these provisions consolidated into one amendment. Thank you for your assistance.

Sincerely,

Danielle E. Williams
Office of Senator Jennifer Shilling
608.266.5490
206 South, State Capitol



From: Williams, Danielle
Sent: Sunday, March 18, 2018 9:59 AM
To: Shovers, Marc <Marc.Shovers@legis.wisconsin.gov>
Cc: Pennoyer, Kara <Kara.Pennoyer@legis.wisconsin.gov>
Subject: Amendment request to AB 748
Importance: High

Please draft separate amendments to AB 748 that incorporate the following provisions. (Fair warning, we may ask these to be combined later.)

- AB 212 Equal pay protections 2393
- Restore state and local prevailing wage -2387
- AB 998 Restore ability to set local living wage ordinances 2392
- Repeal 2015 Act 1 (Repeal right to work) -2389
- Repeal AB 24 (Project Labor agreements) 2391
- Repeal 2015 AB 373 (Restore civil service protections) -2385
- AB 286 Paid family leave 2409
- AB 866 Right to request and receive work schedule -2382
- AB 297/SB 14 Buy Wisconsin preference -2383
- AB 213 prohibiting an employer from asking about a prospective employee's current or prior compensation -2389
- SB 371 wage theft 2388

Please contact me with any questions. Thank you for your assistance!

Danielle Williams
Office of Sen. Shilling



State of Wisconsin
2017 - 2018 LEGISLATURE

LRBa2528/P1

all
All

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
SENATE AMENDMENT ,
TO ASSEMBLY BILL 748**

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 3: before "preventing" insert "repealing right to work;"

3 **2.** Page 1, line 6: after "law;" insert "state procurement of products and
4 services from businesses located in this state; setting a goal for local government to
5 purchase a certain percentage of products and services from businesses located in
6 this state;"

7 **3.** Page 1, line 6: after "law;" insert "project labor agreements and public
8 contracts;"

9 **4.** Page 1, line 7: after "benefits," insert ~~the state civil service system~~

10 **5.** Page 1, line 9: after "state;" insert "the rights of employees to request and
11 receive work schedule changes; predictable work schedules for retail, food service,
12 and cleaning employees; granting rule-making authority; providing a penalty;"

INS 1-10A
INS 1-10B
INS 1-10C

INS
1-12D

INS
1-12C

yes
making appropriations;

INS
1-12C

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6. Page 1, line 9: after "state;" insert "prohibiting an employer from relying on or inquiring about a prospective employee's current or prior compensation and from restricting an employee's right to disclose compensation information; providing a penalty".

7. Page 1, line 9: after "state;" insert "allowing the enactment of local minimum wage ordinances;

INS
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8. Page 1, line 9: after "state;" insert "actions in circuit court alleging discrimination in employment, unfair honesty testing, or unfair genetic testing;"

9. Page 1, line 9: after "state;" insert "the establishment of a family and medical leave insurance program; family leave to care for a grandparent, grandchild, or sibling and for the active duty of a family member; the employers that are required to permit an employee to take family or medical leave; providing an exemption from emergency rule procedures; providing an exemption from rule-making procedures; granting rule-making authority; making an appropriation; providing a penalty;"

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10. Page 2, line 1: before that line insert:

"SECTION 1e. 16.72 (2) (c) of the statutes is amended to read:

16.72 (2) (c) To the extent possible, the department shall write specifications so as to permit the purchase of materials manufactured in the United States, as defined in s. 16.754 (1) (b), or the purchase of local products or services, as defined in s. 66.0145 (1) (b).

SECTION 1f. 16.754 (title) of the statutes is amended to read:

16.754 (title) Preference for local products and services and American-made materials.

SECTION 1g. 16.754 (1) (a) of the statutes is renumbered 16.754 (1) (ar).

1 **SECTION 1h.** 16.754 (1) (am) of the statutes is created to read:

2 16.754 (1) (am) “Local product or service” has the meaning given in s. 66.0145
3 (1) (b).

4 **SECTION 1i.** 16.754 (2) (title) of the statutes is amended to read:

5 16.754 (2) (title) PURCHASE PREFERENCE PREFERENCES.

6 **SECTION 1j.** 16.754 (2) of the statutes is renumbered 16.754 (2) (b).

7 **SECTION 1je.** 16.754 (2) (a) of the statutes is created to read:

8 16.754 (2) (a) The department, a designated purchasing agent under s. 16.71
9 (1), and each agency making purchases under s. 16.74 shall attempt to ensure that
10 at least 20 percent of the total amount expended under this subchapter in each fiscal
11 year is for local products or services, and it shall be a further goal that the percentage
12 of the total amount expended in any fiscal year for local products or services will not
13 be lower than the percentage of the total amount expended in the previous fiscal year
14 for local products or services.

15 **SECTION 1jh.** 16.754 (2m) of the statutes is created to read:

16 16.754 (2m) **DATA.** For purposes of measuring compliance with sub. (2) (a), the
17 department shall collect from a person who responds to a proposal or submits a bid
18 for a contract information regarding the person’s principal place of business. The
19 department shall make available to the public on its Internet site the data it collects
20 under this subsection as well as an annual evaluation of how well the department,
21 its designated purchasing agents, and any agency making purchases under s. 16.74
22 are meeting the goal under sub. (2) (a).

23 **SECTION 1jm.** 16.754 (3) (intro.) of the statutes is amended to read:

24 16.754 (3) **EXEMPTIONS.** (intro.) Subsection (2) (b) does not apply if the
25 materials are purchased for the purpose of commercial resale or for the purpose of

1 use in the production of goods for commercial sale. Subsection (2) (b) does not apply
2 to the purchase of stationery and printing materials. Subsection (2) (b) does not
3 apply if the department determines, under s. 16.75 (1) (a) 2., that the foreign nation
4 or subdivision thereof in which the vendor is domiciled does not give preference to
5 vendors domiciled in that nation or subdivision in making governmental purchases.
6 Subsection (2) (b) does not apply if the department or other person having
7 contracting authority in respect to the purchase determines that:”.

8 **11.** Page 2, line 1: before that line insert:

9 “SECTION 1b. 20.865 (1) (dm) of the statutes is repealed.

10 SECTION 1c. 20.928 (1f) of the statutes is repealed.

11 SECTION 1d. 62.13 (4) (d) of the statutes is amended to read:

12 62.13 (4) (d) The examination shall be free for all U.S. citizens over 18 and
13 under 55 years of age, with proper limitations as to health and, subject to ss. 111.321,
14 111.322, and 111.335, arrest and conviction record. The examination, including
15 minimum training and experience requirements, shall be job-related in compliance
16 with appropriate validation standards and shall be subject to the approval of the
17 board and may include tests of manual skill and physical strength. All relevant
18 experience, whether paid or unpaid, shall satisfy experience requirements. The
19 board shall control examinations and may designate and change examiners, who
20 may or may not be otherwise in the official service of the city, and whose
21 compensation shall be fixed by the board and paid by the city. Veterans and their
22 spouses shall be given preference points in accordance with s. ~~63.08 (1) (fm)~~ 230.16
23 (7).

24 SECTION 1e. 63.08 (1) (f) 1. of the statutes is amended to read:

1 63.08 (1) (f) 1. The commission may not impose any restriction as to age on any
2 veteran who is applying or eligible for a position under this section. The commission
3 shall give preference points to veterans and their spouses under ~~par. (fm) s. 230.16~~
4 (7), except as provided under subd. 2.

5 **SECTION 1f.** 63.08 (1) (f) 2. of the statutes is amended to read:

6 63.08 (1) (f) 2. Notwithstanding ~~par. (fm) s. 230.16 (7)~~, persons shall be certified
7 from the eligible list under s. 63.05 (1) (b) without adding any preference points to
8 any person's grade.

9 **SECTION 1g.** 63.08 (1) (f) 3. of the statutes is amended to read:

10 63.08 (1) (f) 3. After the certification under subd. 2., any veteran or veteran's
11 spouse whose grade, plus the points to which the veteran or spouse is entitled under
12 ~~par. (fm) s. 230.16 (7)~~, is equal to or higher than the lowest grade on the list made
13 under subd. 2. shall be added to the certification list under s. 63.05 (1) (b). The
14 number of persons added to a certification list under this subdivision may not exceed
15 the number of persons initially certified under subd. 2.

16 **SECTION 1h.** 63.08 (1) (fm) of the statutes is renumbered 230.16 (7), and 230.16
17 (7) (a) (intro.) and (b), as renumbered, are amended to read:

18 230.16 (7) (a) (intro.) A preference shall be given to those veterans and to those
19 spouses of veterans specified in subd. subds. 1. -a. to f. to 6. who gain eligibility on
20 any competitive employment register and who do not currently hold a permanent
21 appointment or have mandatory restoration rights to a permanent appointment to
22 any position. A preference means the following:

23 (b) An applicant who is certified for a position after receiving a preference
24 under ~~subd. 1. d., e., or f.~~ par. (a) 4., 5., or 6. and who is appointed to that position may

1 not obtain a preference under subd. ~~1. d., e., or f.~~ par. (a) 4., 5., or 6. for any other civil
2 service position for which the applicant subsequently applies.

3 **SECTION 1i.** 63.37 of the statutes is amended to read:

4 **63.37 Board to keep a register of eligibles.** From the returns or reports of
5 the examiners, or from the examinations made by the board, the board shall prepare
6 and keep a register for each grade or class of position in the service of such city, of
7 the persons whose general average standing upon examinations for such grade or
8 class is not less than the minimum fixed by the rules of such board, and who are
9 otherwise eligible, and such persons shall take rank upon the register as candidates
10 in the order of their relative excellence as determined by examination without
11 reference to priority of time of examination. The board shall impose no restrictions
12 as to age in case of veterans, and veterans and their spouses shall be given preference
13 points in accordance with s. ~~63.08 (1) (fm)~~ 230.16 (7).

14 **SECTION 1k.** 63.39 (2m) of the statutes is amended to read:

15 **63.39 (2m)** Notwithstanding s. ~~63.08 (1) (fm)~~ 230.16 (7), the board shall certify
16 persons from the list of eligibles without adding preference points to their grades.
17 After the certification under sub. (1) or (2), the board shall add to the certification list
18 any veteran or veteran's spouse whose grade, plus the points to which the veteran
19 or spouse is entitled under s. ~~63.08 (1) (fm)~~ 230.16 (7), is equal to or higher than the
20 lowest grade on the list of eligibles.”.

21 **12.** Page 2, line 1: before that line insert:

22 “**SECTION 1e.** 16.75 (1p) of the statutes, as created by 2017 Wisconsin Act 3, is
23 repealed.

1 **SECTION 1g.** 16.855 (1p) of the statutes, as created by 2017 Wisconsin Act 3, is
2 repealed.”.

3 **13.** Page 2, line 1: before that line insert:

4 “**SECTION 1e.** 20.445 (1) (w) of the statutes is created to read:

5 20.445 (1) (w) *Family and medical leave insurance trust fund.* From the family
6 and medical leave insurance trust fund, all moneys deposited in that fund under s.
7 103.105 (7) for the payments of family or medical leave insurance benefits under s.
8 103.105 (2) (c) and for the administration of the family or medical leave insurance
9 program under s. 103.105.

10 **SECTION 1m.** 25.17 (1) (er) of the statutes is created to read:

11 25.17 (1) (er) Family and medical leave insurance trust fund (s. 25.52);

12 **SECTION 1s.** 25.52 of the statutes is created to read:

13 **25.52 Family and medical leave insurance trust fund.** There is created
14 a separate nonlapsible trust fund designated as the family and medical leave
15 insurance trust fund, to consist of all moneys deposited in that fund under s. 103.105
16 (7).”.

17 **14.** Page 3, line 23: before that line insert:

18 “**SECTION 1s.** 66.0145 of the statutes is created to read:

19 **66.0145 Purchases of Wisconsin goods and services. (1) DEFINITIONS.** In
20 this section:

21 (a) “Local governmental unit” has the meaning given in s. 66.0135 (1) (c).

22 (b) “Local product or service” means a product or service that is purchased from
23 a person whose principal place of business is located in this state.

1 **(2) PURCHASING GOALS.** (a) It shall be a goal of a local governmental unit that,
2 annually, at least 20 percent of the aggregate value of purchases of products and
3 services by that local governmental unit shall be local products or services, and it
4 shall be a further goal of the local governmental unit that the percentage of the
5 aggregate value of routine purchases of products and services in any year that are
6 local products and services will not be lower than the aggregate value of such routine
7 purchases in the previous year.

8 (b) A local governmental unit shall evaluate its performance in reaching the
9 goals specified in par. (a) and shall annually make this evaluation available to the
10 public, except that these requirements do not apply to any local governmental unit
11 whose governing body enacts an ordinance, adopts a resolution, or takes other official
12 action stating that it chooses not to conduct an evaluation of its performance in
13 reaching the goals.”.

14 **15.** Page 4, line 3: after that line insert:

15 “**SECTION 2m.** 66.0509 (1) of the statutes is amended to read:

16 66.0509 (1) Any city or village may proceed under s. 61.34 (1), 62.11 (5) or
17 66.0101 to establish a civil service system of selection, tenure and status, and the
18 system may be made applicable to all municipal personnel except the chief executive
19 and members of the governing body, members of boards and commissions including
20 election officials, employees subject to s. 62.13, members of the judiciary and
21 supervisors. Any town may establish a civil service system under this subsection.
22 For veterans there shall be no restrictions as to age, and veterans and their spouses
23 shall be given preference points in accordance with s. ~~63.08 (1) (fm)~~ 230.16 (7). The
24 system may also include uniform provisions in respect to attendance, leave

1 regulations, compensation and payrolls for all personnel included in the system. The
2 governing body of any city, village or town establishing a civil service system under
3 this section may exempt from the system the librarians and assistants subject to s.
4 43.09 (1).”.

5 **16.** Page 4, line 3: after that line insert:

6 “SECTION 2e. 66.0901 (1) (ae) of the statutes, as created by 2017 Wisconsin Act
7 3, is repealed.

8 SECTION 2f. 66.0901 (1) (am) of the statutes, as created by 2017 Wisconsin Act
9 3, is repealed.

10 SECTION 2g. 66.0901 (6) of the statutes, as affected by 2017 Wisconsin Act 3,
11 is amended to read:

12 66.0901 (6) SEPARATION OF CONTRACTS; CLASSIFICATION OF CONTRACTORS. In public
13 contracts for the construction, repair, remodeling or improvement of a public
14 building or structure, other than highway structures and facilities, a municipality
15 may bid projects based on a single or multiple division of the work. Public contracts
16 shall be awarded according to the division of work selected for bidding. ~~Except as~~
17 ~~provided in sub. (6m), the~~ The municipality may set out in any public contract
18 reasonable and lawful conditions as to the hours of labor, wages, residence, character
19 and classification of workers to be employed by any contractor, classify contractors
20 as to their financial responsibility, competency and ability to perform work and set
21 up a classified list of contractors. The municipality may reject the bid of any person,
22 if the person has not been classified for the kind or amount of work in the bid.

23 SECTION 2h. 66.0901 (6m) of the statutes, as created by 2017 Wisconsin Act 3,
24 is repealed.

1 **SECTION 2i.** 66.0901 (6s) of the statutes, as created by 2017 Wisconsin Act 3,
2 is repealed.”.

3 **17.** Page 4, line 3: after that line insert:

4 **“SECTION 2m.** 71.05 (6) (b) 54. of the statutes is created to read:

5 71.05 (6) (b) 54. For taxable years beginning after December 31, 2021, any
6 amount of family or medical leave insurance benefits received by a covered
7 individual, as defined in s. 103.105 (1) (d), in the taxable year to which the
8 subtraction relates.”.

9 **18.** Page 4, line 15: after “103.03,” insert “103.035,”.

10 **19.** Page 5, line 6: before that line insert:

11 **“SECTION 3m.** 103.035 of the statutes is created to read:

12 **103.035 Work schedule flexibility and predictability. (1) DEFINITIONS.**

13 In this section:

14 (a) “Bona fide business reason” means a reason that justifies an employer’s
15 action and that is based on the employer’s determination that taking a different
16 action would have any of the following results:

17 1. Additional costs to the employer, including costs of lost employee
18 productivity, retaining or hiring employees, or transferring employees between work
19 locations.

20 2. A significant detrimental effect on the employer’s ability to meet
21 organizational needs or customer demand.

22 3. A significant inability of the employer, despite the employer’s best efforts,
23 to reorganize work among other employees.

24 4. A significant detrimental effect on the employer’s business performance.

1 5. Insufficient work during the period an employee proposes to work.

2 6. Unfairness to other employees who request changes to work schedules if
3 granting all requests would have a significant detrimental effect on the employer's
4 ability to meet organizational needs.

5 (b) "Child" means an individual who is all of the following:

6 1. A biological, adopted, or foster child; a stepchild; a legal ward; or a child of
7 a person standing in the place of a parent with respect to that child.

8 2. An individual to whom any of the following applies:

9 a. The individual is less than 18 years of age.

10 b. The individual is 18 years of age or older and is incapable of self-care because
11 of a mental or physical disability.

12 (c) "Domestic partner" has the meaning given in s. 40.02 (21c) or 770.01 (1).

13 (d) "Employee" means an employee who is employed by an employer.

14 (e) "Employer" means an employer that employs at least 15 employees.
15 "Employer" includes the state, its political subdivisions, and any office, department,
16 independent agency, authority, institution, association, society, or other body in state
17 or local government created or authorized to be created by the constitution or any
18 law, including the legislature and the courts.

19 (f) "Family member" means any of the following:

20 1. A spouse or domestic partner of an employee.

21 2. A parent, child, sibling, brother-in-law, sister-in-law, grandparent, or
22 grandchild of an employee or of an employee's spouse or domestic partner.

23 3. Any other individual who is related by blood, marriage, or adoption to an
24 employee or to an employee's spouse or domestic partner and whose close association

1 with the employee, spouse, or domestic partner makes the individual the equivalent
2 of a family member of the employee, spouse, or domestic partner.

3 (g) "Grandchild" means the child of a child.

4 (h) "Grandparent" means the parent of a parent.

5 (i) "Nonexempt employee" means an employee who is not employed in a bona
6 fide executive, administrative, or professional capacity, as described in 29 USC 213

7 (a) (1).

8 (j) "Parent" means a biological parent, foster parent, adoptive parent,
9 stepparent, or legal guardian of an employee or of an employee's spouse or domestic
10 partner.

11 (k) "Part-time employee" means an employee who works on average fewer than
12 30 hours per week for a particular employer.

13 (L) "Service employee" means a nonexempt employee who is employed in an
14 occupation designated by the department under sub. (3) (g) or in any of the
15 occupations classified under the following codes set forth in the Standard
16 Occupational Classification system, 2010 edition, published by the bureau of labor
17 statistics of the U.S. department of labor:

18 1. Major group code 35-0000 — Food preparation and serving related
19 occupations.

20 2. Broad occupation code 37-2010 — Building cleaning workers.

21 3. Detailed occupation code 41-1011 — First-line supervisors of retail sales
22 workers.

23 4. Minor group code 41-2000 — Retail sales workers.

24 (m) "Sibling" means a brother, sister, half brother, half sister, stepbrother,
25 stepsister, foster brother, or foster sister, whether by blood, marriage, or adoption.

1 (n) "Split shift" means a work shift that consists of work time that is not
2 continuous. For purposes of determining whether a work shift is continuous, any of
3 the following breaks in work time are not considered:

- 4 1. One or more breaks for meals that total one hour or less.
- 5 2. A break that is requested by the employee.

6 (o) "Work schedule" means the days and times during each successive work
7 period when an employee is required by an employer to perform duties of
8 employment.

9 (p) "Work shift" means the specific times during a day that an employer
10 requires an employee to work.

11 (q) "Written" does not include a communication that is transmitted or received
12 by electronic means.

13 **(2) EMPLOYEE RIGHT TO REQUEST AND RECEIVE WORK SCHEDULE CHANGES.** (a)
14 *Employee right to request work schedule changes.* 1. An employee may request a
15 change in the terms and conditions of employment related to any of the following
16 work schedule issues:

- 17 a. The number of hours the employee is required to work or be on call for work.
- 18 b. The days or times when the employee is required to work or be on call for
19 work.
- 20 c. The location where the employee is required to work.
- 21 d. The amount of notification the employee receives regarding changes to the
22 employee's work schedule.
- 23 e. Minimizing fluctuations in the number of hours the employee is scheduled
24 to work on a daily, weekly, or monthly basis.

1 2. An employee who makes a request under subd. 1. shall specify in the request
2 whether it is related to any of the following:

3 a. A serious health condition, as defined under s. 103.10 (1) (g), of the employee.

4 b. The employee's responsibilities as a significant provider of ongoing care,
5 including responsibility for securing ongoing care, of the employee's child, family
6 member with a serious health condition, as defined under s. 103.10 (1) (g), or parent
7 who is 65 years of age or older.

8 c. The employee's responsibilities as a significant provider of education,
9 including responsibility for securing education, of the employee's child.

10 d. The employee's enrollment in an educational or training program or program
11 of study that leads to a recognized postsecondary credential.

12 e. If the employee is a part-time employee, conflicts with the employee's other
13 employment.

14 (b) *Evaluating requests for work schedule changes.* If an employer receives a
15 request from an employee under par. (a), the employer shall either grant the request
16 without modification or negotiate in good faith with the employee to find a
17 compromise that meets the employee's and the employer's work scheduling needs,
18 including by considering any alternative proposals offered by the employee. If the
19 employer denies the request and any alternative proposals offered, the employer
20 shall inform the employee of the reasons for denial, including whether any of the
21 reasons is a bona fide business reason.

22 (c) *Requests related to serious health conditions, caregiving, education, or other*
23 *part-time employment.* Notwithstanding par. (b), if an employer receives a request
24 from an employee under par. (a) that is directly related to any of the issues described

1 under par. (a) 2., the employer shall grant the request unless the employer has a bona
2 fide business reason for denying the request.

3 (d) *Verification of reasons for requested changes.* If an employer receives a
4 request from an employee under par. (a), the employer may require the employee to
5 provide additional information to clarify or explain the reasons for the employee's
6 requested work schedule change if the employer needs that information to properly
7 evaluate the request under par. (b) or (c).

8 (3) PREDICTABLE WORK SCHEDULES FOR RETAIL, FOOD SERVICE, AND CLEANING
9 EMPLOYEES. (a) *Advance notice of work schedules required.* 1. On or before the first
10 day of work of a new service employee, an employer shall provide the service
11 employee with a written copy of the service employee's work schedule.

12 2. Except as provided in pars. (b) and (c), if an employer changes a work
13 schedule provided to a service employee under subd. 1. or this subdivision, the
14 employer shall provide the service employee with a written copy of the new work
15 schedule no later than 14 days before the new work schedule begins.

16 3. An employer shall post a copy of a work schedule provided under this
17 paragraph in any of the following ways:

18 a. In one or more conspicuous places where notices to employees are
19 customarily posted.

20 b. On an Internet site accessible by all of the employer's employees.

21 4. If an employer changes a work schedule after it is posted under subd. 3., the
22 employer shall revise the posted work schedule to reflect those changes.

23 (b) *Employer-initiated changes to work schedules without advance notice.* 1.
24 An employer may change, without the advance notice required under par. (a) 2., a
25 work schedule provided to a service employee under par. (a) 1. or 2. as provided in

1 this paragraph. Except as provided under subd. 2., if the employer changes a work
2 schedule provided to a service employee under par. (a) 1. or 2. less than 14 days before
3 the new work schedule begins, the employer shall provide the service employee
4 compensation for the change in an amount equal to the service employee's regular
5 rate of pay for one hour of work in addition to any other compensation earned by the
6 service employee.

7 2. An employer is not required to pay compensation to a service employee under
8 subd. 1. for a change to the service employee's work schedule if any of the following
9 applies to the change:

10 a. The service employee consents to the change.

11 b. The employer requires the service employee to work additional time or an
12 additional work shift because another service employee was scheduled to work that
13 time or work shift and is unexpectedly unavailable to do so.

14 (c) *Employee-initiated changes to work schedules.* An employer may allow a
15 service employee to agree to work in place of another service employee if the service
16 employees mutually agree to the change. The employer is not required to provide
17 compensation under par. (b) 1. to a service employee with respect to a work shift trade
18 under this paragraph.

19 (d) *Compensation for reporting time, on-call time, and split shifts.* 1. Except
20 as provided in subd. 4., if a service employee reports to work and the service
21 employee's employer does not allow the service employee to work all time that the
22 service employee is scheduled to work, the employer shall provide the service
23 employee with the following compensation:

24 a. If the service employee is scheduled to work 4 hours or less, an amount equal
25 to the service employee's regular rate of pay for all time the service employee is

1 scheduled to work but does not work in addition to any other compensation earned
2 by the service employee for time the service employee actually works.

3 b. If the service employee is scheduled to work more than 4 hours and works
4 less than 4 hours, an amount equal to the service employee's regular rate of pay for
5 the difference between 4 hours and the amount of time the service employee actually
6 works in addition to any other compensation earned by the service employee for time
7 the service employee actually works.

8 2. Except as provided in subd. 4., if an employer requires a service employee
9 to contact the employer, or wait to be contacted by the employer, less than 24 hours
10 before a work shift to determine whether the employer will require the service
11 employee to report to work for that work shift, the employer shall provide the service
12 employee compensation in an amount equal to the service employee's regular rate of
13 pay for one hour of work in addition to any other compensation earned by the service
14 employee for time the service employee actually works.

15 3. Except as provided in subd. 4, if an employer requires a service employee to
16 work a split shift, the employer shall provide the service employee compensation in
17 an amount equal to the service employee's regular rate of pay for one hour of work
18 in addition to any other compensation earned by the service employee for time the
19 service employee actually works.

20 4. If a service employee is entitled to more than one type of compensation under
21 subs. 1. to 3. with respect to a particular work shift, the employer shall pay the
22 service employee the compensation required under subd. 1., 2., or 3., whichever is
23 greatest.

24 (e) *Manner of payment of additional compensation.* An employer that is
25 required to provide compensation to a service employee under par. (b) 1. or (d) shall

1 pay that compensation on the service employee's regular pay check or other wage
2 payment. The employer shall identify on the pay check, pay envelope, or paper
3 accompanying the wage payment the amount of and reason for all additional
4 compensation paid.

5 (f) *Exception.* An employer is not required to comply with this subsection
6 during a period in which the employer's regular operations are suspended due to an
7 event outside of the employer's control.

8 (g) *Designating additional covered occupations.* The department may
9 promulgate rules to apply the protections afforded under pars. (a) to (f) to additional
10 occupations. The department may designate an occupation under this paragraph if
11 the department determines that at least 10 percent of the individuals employed in
12 the occupation either typically receive notice of changes to their work schedules less
13 than 14 days before the change takes effect or regularly experience fluctuations in
14 the number of hours the individuals are scheduled to work on a daily, weekly, or
15 monthly basis.

16 (4) PROHIBITED ACTS. (a) No employer may interfere with, restrain, or deny the
17 exercise of the right of an employee to request and receive a change in the terms and
18 conditions of employment as provided under sub. (2). No employer may interfere
19 with, restrain, or deny the exercise of the right of a service employee to receive
20 advance notice of work schedules as provided under sub. (3) (a), receive
21 compensation as provided under sub. (3) (b) 1. and (d), or request approval to trade
22 work shifts as provided under sub. (3) (c).

23 (b) No employer may discharge or discriminate against an employee in
24 promotion, in compensation, or in the terms, conditions, or privileges of employment
25 for exercising a right of an employee described under par. (a), opposing a practice

1 prohibited under this section, filing or indicating an intent to file a complaint or
2 otherwise attempting to enforce a right under this section, or testifying, assisting,
3 or participating in any manner in any investigation, action, or proceeding to enforce
4 a right under this section.

5 (5) ENFORCEMENT. (a) *Administrative proceeding.* An employee whose rights
6 are interfered with, restrained, or denied in violation of sub. (4) (a) or who is
7 discharged or discriminated against in violation of sub. (4) (b) may file a complaint
8 with the department, and the department shall process the complaint in the same
9 manner that employment discrimination complaints are processed under s. 111.39.
10 If the department finds that a violation has occurred, the department may order the
11 employer to take action to remedy the violation, including any action authorized
12 under s. 111.39.

13 (b) *Civil action.* 1. The department or an employee whose rights are interfered
14 with, restrained, or denied in violation of sub. (4) (a) or who is discharged or
15 discriminated against in violation of sub. (4) (b) may bring an action in circuit court
16 against an employer on the basis of the violation without regard to exhaustion of any
17 administrative remedy.

18 2. In an action under subd. 1., if the circuit court finds that a violation of sub.
19 (4) (a) or (b) has occurred with respect to an employee, the circuit court shall order
20 the defendant to pay to the employee all of the following:

21 a. Compensatory damages in an amount that the circuit court or jury finds
22 appropriate.

23 b. Unless the employer proves that the employer acted in good faith and had
24 a reasonable basis for believing that the act or omission that constituted the violation
25 was not a violation of this section, an additional amount as liquidated damages equal

1 to 100 percent of the amount of compensatory damages determined under subd. 2.

2 a.

3 c. Notwithstanding s. 814.04 (1), reasonable attorney fees and costs incurred
4 in the action.

5 3. Damages awarded under subd. 2. are in addition to any back pay or other
6 amounts awarded under s. 111.39 or 111.395.

7 **(6) PENALTIES.** In addition to any damages imposed under sub. (5), an employer
8 that willfully violates this section may be required to forfeit not more than \$1,000 for
9 each violation. Each day of continued violation constitutes a separate offense.

10 **(7) NOTICE POSTED.** An employer shall post, in one or more conspicuous places
11 where notices to employees are customarily posted, a notice in a form approved by
12 the department setting forth employees' rights under this section. An employer that
13 violates this subsection shall forfeit not more than \$100 for each violation.”.

14 **20.** Page 5, line 6: before that line insert:

15 **“SECTION 3b.** 103.10 (1) (a) (intro.) of the statutes is renumbered 103.10 (1) (a)
16 and amended to read:

17 103.10 (1) (a) “Child” means a natural, adopted, or foster child, a stepchild, or
18 a legal ward to whom any of the following applies:

19 **SECTION 3c.** 103.10 (1) (a) 1. of the statutes is repealed.

20 **SECTION 3d.** 103.10 (1) (a) 2. of the statutes is repealed.

21 **SECTION 3e.** 103.10 (1) (ap) of the statutes is created to read:

22 103.10 (1) (ap) “Covered active duty” means any of the following:

23 1. In the case of a member of a regular component of the U.S. armed forces, duty
24 during the deployment of the member with the U.S. armed forces to a foreign country.

1 2. In the case of a member of a reserve component of the U.S. armed forces, duty
2 during the deployment of the member with the U.S. armed forces to a foreign country
3 under a call or order to active duty under a provision of law specified in 10 USC 101
4 (a) (13) (B).

5 **SECTION 3f.** 103.10 (1) (b) of the statutes is amended to read:

6 103.10 (1) (b) Except as provided in sub. (1m) (b) 2. and s. 452.38, “employee”
7 means an individual employed in this state by an employer, except the employer’s
8 ~~parent, child, spouse, domestic partner, or child parent, grandparent, grandchild, or~~
9 ~~sibling.~~

10 **SECTION 3g.** 103.10 (1) (c) of the statutes is amended to read:

11 103.10 (1) (c) Except as provided in sub. (1m) (b) 3., “employer” means a person
12 engaging in any activity, enterprise, or business in this state employing at least 50
13 25 individuals on a permanent basis. “Employer” includes the state and any office,
14 department, independent agency, authority, institution, association, society, or other
15 body in state government created or authorized to be created by the constitution or
16 any law, including the legislature and the courts.

17 **SECTION 3h.** 103.10 (1) (dm) of the statutes is created to read:

18 103.10 (1) (dm) “Grandchild” means the child of a child.

19 **SECTION 3i.** 103.10 (1) (dp) of the statutes is created to read:

20 103.10 (1) (dp) “Grandparent” means the parent of a parent.

21 **SECTION 3j.** 103.10 (1) (gm) of the statutes is created to read:

22 103.10 (1) (gm) “Sibling” means a brother, sister, half brother, half sister,
23 stepbrother, or stepsister, whether by blood, marriage, or adoption.

24 **SECTION 3k.** 103.10 (1m) (b) 4. of the statutes is amended to read:

1 103.10 **(1m)** (b) 4. "Family member" means a spouse or domestic partner of an
2 employee; a parent, child, sibling, including a foster sibling, brother-in-law,
3 sister-in-law, grandparent, ~~stepgrandparent~~, or grandchild of an employee or of an
4 employee's spouse or domestic partner; or any other person who is related by blood,
5 marriage, or adoption to an employee or to an employee's spouse or domestic partner
6 and whose close association with the employee, spouse, or domestic partner makes
7 the person the equivalent of a family member of the employee, spouse, or domestic
8 partner.

9 **SECTION 3L.** 103.10 (3) (a) 1. of the statutes is amended to read:

10 103.10 **(3)** (a) 1. In a 12-month period no employee may take more than 6 weeks
11 of family leave under par. (b) 1. ~~and 2., and 4.~~

12 **SECTION 3m.** 103.10 (3) (b) 3. of the statutes is amended to read:

13 103.10 **(3)** (b) 3. To care for the employee's child, spouse, domestic partner, ~~or~~
14 parent, grandparent, grandchild, or sibling, if the child, spouse, domestic partner, ~~or~~
15 parent, grandparent, grandchild, or sibling has a serious health condition.

16 **SECTION 3n.** 103.10 (3) (b) 4. of the statutes is created to read:

17 103.10 **(3)** (b) 4. Because of any qualifying exigency, as determined by the
18 department by rule, arising out of the fact that the spouse, child, domestic partner,
19 parent, grandparent, grandchild, or sibling of the employee is on covered active duty
20 or has been notified of an impending call or order to covered active duty.

21 **SECTION 3o.** 103.10 (6) (b) (intro.) of the statutes is amended to read:

22 103.10 **(6)** (b) (intro.) If an employee intends to take family leave because of the
23 planned medical treatment or supervision of a child, spouse, domestic partner, ~~or~~
24 parent, grandparent, grandchild, or sibling or intends to take medical leave because

1 of the planned medical treatment or supervision of the employee, the employee shall
2 do all of the following:

3 **SECTION 3p.** 103.10 (6) (b) 1. of the statutes is amended to read:

4 103.10 (6) (b) 1. Make a reasonable effort to schedule the medical treatment
5 or supervision so that it does not unduly disrupt the employer's operations, subject
6 to the approval of the health care provider of the child, spouse, domestic partner,
7 parent, grandparent, grandchild, sibling, or employee.

8 **SECTION 3q.** 103.10 (6) (c) of the statutes is created to read:

9 103.10 (6) (c) If the employee intends to take leave under sub. (3) (b) 4. that is
10 foreseeable because the spouse, child, domestic partner, parent, grandparent,
11 grandchild, or sibling of the employee is on covered active duty or has been notified
12 of an impending call or order to covered active duty, the employee shall provide notice
13 of that intention to the employer in a reasonable and practicable manner.

14 **SECTION 3r.** 103.10 (7) (a) of the statutes is amended to read:

15 103.10 (7) (a) If an employee requests family leave for a reason described in sub.
16 (3) (b) 3. or requests medical leave, the employer may require the employee to provide
17 certification, as described in par. (b), issued by the health care provider or Christian
18 Science practitioner of the child, spouse, domestic partner, parent, grandparent,
19 grandchild, sibling, or employee, whichever is appropriate.

20 **SECTION 3s.** 103.10 (7) (b) (intro.) of the statutes is amended to read:

21 103.10 (7) (b) (intro.) No employer may require certification under par. (a)
22 stating more than the following:

23 **SECTION 3t.** 103.10 (7) (b) 1. of the statutes is amended to read:

24 103.10 (7) (b) 1. That the child, spouse, domestic partner, parent, grandparent,
25 grandchild, sibling, or employee has a serious health condition.

1 **SECTION 3u.** 103.10 (7) (d) of the statutes is created to read:

2 103.10 (7) (d) If an employee requests leave under sub. (3) (b) 4., the employer
3 may require the employee to provide certification that the spouse, child, domestic
4 partner, parent, grandparent, grandchild, or sibling of the employee is on covered
5 active duty or has been notified of an impending call or order to covered active duty
6 issued at such time and in such manner as the department may prescribe by rule,
7 and the employee shall provide a copy of that certification to the employer in a timely
8 manner.

9 **SECTION 3v.** 103.10 (12) (c) of the statutes is amended to read:

10 103.10 (12) (c) If 2 or more health care providers disagree about any of the
11 information required to be certified under sub. (7) (b), the department may appoint
12 another health care provider to examine the child, spouse, domestic partner, parent,
13 grandparent, grandchild, sibling, or employee and render an opinion as soon as
14 possible. The department shall promptly notify the employee and the employer of
15 the appointment. The employer and the employee shall each pay 50 percent of the
16 cost of the examination and opinion.

17 **SECTION 3w.** 103.10 (14) (a) of the statutes is renumbered 103.10 (14).

18 **SECTION 3x.** 103.10 (14) (b) of the statutes is repealed.

19 **SECTION 3y.** 103.105 of the statutes is created to read:

20 **103.105 Family and medical leave insurance program. (1) DEFINITIONS.**

21 In this section:

22 (a) "Application year" means the 12-month period beginning on the first day
23 of the first calendar week for which family or medical leave insurance benefits are
24 claimed by a covered individual.

1 (b) "Average weekly earnings" means the average weekly earnings of a covered
2 individual as calculated under s. 102.11 (1) (a) to (e).

3 (c) "Child" means a natural, adopted, or foster child, a stepchild, or a legal ward.

4 (d) "Covered individual" means an individual who worked for an employer for
5 at least 680 hours in the calendar year prior to the individual's application year or
6 a self-employed individual who elects coverage under sub. (2) (b), regardless of
7 whether the individual is employed or unemployed at the time the individual files
8 an application for family or medical leave insurance benefits.

9 (e) "Domestic partner" has the meaning given in s. 40.02 (21c) or 770.01 (1).

10 (f) "Employee" means an individual employed in this state by an employer,
11 except the employer's child, spouse, domestic partner, parent, grandparent,
12 grandchild, or sibling.

13 (g) "Employer" means a person engaging in any activity, enterprise, or business
14 in this state. "Employer" includes the state and any office, department, independent
15 agency, authority, institution, association, society, or other body in state government
16 created or authorized to be created by the constitution or any law, including the
17 legislature and the courts.

18 (h) "Family leave" means leave from employment, self-employment, or
19 availability for employment for a reason specified in s. 103.10 (3) (b) 1., 2., 3., or 4.

20 (i) "Family or medical leave insurance benefits" means family or medical leave
21 insurance benefits payable under this section from the family and medical leave
22 insurance trust fund.

23 (j) "Grandchild" means the child of a child.

24 (k) "Grandparent" means the parent of a parent.

1 (L) "Medical leave" means leave from employment when a covered individual
2 has a serious health condition that makes the individual unable to perform his or her
3 employment duties, leave from self-employment when a covered individual has a
4 serious health condition that makes the individual unable to perform the duties of
5 his or her self-employment, or leave from availability for employment when a
6 covered individual has a serious health condition that makes the individual unable
7 to perform the duties of any suitable employment.

8 (m) "Parent" means a natural parent, foster parent, adoptive parent,
9 stepparent, or legal guardian of an employee or of an employee's spouse or domestic
10 partner.

11 (n) "Serious health condition" has the meaning given in s. 103.10 (1) (g).

12 (o) "Sibling" means a brother, sister, half brother, half sister, stepbrother, or
13 stepsister, whether by blood, marriage, or adoption.

14 (p) "Spouse" means an employee's legal husband or wife.

15 (q) "State annual median wage" means the median hourly wage for all
16 occupations in this state, as determined by the bureau of labor statistics of the U.S.
17 department of labor, multiplied by 2,080.

18 (r) "Waiting period" means the period under sub. (4) (b) 1. for which no family
19 or medical leave insurance benefits are payable.

20 **(2) ELIGIBILITY FOR BENEFITS.** (a) A covered individual who is on family or
21 medical leave is eligible to receive family or medical leave insurance benefits in the
22 amount specified in sub. (3) and for the duration specified in sub. (4). No family or
23 medical leave insurance benefits are payable for any period of family or medical leave
24 for which a covered individual is substituting paid leave of any other type provided

1 by his or her employer or for which a covered individual is receiving unemployment
2 insurance benefits under ch. 108 or worker's compensation benefits under ch. 102.

3 (b) Any sole proprietor, partner of a partnership, member of a limited liability
4 company, or other self-employed individual engaged in a vocation, profession, or
5 business in this state on a substantially full-time basis may elect to be covered under
6 this section by filing a written notice of election with the department in a form and
7 manner prescribed by the department by rule. An initial election under this
8 paragraph becomes effective on the date on which the notice of election is filed, shall
9 be for a period of not less than 3 years, and may be renewed for subsequent one-year
10 periods by the filing of a written notice with the department that the self-employed
11 individual intends to continue his or her coverage under this section. A
12 self-employed individual who elects coverage under this section may withdraw that
13 election no earlier than 3 years after the date of the initial election or at such other
14 times as the department may prescribe by rule by providing notice of that
15 withdrawal to the department not less than 30 days before the expiration date of the
16 election.

17 (c) To receive family or medical leave insurance benefits, a covered individual
18 shall file a claim for those benefits within such time and in such manner as the
19 department may prescribe by rule. On receipt of a claim for family or medical leave
20 insurance benefits, the department may request from the claimant's employer such
21 information as may be necessary for the department to determine the claimant's
22 eligibility for those benefits and the amount and duration of those benefits, and the
23 employer shall provide that information to the department within such time and in
24 such manner as the department may prescribe by rule. If the department determines
25 that a claimant is eligible to receive family or medical leave insurance benefits, the

1 department shall provide those benefits to the claimant as provided in subs. (3) to
2 (5).

3 **(3) AMOUNT OF BENEFITS.** (a) Subject to par. (b), the amount of family or medical
4 leave insurance benefits for a week of leave for which those benefits are payable is
5 as follows:

6 1. For a covered individual who earned less than 30 percent of the state annual
7 median wage in the calendar year before the individual's application year, 95 percent
8 of that individual's average weekly earnings.

9 2. For a covered individual who earned at least 30 percent, but less than 50
10 percent, of the state annual median wage in the calendar year before the individual's
11 application year, 90 percent of that individual's average weekly earnings.

12 3. For a covered individual who earned at least 50 percent, but less than 80
13 percent, of the state annual median wage in the calendar year before the individual's
14 application year, 85 percent of that individual's average weekly earnings.

15 4. For a covered individual who earned at least 80 percent of the state annual
16 median wage in the calendar year before the individual's application year, 66 percent
17 of that individual's average weekly earnings.

18 (b) The amount of family or medical leave insurance benefits for a fractional
19 week of leave for which those benefits are payable is one-seventh of the covered
20 individual's weekly benefit amount under par. (a) multiplied by the number of days
21 of leave taken that week. Family or medical leave insurance benefits are not payable
22 for a period of leave of less than one day in duration.

23 **(4) DURATION OF BENEFITS.** (a) The maximum number of weeks for which family
24 or medical leave insurance benefits are payable in an application year is 12 weeks.
25 A covered individual may take family or medical leave continuously or, at the option

1 of the covered individual, intermittently or on a reduced leave schedule, except that
2 a covered individual may not take family or medical leave intermittently or on a
3 reduced leave schedule for more than 24 consecutive weeks unless the leave is for a
4 reason specified in sub. (1) (L) or s. 103.10 (3) (b) 3. and the covered individual shows
5 that the leave is medically necessary. If a covered individual who is employed intends
6 to take family or medical leave intermittently or on a reduced leave schedule, the
7 covered individual shall make a reasonable effort to schedule that leave so as not to
8 unduly disrupt the operations of his or her employer and shall provide the employer
9 with prior notice of that leave in a reasonable and practicable manner.

10 (b) 1. Except as provided in subd. 2., no family or medical leave insurance
11 benefits are payable for the first 5 calendar days in an application year for which a
12 covered individual is eligible for those benefits. Except as provided in subd. 2., family
13 or medical leave insurance benefits are payable beginning on the 6th calendar day
14 in an application year for which a covered individual is eligible for those benefits.
15 The first payment of family or medical leave insurance benefits shall be made no
16 later than 2 weeks after a covered individual files a claim for those benefits and
17 subsequent payments shall be made no less often than semimonthly.

18 2. If a covered individual uses 10 or more days of family or medical leave
19 insurance benefits in an application year, those benefits shall also be payable with
20 respect to the covered individual's waiting period. An employer may not require a
21 covered individual to use paid or unpaid leave of any other type provided by the
22 employer during the covered individual's waiting period.

23 (5) COORDINATION OF BENEFITS. (a) If family or medical leave for which benefits
24 are payable under this section also qualifies as family or medical leave under s.
25 103.10 (3) (b) or (4) (a) or 29 USC 2612 (a) (1), the family or medical leave for which

1 those benefits are payable shall run concurrently with the family or medical leave
2 under s. 103.10 (3) (b) or (4) (a) or 29 USC 2612 (a) (1).

3 (b) No collective bargaining agreement or employer policy may diminish or
4 abridge an employee's rights under this section. Any agreement purporting to waive
5 or modify an employee's rights under this section is void as against public policy and
6 unenforceable.

7 (c) Nothing in this section prohibits an employer from providing employees
8 with rights to family or medical leave insurance benefits that are more generous to
9 the employee than the rights provided under this section.

10 **(6) TAX TREATMENT OF BENEFITS.** (a) *State income tax.* Family or medical leave
11 insurance benefits received under this section are exempt from state income taxation
12 under s. 71.05 (6) (b) 54.

13 (b) *Federal income tax.* With respect to the federal income taxation of family
14 or medical leave insurance benefits, the department shall do all of the following:

15 1. At the time an individual files a claim for those benefits, advise the
16 individual that those benefits are subject to federal income taxation, that
17 requirements exist under federal law pertaining to estimated tax payments, and
18 that the individual may elect to have federal income taxes withheld from the
19 individual's benefit payments and may change that election not more than one time
20 in an application year.

21 2. Permit the individual to elect to have federal income tax deducted and
22 withheld from the individual's benefit payments, permit the individual to change
23 that election not more than one time in an application year, and deduct and withhold
24 that tax in accordance with the individual's election as provided under 26 USC 3402.

1 3. Upon making a deduction under subd. 2., transfer the amount deducted from
2 the family and medical leave insurance trust fund to the federal internal revenue
3 service.

4 4. In deducting and withholding federal income taxes from an individual's
5 benefit payments, follow all procedures specified by the federal internal revenue
6 service pertaining to the deducting and withholding of federal income tax.

7 **(7) FAMILY AND MEDICAL LEAVE INSURANCE TRUST FUND.** Each employee and each
8 self-employed individual who elects coverage under sub. (2) (b) shall contribute to
9 the family and medical leave insurance trust fund a percentage of his or her wages
10 from employment or income from self-employment determined by the department
11 under this subsection. In determining that percentage, the department shall consult
12 with the commissioner of insurance, who shall recommend a percentage that is
13 sufficient to finance the payment of benefits under sub. (2) (c) and the administration
14 of the family and medical leave insurance program under this section. The
15 department shall collect those contributions from employers and self-employed
16 individuals who elect coverage under sub. (2) (b) in the same manner as the
17 department collects contributions to the unemployment reserve fund under ss.
18 108.17 and 108.18. Section 108.10 applies to issues regarding liability of employers
19 for contributions under this subsection. Contributions received under this
20 subsection shall be deposited in the family and medical leave insurance trust fund
21 and credited to the appropriation account under s. 20.445 (1) (w).

22 **(8) DENIAL OF CLAIMS; OVERPAYMENTS.** (a) An individual whose claim for family
23 or medical leave insurance benefits is denied by the department may request a
24 hearing on the denial, and the department shall process the request for a hearing in

1 the same manner that requests for hearings on unemployment insurance claims are
2 processed under s. 108.09.

3 (b) If the department pays family or medical leave insurance benefits
4 erroneously or as a result of willful misrepresentation, the department may seek
5 repayment of those benefits in the same manner that the department recovers
6 erroneous payments of unemployment insurance benefits under ss. 108.095, 108.22
7 (8), and 108.225. The department may waive recovery of an erroneous payment of
8 family or medical leave insurance benefits if the erroneous payment was not the fault
9 of the person who received it and if requiring repayment would be contrary to equity
10 and good conscience. If an individual willfully makes a false statement or
11 representation, or willfully fails to disclose a material fact, to obtain family or
12 medical leave insurance benefits under this section, the individual is disqualified
13 from receiving those benefits for one year after the date of the disqualification.

14 **(9) PROHIBITED ACTS.** (a) No person may interfere with, restrain, or deny the
15 exercise of any right provided under this section.

16 (b) No person may discharge or otherwise discriminate against any person for
17 exercising any right provided under this section, opposing a practice prohibited
18 under this section, filing a complaint or attempting to enforce any right provided
19 under this section, or testifying or assisting in any action or proceeding to enforce any
20 right provided under this section.

21 **(10) ENFORCEMENT.** (a) Any person who believes that his or her rights under
22 this section have been interfered with, restrained, or denied in violation of sub. (9)
23 (a) or that he or she has been discharged or otherwise discriminated against in
24 violation of sub. (9) (b) may, within 30 days after the violation occurs or the person
25 should reasonably have known that the violation occurred, whichever is later, file a

1 complaint with the department alleging the violation, and the department shall
2 process the complaint in the same manner as complaints filed under s. 103.10 (12)
3 (b) are processed. If the department finds that an employer has violated sub. (9) (a)
4 or (b), the department may order the employer to take action to remedy the violation,
5 including providing the requested family or medical leave, reinstating an employee,
6 providing back pay accrued not more than 2 years before the complaint was filed, and
7 paying reasonable actual attorney fees to the complainant. Section 111.322 (2m)
8 applies to a discharge or other discriminatory act arising in connection with any
9 proceeding under this paragraph.

10 (b) After the completion of an administrative proceeding under par. (a),
11 including judicial review, an employee or the department may bring an action in
12 circuit court against an employer to recover damages caused by a violation of sub. (9)
13 (a) or (b). Section 103.10 (13) (b) applies to the commencement of an action under this
14 paragraph.

15 **(11) ADMINISTRATION.** The department shall administer the family and medical
16 leave insurance program under this section. In administering that program, the
17 department shall do all of the following:

18 (a) Establish procedures and forms for the filing of claims for benefits under
19 this section.

20 (b) Promulgate rules to implement this section. Those rules shall maintain
21 consistency with the regulations specified in 29 CFR Part 825 and the rules
22 promulgated by the department to implement s. 103.10 to the extent that those
23 regulations and rules do not conflict with this section.

24 (c) Use information sharing and integration technology to facilitate the
25 exchange of information as necessary for the department to perform its duties under

1 this section. Notwithstanding s. 19.35 (1), individual personal information
2 maintained by the department under this section is confidential and not open to
3 public inspection and copying and may be disclosed only as follows:

4 1. On the request of the individual who is the subject of the information or the
5 individual's authorized representative, to the individual or representative.

6 2. With the written permission of the individual who is the subject of the
7 information or the individual's authorized representative, to a person named in the
8 permission.

9 3. To a public employee for use in the performance of the public employee's
10 official duties.

11 4. Under a court order or an order of a hearing examiner that is obtained upon
12 prior notice to the department and a showing to the court or hearing examiner that
13 the information is relevant to a pending court or administrative action.

14 (d) Conduct a public outreach campaign to inform employers, employees,
15 self-employed individuals, and other covered individuals regarding the family and
16 medical leave insurance program under this section. Information provided under
17 this paragraph shall be provided in English and in any other language customarily
18 spoken by more than 20 percent of the population of this state.

19 (e) By September 1 of each year, submit a report to the governor, the joint
20 committee on finance, and the appropriate standing committees of the legislature
21 under s. 13.172 (3) on the family and medical leave insurance program under this
22 section. The report shall include the projected and actual rates of participation in
23 the program, the premium rates for coverage under the program, the balance in the
24 family and medical leave insurance trust fund under s. 25.52, and a description of
25 the department's outreach efforts under par. (d).

1 **(12) NOTICE POSTED.** Each employer shall post, on its Internet site and in one
2 or more conspicuous places where notices to employees are customarily posted, a
3 notice in a form approved by the department setting forth employees' rights under
4 this section. Any employer that violates this subsection shall forfeit not more than
5 \$100 for each violation.”.

6 **21.** Page 5, line 15: after “employer” insert “, subject to s. 103.105,”.

7 **22.** Page 6, line 8: delete lines 8 to 19 and substitute:

8 **“SECTION 4m.** 103.135 of the statutes is created to read:

9 **103.135 Compensation information of employees and prospective**
10 **employees. (1) UNLAWFUL EMPLOYER CONDUCT RELATED TO PROSPECTIVE EMPLOYEE**
11 **COMPENSATION INFORMATION.** (a) No employer may directly or indirectly do any of the
12 following:

13 1. Rely on or, subject to par. (b), solicit from a prospective employee or a
14 prospective employee's current or former employer information about the
15 prospective employee's current or prior compensation.

16 2. Require that a prospective employee's current or prior compensation meet
17 certain criteria in order for the prospective employee to be considered for
18 employment.

19 3. Refuse to hire or employ or otherwise discriminate against a prospective
20 employee in compensation or in the terms, conditions, or privileges of employment
21 for opposing a practice prohibited under this paragraph, filing or indicating an intent
22 to file a complaint or otherwise attempting to enforce any right under this paragraph,
23 or testifying, assisting, or participating in any manner in any investigation, action,
24 or proceeding to enforce any right under this paragraph.

1 (b) After an employer has offered employment to a prospective employee and
2 the details of compensation have been agreed upon, the employer may obtain the
3 prospective employee's written consent for the employer to solicit information about,
4 or take action to confirm, the prospective employee's current or prior compensation.

5 **(2) DISCLOSURE OF COMPENSATION INFORMATION BY EMPLOYEES.** (a) An employee
6 may disclose the details of the employee's compensation to anyone and, subject to par.
7 (d), may discuss the compensation of other employees and may ask other employees
8 for details regarding their compensation.

9 (b) Except as provided in par. (d), no employer may interfere with, restrain, or
10 deny the exercise of the right of an employee to disclose, discuss, or inquire about
11 compensation as provided in par. (a).

12 (c) An employer may not discharge or discriminate against an employee in
13 promotion, in compensation, or in the terms, conditions, or privileges of employment
14 for disclosing, discussing, or inquiring about compensation as provided in par. (a),
15 opposing a practice prohibited under par. (b), filing or indicating an intent to file a
16 complaint or otherwise attempting to enforce any right under par. (a), or testifying,
17 assisting, or participating in any manner in any investigation, action, or proceeding
18 to enforce any right under par. (a).

19 (d) Subject to s. 19.35, an employer may prohibit a human resources or payroll
20 employee, a supervisor, or any other employee whose job responsibilities require or
21 allow the employee access to other employees' compensation information from
22 disclosing information about any other employee's compensation without that
23 employee's prior written consent.

24 **(3) ENFORCEMENT.** Any employee or prospective employee who is refused
25 employment, terminated, discharged, or otherwise discriminated against in

1 violation of sub. (1) (a) or (2) (a) to (c) may file a complaint with the department, and
2 the department shall process the complaint in the same manner that employment
3 discrimination complaints are processed under s. 111.39. If the department finds
4 that a violation has occurred, the department may order the employer to take action
5 to remedy the violation, including reinstating the employee, providing compensation
6 in lieu of reinstatement, providing back pay accrued not more than 2 years before the
7 complaint was filed, and paying reasonable actual costs and, notwithstanding s.
8 814.04 (1), reasonable attorney fees to the complainant.

9 (4) NOTICE POSTED. (a) Each employer shall provide notice to employees and
10 prospective employees regarding their rights under this section by doing all of the
11 following:

12 1. Posting, in one or more conspicuous places where notices to employees are
13 customarily posted, a notice in a form approved by the department setting forth
14 employees' and prospective employees' rights under this section.

15 2. Including, on each listing for a job vacancy or other employment opportunity
16 that is advertised by electronic mail, posting on an Internet site, or other electronic
17 means, a notice that includes all of the following information:

18 a. A statement that the employer is prohibited from relying on a prospective
19 employee's current or former compensation.

20 b. A statement that the employer is prohibited from asking about a prospective
21 employee's compensation until after the employer has offered the prospective
22 employee employment and they have agreed upon the details of compensation.

23 c. A statement that the employer is prohibited from requiring that a
24 prospective employee's current or prior compensation meet certain criteria in order
25 for the prospective employee to be considered for employment.

1 d. Information, or a hyperlink to information, regarding prohibited bases of
2 discrimination under subch. II of ch. 111.

3 (b) Any employer who violates par. (a) shall forfeit not more than \$100 for each
4 offense.

5 **(5) STATEWIDE CONCERN.** (a) The legislature finds that this section is a matter
6 of statewide concern and that the enactment of an ordinance by a city, village, town,
7 or county regulating employment compensation information would be logically
8 inconsistent with, would defeat the purpose of, and would go against the spirit of this
9 section. Therefore, this section shall be construed as an enactment of statewide
10 concern for the purpose of providing uniform regulation throughout the state
11 regarding employment compensation information.”.

12 **23.** Page 6, line 20: delete “**(3)** (a)” and substitute “(b)”.

13 **24.** Page 6, line 23: delete “(b)” and substitute “(bm)”.

14 **25.** Page 7, line 2: after that line, on page 2, line 23, of the material inserted
15 by assembly amendment 4, delete “this subsection” and substitute “par. (b) or (bm)”.

16 **26.** Page 7, line 3: delete “104.001 (3)” and substitute “104.001”.

17 **27.** Page 7, line 3: after that line insert:

18 “**SECTION 6m.** 106.54 (11) of the statutes is created to read:

19 106.54 **(11)** The division shall receive complaints under s. 103.135 (1) (a) and
20 (2) (a) to (c) and shall process the complaints in the same manner that employment
21 discrimination complaints are processed under s. 111.39.”.

22 **28.** Page 7, line 17: before that line insert:

1 **“SECTION 7g.** 111.322 (2m) (a) of the statutes is amended to read:

2 111.322 **(2m)** (a) The individual files a complaint or attempts to enforce any
3 right under s. 103.02, 103.035, 103.10, 103.11, 103.13, 103.28, 103.32, 103.34,
4 103.455, 104.12, 109.03, 109.07, 109.075, 146.997, or 995.55, or ss. 101.58 to 101.599
5 or 103.64 to 103.82.

6 **SECTION 7r.** 111.322 (2m) (b) of the statutes is amended to read:

7 111.322 **(2m)** (b) The individual testifies or assists in any action or proceeding
8 held under or to enforce any right under s. 103.02, 103.035, 103.10, 103.11, 103.13,
9 103.28, 103.32, 103.34, 103.455, 104.12, 109.03, 109.07, 109.075, 146.997, or 995.55,
10 or ss. 101.58 to 101.599 or 103.64 to 103.82.”.

11 **29.** Page 8, line 7: after that line insert:

12 **“SECTION 9g.** 111.322 (2m) (a) of the statutes is amended to read:

13 111.322 **(2m)** (a) The individual files a complaint or attempts to enforce any
14 right under s. 103.02, 103.10, 103.11, 103.13, 103.135, 103.28, 103.32, 103.34,
15 103.455, 104.12, 109.03, 109.07, 109.075, 146.997, or 995.55, or ss. 101.58 to 101.599
16 or 103.64 to 103.82.

17 **SECTION 9r.** 111.322 (2m) (b) of the statutes is amended to read:

18 111.322 **(2m)** (b) The individual testifies or assists in any action or proceeding
19 held under or to enforce any right under s. 103.02, 103.10, 103.11, 103.13, 103.135,
20 103.28, 103.32, 103.34, 103.455, 104.12, 109.03, 109.07, 109.075, 146.997, or 995.55,
21 or ss. 101.58 to 101.599 or 103.64 to 103.82.”.

22 **30.** Page 8, line 8: before that line insert:

23 **“SECTION 9g.** 111.322 (2m) (a) of the statutes is amended to read:

1 111.322 (2m) (a) The individual files a complaint or attempts to enforce any
2 right under s. 103.02, 103.10, 103.105, 103.11, 103.13, 103.28, 103.32, 103.34,
3 103.455, 104.12, 109.03, 109.07, 109.075, 146.997, or 995.55, or ss. 101.58 to 101.599
4 or 103.64 to 103.82.

5 **SECTION 9r.** 111.322 (2m) (b) of the statutes is amended to read:

6 111.322 (2m) (b) The individual testifies or assists in any action or proceeding
7 held under or to enforce any right under s. 103.02, 103.10, 103.105, 103.11, 103.13,
8 103.28, 103.32, 103.34, 103.455, 104.12, 109.03, 109.07, 109.075, 146.997, or 995.55,
9 or ss. 101.58 to 101.599 or 103.64 to 103.82.”.

10 **31.** Page 8, line 11: after that line insert:

11 “**SECTION 2.** 230.01 (2) (bm) of the statutes is repealed.

12 **SECTION 3.** 230.01 (2) (bp) of the statutes is repealed.

13 **SECTION 4.** 230.04 (13m) of the statutes is repealed.

14 **SECTION 5.** 230.04 (14) of the statutes is amended to read:

15 230.04 (14) ~~Except as provided in s. 230.445, the~~ The administrator shall
16 establish, by rule, the scope and minimum requirements of a state employee
17 grievance procedure relating to conditions of employment.

18 **SECTION 6.** 230.04 (19) of the statutes is repealed.

19 **SECTION 7.** 230.046 (2) of the statutes is amended to read:

20 230.046 (2) SUPERVISORY TRAINING. After initial appointment to a supervisory
21 position, each appointing authority shall ensure that each classified service
22 supervisor successfully completes a supervisory development program. A waiver of
23 any part of the probationary period under s. 230.28 (1) (c) may not be granted before
24 completion of the development program. The program shall include such subjects

1 as state personnel policies, grievance handling, discipline, performance evaluation,
2 understanding the concerns of state employees with children, the supervisor's role
3 in management and the concept of the total quality leadership process, including
4 quality improvement through participatory management.

5 **SECTION 8.** 230.05 (7) of the statutes is amended to read:

6 230.05 (7) The director shall use techniques and procedures designed to certify
7 eligible applicants to any vacant permanent position within ~~30~~ 45 days after the
8 filing of an appropriate request by an appointing authority.

9 **SECTION 9.** 230.05 (10) of the statutes is repealed.

10 **SECTION 10.** 230.06 (1) (m) of the statutes is repealed.

11 **SECTION 11.** 230.06 (4) of the statutes is repealed.

12 **SECTION 12.** 230.08 (2) (c) of the statutes is amended to read:

13 230.08 (2) (c) The director, associate director, and state historian of the
14 historical society; and, with the approval of the board of curators and the
15 administrator, such number of specialists as are required by the society for specific
16 research, writing, collecting, or editing projects which for a limited period of time not
17 to exceed 2 years, renewable at the discretion of the board of curators and the
18 administrator for an additional 2-year period, require persons with particular
19 training or experience in a specialized phase or field of history, historical research,
20 writing, collecting, or editing, and any persons whose entire salary is paid from funds
21 reappropriated to the society by s. 20.245 (1) (r) where a competitive process
22 examination is impractical.

23 **SECTION 13.** 230.12 (1) (h) of the statutes is amended to read:

24 230.12 (1) (h) *Other pay, benefits, and working conditions.* The compensation
25 plan may include other provisions relating to pay, benefits, and working conditions

1 that shall supersede the provisions of the civil service and other applicable statutes
2 and rules promulgated by the director and the administrator.

3 **SECTION 14.** 230.13 (1) (a) of the statutes is amended to read:

4 230.13 (1) (a) ~~Evaluations~~ Examination scores and ranks and other
5 evaluations of applicants, ~~including any examination scores and rankings.~~

6 **SECTION 15.** 230.13 (3) (b) of the statutes is amended to read:

7 230.13 (3) (b) The ~~administrator~~ director and the ~~director~~ administrator may
8 provide any agency with personnel information relating to the hiring and
9 recruitment process, including specifically examination scores and ranks and other
10 evaluations of applicants.

11 **SECTION 16.** 230.13 (3) (c) of the statutes is repealed.

12 **SECTION 17.** 230.15 (1) of the statutes is amended to read:

13 230.15 (1) Subject to the restriction under s. 230.143, appointments to, and
14 promotions in, the classified service shall be made only according to merit and
15 fitness, which shall be ascertained so far as practicable by competitive ~~procedures~~
16 examinations. The director may waive competitive ~~procedures~~ examinations for
17 appointments made under subs. (1m) and (2) and shall waive competitive ~~procedures~~
18 examinations for appointments made under sub. (2m).

19 **SECTION 18.** 230.15 (1m) (c) 1. of the statutes is amended to read:

20 230.15 (1m) (c) 1. Whenever a position is included in the classified service
21 under par. (a), the director may waive the requirement for competitive ~~procedures~~
22 examinations under sub. (1) with respect to the position and certify the incumbent
23 employee for appointment to the position in accordance with subd. 2.

24 **SECTION 19.** 230.15 (6) of the statutes is repealed.

25 **SECTION 20.** 230.15 (7) of the statutes is repealed.