

2019 DRAFTING REQUEST**Bill**

For: **Administration-Budget 266-1037** Drafter: **mmcgreev**
 By: **Hynek** Secondary Drafters:
 Date: **2/14/2019** May Contact:

Same as LRB:

Submit via email: **YES**
 Requester's email:
 Carbon copy (CC) to: **doasbostatlanguage@wisconsin.gov**
MaryAlice.McGreevy@legis.wisconsin.gov
Krista.Pleviak@legis.wisconsin.gov

Pre Topic:

DOA:.....Hynek, BB0373 -

Topic:

Repeal prohibition on local FMLA ordinances

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	mmcgreev 2/21/2019	wjackson 2/21/2019	mbarman 2/15/2019		
/P2		wjackson 2/21/2019	lparisi 2/21/2019		

FE Sent For: **<END>**

McGreevy, Mary Alice

From: Hanaman, Cathlene
Sent: Thursday, February 14, 2019 10:39 AM
To: Pleviak, Krista; McGreevy, Mary Alice
Subject: FW: Statutory Language Drafting Request - 2019-21

From: Hynek, Sara - DOA <Sara.Hynek@wisconsin.gov>
Sent: Thursday, February 14, 2019 10:37 AM
To: Hanaman, Cathlene <Cathlene.Hanaman@legis.wisconsin.gov>
Cc: Hynek, Sara - DOA <Sara.Hynek@wisconsin.gov>; Hynek, Sara - DOA <Sara.Hynek@wisconsin.gov>
Subject: Statutory Language Drafting Request - 2019-21

Biennial Budget: 2019-21

Topic: Statewide FMLA Uniformity

Tracking Code: BB0373

SBO Team: EWD

SBO Analyst: Hynek, Sara - DOA
Phone: (608) 266-1037
E-mail: Sara.Hynek@Wisconsin.gov

Agency Acronym: 445

Agency Number: 445

Priority: Medium

Intent:

Repeal the provisions enacted in 2011 Act 16, which preempted local FMLA ordinances.

Attachments: False

Please send completed drafts to SBOStatlanguage@spsmail.enterprise.wistate.us



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-2039/P1

MIM:...

WJ

DOA:.....Hynek, BB0373 - Repeal prohibition on local FMLA ordinances

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

IN
2/14/19

1 **AN ACT ...; relating to:** the budget.

Analysis by the Legislative Reference Bureau

EMPLOYMENT

Local employment ordinances regarding leave time

This bill repeals the prohibition on local governments ^{from} enacting ordinances to prescribe minimum family and medical leave requirements that an employer must provide to employees. The bill allows local governments to enact ordinances that require minimum family and medical leave from employment for employees of private employers.

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

2 **SECTION 1.** 103.10 (1) (b) [✓] of the statutes is amended to read:

3 103.10 (1) (b) Except as provided in sub. (1m) (b) 2. [✓] and s. 452.38, "employee"
4 means an individual employed in this state by an employer, except the employer's
5 parent, spouse, domestic partner, or child.

History: 1987 a. 287; 1989 a. 228; 1991 a. 39; 1993 a. 446; 1995 a. 27 s. 9130 (4); 1997 a. 3, 156; 2001 a. 74; 2003 a. 33; 2009 a. 28; 2011 a. 16; 2013 a. 362; 2015 a. 258.

Cross-reference: See also ch. DWD 225, Wis. adm. code.

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

2 103.10 (1) (c) ~~Except as provided in sub. (1m) (b) 3.~~ ✓ ~~“employer”~~ “Employer”

3 means a person engaging in any activity, enterprise or business in this state
4 employing at least 50 individuals on a permanent basis. “Employer” includes the
5 state and any office, department, independent agency, authority, institution,
6 association, society or other body in state government created or authorized to be
7 created by the constitution or any law, including the legislature and the courts.

History: 1987 a. 287; 1989 a. 228; 1991 a. 39; 1993 a. 446; 1995 a. 27 s. 9130 (4); 1997 a. 3, 156; 2001 a. 74; 2003 a. 33; 2009 a. 28; 2011 a. 16; 2013 a. 362; 2015 a. 258.

Cross-reference: See also ch. DWD 225, Wis. adm. code. ✓

8 **SECTION 3.** 103.10 (1m) of the statutes is repealed.

9 **SECTION 4.** 103.12 (2) of the statutes is amended to read:

10 103.12 (2) In this section, “employment benefit” means anything of value, other
11 than wages and salary, that an employer makes available to an employee, including
12 a retirement benefit, pension benefit, profit sharing benefit, or insurance, ~~or leave~~
13 benefit. “Employment benefit” does not include a leave benefit.

History: 2017 a. 327.

14 **SECTION 5.** 103.12 (3) (a) ✓ of the statutes is amended to read:

15 103.12 (3) (a) Except as provided in ss. ~~103.10 (1m) (d)~~ ✓ and s. 103.11 (2) (d), no
16 city, village, town, or county may enact or enforce an ordinance requiring an
17 employer to provide certain employment benefits to its employees, to provide a
18 minimum level of employment benefits to its employees, or to prescribe the terms or
19 conditions of employment benefits provided to its employees.

History: 2017 a. 327.

20 **SECTION 6.** 103.12 (3) (b) ✓ of the statutes is amended to read;

21 103.12 (3) (b) Except as provided in ss. ~~103.10 (1m) (d)~~ ✓ and s. 103.11 (2) (d), if
22 a city, village, town, or county has in effect on April 18, 2018, an ordinance requiring
23 an employer to provide certain employment benefits or to provide a minimum level

1 of employment benefits to its employees, the ordinance does not apply and may not
2 be enforced.

History: 2017 a. 327.

3 **SECTION 7.** 165.68 (1) (a) 3. of the statutes is repealed and recreated to read:
4 165.68 (1) (a) 3. Conduct that is in violation of s. 940.225, 944.30 (1m), 948.02,
5 948.025, 948.05, 948.051, 948.055, 948.06, 948.085, 948.09, or 948.10 or that is in
6 violation of s. 940.302 (2) if s. 940.302 (2) (a) 1. b. applies.

History: 2015 a. 356; 2017 a. 144; 2017 a. 365 s. 111.

7

(END)



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-2039/P1
MIM:wlj ^{P2}

DOA:.....Hynek, BB0373 - Repeal prohibition on local FMLA ordinances

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

D-Note

1 AN ACT *to repeal* 103.10 (1m); *to amend* 103.10 (1) (b), 103.10 (1) (c), 103.12 (2),
2 103.12 (3) (a) and 103.12 (3) (b); and *to repeal and recreate* 165.68 (1) (a) 3.
3 of the statutes; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EMPLOYMENT

1. Local employment ordinances regarding leave time

This bill repeals the prohibition on local governments from enacting ordinances to prescribe minimum family and medical leave requirements that an employer must provide to employees. The bill therefore allows local governments to enact ordinances that require minimum family and medical leave from employment for employees of private employers.

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

4

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

1 103.10 (1) (b) Except as provided in sub. (1m) (b) 2. and s. 452.38, "employee"
2 means an individual employed in this state by an employer, except the employer's
3 parent, spouse, domestic partner, or child.

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

5 103.10 (1) (c) Except as provided in sub. (1m) (b) 3., "employer" "Employer"
6 means a person engaging in any activity, enterprise or business in this state
7 employing at least ^{↓ 25} 50 individuals on a permanent basis. "Employer" includes the
8 state and any office, department, independent agency, authority, institution,
9 association, society or other body in state government created or authorized to be
10 created by the constitution or any law, including the legislature and the courts.

11 ***** This is s. 103.10 (1)(c). This section... -1775/p2 and -2039/pl.*

12 SECTION 3. 103.10 (1m) of the statutes is repealed.

13 ***** This is s. 103.10 (1m). This section... -1775/p2 and -2039/pl.*

14 SECTION 4. 103.12 (2) of the statutes is amended to read:

15 103.12 (2) In this section, "employment benefit" means anything of value, other
16 than wages and salary, that an employer makes available to an employee, including
17 a retirement benefit, pension benefit, profit sharing benefit, or insurance, or leave
18 benefit. "Employment benefit" does not include a leave benefit.

19 SECTION 5. 103.12 (3) (a) of the statutes is amended to read:

20 103.12 (3) (a) Except as provided in ss. ~~103.10 (1m) (d)~~ and s. 103.11 (2) (d), no
21 city, village, town, or county may enact or enforce an ordinance requiring an
22 employer to provide certain employment benefits to its employees, to provide a
23 minimum level of employment benefits to its employees, or to prescribe the terms or
24 conditions of employment benefits provided to its employees.

25 SECTION 6. 103.12 (3) (b) of the statutes is amended to read:

103.12 (3) (b) Except as provided in ss. ~~103.10 (1m) (d)~~ and s. 103.11 (2) (d), if
a city, village, town, or county has in effect on April 18, 2018, an ordinance requiring

1 an employer to provide certain employment benefits or to provide a minimum level
2 of employment benefits to its employees, the ordinance does not apply and may not
3 be enforced.

4 **SECTION 7.** 165.68 (1) (a) 3. of the statutes is repealed and recreated to read:

5 165.68 (1) (a) 3. Conduct that is in violation of s. 940.225, 944.30 (1m), 948.02,
6 948.025, 948.05, 948.051, 948.055, 948.06, 948.085, 948.09, or 948.10 or that is in
7 violation of s. 940.302 (2) if s. 940.302 (2) (a) 1. b. applies.

8 (END)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2039/P2dn
MIM:wlj

February 21, 2019

This draft reconciles LRB-1775/P2, LRB-2039/P1, and LRB-2044/P2. All of these drafts should continue to appear in the compiled bill.

Mary Alice McGreevy
Legislative Attorney
(608) 504-5866
MaryAlice.McGreevy@legis.wisconsin.gov



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-2039/P2
MIM:wlj

DOA:.....Hynek, BB0373 - Repeal prohibition on local FMLA ordinances

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 **AN ACT** *to repeal* 103.10 (1m); *to amend* 103.10 (1) (b), 103.10 (1) (c), 103.12 (2),
2 103.12 (3) (a) and 103.12 (3) (b); and *to repeal and recreate* 165.68 (1) (a) 3.
3 of the statutes; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EMPLOYMENT

1. Local employment ordinances regarding leave time

This bill repeals the prohibition on local governments from enacting ordinances to prescribe minimum family and medical leave requirements that an employer must provide to employees. The bill therefore allows local governments to enact ordinances that require minimum family and medical leave from employment for employees of private employers.

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

4 **SECTION 1.** 103.10 (1) (c) of the statutes is amended to read:
5 103.10 (1) (c) ~~Except as provided in sub. (1m) (b) 3., “employer”~~ “Employer”
6 means a person engaging in any activity, enterprise or business in this state

1 employing at least ~~50~~ 25 individuals on a permanent basis. "Employer" includes the
2 state and any office, department, independent agency, authority, institution,
3 association, society or other body in state government created or authorized to be
4 created by the constitution or any law, including the legislature and the courts.

****NOTE: This is reconciled s. 103.10 (1) (c). This SECTION has been affected by
drafts with the following LRB numbers: -1775/p2 and -2039/p1.

5 **SECTION 2.** 103.10 (1m) of the statutes is repealed.

****NOTE: This is reconciled s. 103.10 (1m). This SECTION has been affected by
drafts with the following LRB numbers: -1775/p2 and -2039/p1.

6 **SECTION 3.** 165.68 (1) (a) 3. of the statutes is repealed and recreated to read:

7 165.68 (1) (a) 3. Conduct that is in violation of s. 940.225, 944.30 (1m), 948.02,
8 948.025, 948.05, 948.051, 948.055, 948.06, 948.085, 948.09, or 948.10 or that is in
9 violation of s. 940.302 (2) if s. 940.302 (2) (a) 1. b. applies.

10

(END)