

1987 Assembly Bill 557

Date of enactment: **November 25, 1987**  
Date of publication: **December 7, 1987**

## 1987 Wisconsin Act 111

AN ACT to renumber 7.33 (1) and 20.921 (2); to renumber and amend 7.33 (2); to amend 7.33 (title); and to create 7.03 (3), 7.33 (1), 7.33 (4) and (5) and 20.921 (2) (b) of the statutes, relating to service as an election official.

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

SECTION 1. 7.03 (3) of the statutes is created to read:

7.03 (3) Notwithstanding sub. (1), any employe of the state who obtains a paid leave of absence in order to serve as an election official under s. 7.30 shall certify in writing to the head of the state agency by which he or she is employed the amount of compensation that the employe receives for such service. Upon receipt of the certification, the head of the state agency shall deduct that amount from the employe's pay earned for scheduled working hours during the period specified in s. 7.33 (2) when the employe is on a paid leave of absence.

SECTION 2. 7.33 (title) of the statutes is amended to read:

**7.33 (title) Service as an election official.**

SECTION 3. 7.33 (1) of the statutes is renumbered 7.33 (2).

SECTION 4. 7.33 (1) of the statutes is created to read:

7.33 (1) In this section:

(a) "Employe" has the meaning given under s. 101.01 (2) (a).

(b) "Employer" has the meaning given under s. 101.01 (2) (b).

(c) "State agency" has the meaning given under s. 20.001 (1) and includes an authority created under ch. 231, 232, 233 or 234.

SECTION 5. 7.33 (2) of the statutes is renumbered 7.33 (3) and amended to read:

7.33 (3) Every employer, ~~including the state and political subdivisions thereof,~~ shall grant to each employe who is appointed to serve as an election official a leave of absence for the entire 24-hour period of each election day in which the official serves in his or her official capacity. An employe who serves as an election official shall provide his or her employer with at least 7 days' notice of application for a leave. ~~No penalty, other than a deduction for time lost, may be imposed upon an employe who requests a leave under this subsection.~~ The municipal clerk shall verify appointments upon request of any employer.

SECTION 6. 7.33 (4) and (5) of the statutes are created to read:

7.33 (4) Each state agency shall, upon proper application under sub. (3), permit each of its employes to serve as an election official without loss of pay, fringe benefits or seniority privileges earned for scheduled working hours during the period specified in sub. (3), and shall not impose any other penalty upon an employe who serves as an election official.

(5) Each employer other than a state agency shall, upon proper application under sub. (3), permit each of its employes to serve as an election official without loss of fringe benefits or seniority privileges earned for scheduled working hours during the period specified in sub. (3), and shall not impose any other penalty upon an employe who serves as an election official, except the employer need not pay wages to an employe for time not worked while the employe is serving as an election official.

SECTION 6m. 20.921 (2) of the statutes is renumbered 20.921 (2) (a).

SECTION 7. 20.921 (2) (b) of the statutes is created to read:

20.921 (2) (b) The head of each state agency shall deduct from the salary of any employe the amount certified under s. 7.03 (3) which is received by the employe for service as an election official while the employe is on a paid leave of absence under s. 7.33 (3).

SECTION 8. **Initial applicability.** The treatment of sections 7.03 (3) and 7.33 (4) and (5) of the statutes first applies to employes who are covered by a collective bargaining agreement that is in effect on the effective date of this SECTION upon expiration, renewal or extension of the agreement.

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