



State of Wisconsin  
2015 - 2016 LEGISLATURE

LRBa2044/1  
KRP&MED:klm

**SENATE AMENDMENT 1,  
TO SENATE BILL 517**

February 9, 2016 - Offered by Senators RINGHAND, MILLER, CARPENTER, ERPENBACH,  
RISSER, SHILLING, LASSA, L. TAYLOR and C. LARSON.

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

2 **1.** Page 1, line 3: before “and” insert “; the establishment of a family and  
3 medical leave insurance program; family leave to care for a grandparent, grandchild,  
4 or sibling and for the active duty of a family member; the employers that are required  
5 to permit an employee to take family or medical leave; granting rule-making  
6 authority; making an appropriation;”.

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

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

9 20.445 (1) (w) *Family and medical leave insurance trust fund.* From the family  
10 and medical leave insurance trust fund, all moneys deposited in that fund under s.  
11 103.12 (7) for the payments of family or medical leave insurance benefits under s.  
12 103.12 (2) (c) and for the administration of the family or medical leave insurance  
13 program under s. 103.12.

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

2           25.17 (1) (er) Family and medical leave insurance trust fund (s. 25.52);

3           **SECTION 1c.** 25.52 of the statutes is created to read:

4           **25.52 Family and medical leave insurance trust fund.** There is created  
5 a separate nonlapsible trust fund designated as the family and medical leave  
6 insurance trust fund, to consist of all moneys deposited in that fund under s. 103.12  
7 (7).

8           **SECTION 1cm.** 71.05 (6) (b) 53. of the statutes is created to read:

9           71.05 (6) (b) 53. For taxable years beginning after December 31, 2019, any  
10 amount of family or medical leave insurance benefits received by a covered  
11 individual, as defined in s. 103.12 (1) (d), in the taxable year to which the subtraction  
12 relates.

13           **SECTION 1d.** 103.10 (1) (a) (intro.) of the statutes is renumbered 103.10 (1) (a)  
14 and amended to read:

15           103.10 (1) (a) “Child” means a natural, adopted, or foster child, a stepchild, or  
16 a legal ward to whom any of the following applies:

17           **SECTION 1dm.** 103.10 (1) (a) 1. of the statutes is repealed.

18           **SECTION 1e.** 103.10 (1) (a) 2. of the statutes is repealed.

19           **SECTION 1em.** 103.10 (1) (ap) of the statutes is created to read:

20           103.10 (1) (ap) “Covered active duty” means any of the following:

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

23           2. In the case of a member of a reserve 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 under a call or order to active duty under a provision of law specified in 10 USC 101  
2 (a) (13) (B).

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

4 103.10 (1) (b) Except as provided in sub. (1m) (b) 2., “employee” means an  
5 individual employed in this state by an employer, except the employer’s ~~parent, child,~~  
6 spouse, domestic partner, ~~or child~~ parent, grandparent, grandchild, or sibling.

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

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

14 **SECTION 1g.** 103.10 (1) (dm) of the statutes is created to read:

15 103.10 (1) (dm) “Grandchild” means the child of a child.

16 **SECTION 1gm.** 103.10 (1) (dp) of the statutes is created to read:

17 103.10 (1) (dp) “Grandparent” means the parent of a parent.

18 **SECTION 1h.** 103.10 (1) (gm) of the statutes is created to read:

19 103.10 (1) (gm) “Sibling” means a brother, sister, half brother, half sister,  
20 stepbrother, or stepsister, whether by blood, marriage, or adoption.

21 **SECTION 1hm.** 103.10 (1m) (b) 4. of the statutes is amended to read:

22 103.10 (1m) (b) 4. “Family member” means a spouse or domestic partner of an  
23 employee; a parent, child, sibling, including a foster sibling, brother-in-law,  
24 sister-in-law, grandparent, ~~stepgrandparent,~~ or grandchild of an employee or of an  
25 employee’s spouse or domestic partner; or any other person who is related by blood,

1 marriage, or adoption to an employee or to an employee's spouse or domestic partner  
2 and whose close association with the employee, spouse, or domestic partner makes  
3 the person the equivalent of a family member of the employee, spouse, or domestic  
4 partner.

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

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

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

9 103.10 (3) (b) 3. To care for the employee's child, spouse, domestic partner, ~~or~~  
10 parent, grandparent, grandchild, or sibling, if the child, spouse, domestic partner, ~~or~~  
11 parent, grandparent, grandchild, or sibling has a serious health condition.

12 **SECTION 1j.** 103.10 (3) (b) 4. of the statutes is created to read:

13 103.10 (3) (b) 4. Because of any qualifying exigency, as determined by the  
14 department by rule, arising out of the fact that the spouse, child, domestic partner,  
15 parent, grandparent, grandchild, or sibling of the employee is on covered active duty  
16 or has been notified of an impending call or order to covered active duty.

17 **SECTION 1jm.** 103.10 (6) (b) (intro.) of the statutes is amended to read:

18 103.10 (6) (b) (intro.) If an employee intends to take family leave because of the  
19 planned medical treatment or supervision of a child, spouse, domestic partner, ~~or~~  
20 parent, grandparent, grandchild, or sibling or intends to take medical leave because  
21 of the planned medical treatment or supervision of the employee, the employee shall  
22 do all of the following:

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

24 103.10 (6) (b) 1. Make a reasonable effort to schedule the medical treatment  
25 or supervision so that it does not unduly disrupt the employer's operations, subject

1 to the approval of the health care provider of the child, spouse, domestic partner,  
2 parent, grandparent, grandchild, sibling, or employee.

3 **SECTION 1km.** 103.10 (6) (c) of the statutes is created to read:

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

9 **SECTION 1L.** 103.10 (7) (a) of the statutes is amended to read:

10 103.10 (7) (a) If an employee requests family leave for a reason described in sub.  
11 (3) (b) 3. or requests medical leave, the employer may require the employee to provide  
12 certification, as described in par. (b), issued by the health care provider or Christian  
13 Science practitioner of the child, spouse, domestic partner, parent, grandparent,  
14 grandchild, sibling, or employee, whichever is appropriate.

15 **SECTION 1Lm.** 103.10 (7) (b) (intro.) of the statutes is amended to read:

16 103.10 (7) (b) (intro.) No employer may require certification under par. (a)  
17 stating more than the following:

18 **SECTION 1m.** 103.10 (7) (b) 1. of the statutes is amended to read:

19 103.10 (7) (b) 1. That the child, spouse, domestic partner, parent, grandparent,  
20 grandchild, sibling, or employee has a serious health condition.

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

22 103.10 (7) (d) If an employee requests leave under sub. (3) (b) 4., the employer  
23 may require the employee to provide certification that the spouse, child, domestic  
24 partner, parent, grandparent, grandchild, or sibling of the employee is on covered  
25 active duty or has been notified of an impending call or order to covered active duty

1 issued at such time and in such manner as the department may prescribe by rule,  
2 and the employee shall provide a copy of that certification to the employer in a timely  
3 manner.

4 **SECTION 1n.** 103.10 (12) (c) of the statutes is amended to read:

5 103.10 (12) (c) If 2 or more health care providers disagree about any of the  
6 information required to be certified under sub. (7) (b), the department may appoint  
7 another health care provider to examine the child, spouse, domestic partner, parent,  
8 grandparent, grandchild, sibling, or employee and render an opinion as soon as  
9 possible. The department shall promptly notify the employee and the employer of  
10 the appointment. The employer and the employee shall each pay ~~50%~~ 50 percent of  
11 the cost of the examination and opinion.

12 **SECTION 1nm.** 103.10 (14) (a) of the statutes is renumbered 103.10 (14).

13 **SECTION 1o.** 103.10 (14) (b) of the statutes is repealed.”.

14 **3.** Page 10, line 14: after that line insert:

15 “**SECTION 1om.** 103.12 of the statutes is created to read:

16 **103.12 Family and medical leave insurance program. (1) DEFINITIONS.**

17 In this section:

18 (a) “Application year” means the 12-month period beginning on the first day  
19 of the first calendar week for which family or medical leave insurance benefits are  
20 claimed by a covered individual.

21 (b) “Average weekly earnings” means the average weekly earnings of a covered  
22 individual as calculated under s. 102.11 (1) (a) to (e).

23 (c) “Child” means a natural, adopted, or foster child, a stepchild, or a legal ward.

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

6 (e) “Domestic partner” has the meaning given in s. 40.02 (21c) or 770.01 (1).

7 (f) “Employee” means an individual employed in this state by an employer,  
8 except the employer’s child, spouse, domestic partner, parent, grandparent,  
9 grandchild, or sibling.

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

15 (h) “Family leave” means leave from employment, self-employment, or  
16 availability for employment for a reason specified in s. 103.10 (3) (b) 1., 2., 3., or 4.

17 (i) “Family or medical leave insurance benefits” means family or medical leave  
18 insurance benefits payable under this section from the family and medical leave  
19 insurance trust fund.

20 (j) “Grandchild” means the child of a child.

21 (k) “Grandparent” means the parent of a parent.

22 (L) “Medical leave” means leave from employment when a covered individual  
23 has a serious health condition that makes the individual unable to perform his or her  
24 employment duties, leave from self-employment when a covered individual has a  
25 serious health condition that makes the individual unable to perform the duties of

1 his or her self-employment, or leave from availability for employment when a  
2 covered individual has a serious health condition that makes the individual unable  
3 to perform the duties of any suitable employment.

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

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

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

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

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

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

16 **(2) ELIGIBILITY FOR BENEFITS.** (a) A covered individual who is on family or  
17 medical leave is eligible to receive family or medical leave insurance benefits in the  
18 amount specified in sub. (3) and for the duration specified in sub. (4). No family or  
19 medical leave insurance benefits are payable for any period of family or medical leave  
20 for which a covered individual is substituting paid leave of any other type provided  
21 by his or her employer or for which a covered individual is receiving unemployment  
22 benefits under ch. 108 or worker's compensation benefits under ch. 102.

23 (b) Any sole proprietor, partner of a partnership, member of a limited liability  
24 company, or other self-employed individual engaged in a vocation, profession, or  
25 business in this state on a substantially full-time basis may elect to be covered under



1 this section by filing a written notice of election with the department in a form and  
2 manner prescribed by the department by rule. An initial election under this  
3 paragraph becomes effective on the date on which the notice of election is filed, shall  
4 be for a period of not less than 3 years, and may be renewed for subsequent one-year  
5 periods by the filing of a written notice with the department that the self-employed  
6 individual intends to continue his or her coverage under this section. A  
7 self-employed individual that elects coverage under this section may withdraw that  
8 election no earlier than 3 years after the date of the initial election or at such other  
9 times as the department may prescribe by rule by providing notice of that  
10 withdrawal to the department not less than 30 days before the expiration date of the  
11 election.

12 (c) To receive family or medical leave insurance benefits, a covered individual  
13 shall file a claim for those benefits within such time and in such manner as the  
14 department may prescribe by rule. On receipt of a claim for family or medical leave  
15 insurance benefits, the department may request from the claimant's employer such  
16 information as may be necessary for the department to determine the claimant's  
17 eligibility for those benefits and the amount and duration of those benefits, and the  
18 employer shall provide that information to the department within such time and in  
19 such manner as the department may prescribe by rule. If the department determines  
20 that a claimant is eligible to receive family or medical leave insurance benefits, the  
21 department shall provide those benefits to the claimant as provided in subs. (3) to  
22 (5).

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

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

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

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

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

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

18           **(4) DURATION OF BENEFITS.** (a) The maximum number of weeks for which family  
19 or medical leave insurance benefits are payable in an application year is 12 weeks.  
20 A covered individual may take family or medical leave continuously or, at the option  
21 of the covered individual, intermittently or on a reduced leave schedule, except that  
22 a covered individual may not take family or medical leave intermittently or on a  
23 reduced leave schedule for more than 24 consecutive weeks unless the leave is for a  
24 reason specified in sub. (1) (L) or s. 103.10 (3) (b) 3. and the covered individual shows  
25 that the leave is medically necessary. If a covered individual who is employed intends

1 to take family or medical leave intermittently or on a reduced leave schedule, the  
2 covered individual shall make a reasonable effort to schedule that leave so as not to  
3 unduly disrupt the operations of his or her employer and shall provide the employer  
4 with prior notice of that leave in a reasonable and practicable manner.

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

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

18 **(5) COORDINATION OF BENEFITS.** (a) If family or medical leave for which benefits  
19 are payable under this section also qualifies as family or medical leave under s.  
20 103.10 (3) (b) or (4) (a) or 29 USC 2612 (a) (1), the family or medical leave for which  
21 those benefits are payable shall run concurrently with the family or medical leave  
22 under s. 103.10 (3) (b) or (4) (a) or 29 USC 2612 (a) (1).

23 (b) No collective bargaining agreement or employer policy may diminish or  
24 abridge an employee's rights under this section. Any agreement purporting to waive

1 or modify an employee's rights under this section is void as against public policy and  
2 unenforceable.

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

6 **(6) TAX TREATMENT OF BENEFITS.** (a) *State income tax.* Family or medical leave  
7 insurance benefits received under this section are exempt from state income taxation  
8 under s. 71.05 (6) (b) 53.

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

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

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

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

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

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

19           **(8) DENIAL OF CLAIMS; OVERPAYMENTS.** (a) An individual whose claim for family  
20 or medical leave insurance benefits is denied by the department may request a  
21 hearing on the denial, and the department shall process the request for a hearing in  
22 the same manner that requests for hearings on unemployment insurance claims are  
23 processed under s. 108.09.

24           (b) If the department pays family or medical leave insurance benefits  
25 erroneously or as a result of willful misrepresentation, the department may seek

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

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

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

17 **(10) ENFORCEMENT.** (a) Any person who believes that his or her rights under  
18 this section have been interfered with, restrained, or denied in violation of sub. (9)  
19 (a) or that he or she has been discharged or otherwise discriminated against in  
20 violation of sub. (9) (b) may, within 30 days after the violation occurs or the person  
21 should reasonably have known that the violation occurred, whichever is later, file a  
22 complaint with the department alleging the violation, and the department shall  
23 process the complaint in the same manner as complaints filed under s. 103.10 (12)  
24 (b) are processed. If the department finds that an employer has violated sub. (9) (a)  
25 or (b), the department may order the employer to take action to remedy the violation,

1 including providing the requested family or medical leave, reinstating an employee,  
2 providing back pay accrued not more than 2 years before the complaint was filed, and  
3 paying reasonable actual attorney fees to the complainant. Section 111.322 (2m)  
4 applies to a discharge or other discriminatory act arising in connection with any  
5 proceeding under this paragraph.

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

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

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

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

20 (c) Use information sharing and integration technology to facilitate the  
21 exchange of information as necessary for the department to perform its duties under  
22 this section. Notwithstanding s. 19.35 (1), individual personal information  
23 maintained by the department under this section is confidential and not open to  
24 public inspection and copying and may be disclosed only as follows:

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

3           2. With the written permission of the individual who is the subject of the  
4 information or the individual's authorized representative, to a person named in the  
5 permission.

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

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

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

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

23           **(12) NOTICE POSTED.** Each employer shall post, on its Internet site and in one  
24 or more conspicuous places where notices to employees are customarily posted, a  
25 notice in a form approved by the department setting forth employees' rights under



1 this section. Any employer that violates this subsection shall forfeit not more than  
2 \$100 for each violation.”.

3 **4.** Page 10, line 17: before “103.13” insert “103.12.”.

4 **5.** Page 10, line 22: before “103.13” insert “103.12.”.

5 **6.** Page 11, line 10: after that line insert:

6 **“SECTION 5m. Nonstatutory provisions.**

7 (1) PROPOSED PERMANENT RULES. The department of workforce development  
8 shall submit in proposed form the rules required under section 103.12 (11) (b) of the  
9 statutes, as created by this act, to the legislative council staff under section 227.15  
10 (1) of the statutes no later than the first day of the 4th month beginning after the  
11 effective date of this subsection.

12 (2) RULE-MAKING EXCEPTIONS FOR PERMANENT RULES.

13 (a) Notwithstanding section 227.135 (2) of the statutes, the department of  
14 workforce development is not required to present the statement of the scope of the  
15 rules required under section 103.12 (11) (b) of the statutes, as created by this act, to  
16 the governor for approval.

17 (b) Notwithstanding section 227.185 of the statutes, the department of  
18 workforce development is not required to present the rules required under section  
19 103.12 (11) (b) of the statutes, as created by this act, in final draft form to the governor  
20 for approval.

21 (c) Notwithstanding section 227.137 (2) of the statutes, the department of  
22 workforce development is not required to prepare an economic impact analysis for  
23 the rules required under section 103.12 (11) (b) of the statutes, as created by this act.

1 (d) Notwithstanding sections 227.14 (2g) and 227.19 (3) (e) of the statutes, the  
2 department of workforce development is not required to submit the proposed rules  
3 required under section 103.12 (11) (b) of the statutes, as created by this act, to the  
4 small business regulatory review board and is not required to prepare a final  
5 regulatory flexibility analysis for those rules.

6 (3) EMERGENCY RULES. Using the procedure under section 227.24 of the statutes,  
7 the department of workforce development shall promulgate the rules required under  
8 section 103.12 (11) (b) of the statutes, as created by this act, for the period before the  
9 effective date of the permanent rules promulgated under section 103.12 (11) (b) of the  
10 statutes, as created by this act, but not to exceed the period authorized under section  
11 227.24 (1) (c) of the statutes, subject to extension under section 227.24 (2) of the  
12 statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the  
13 department is not required to provide evidence that promulgating a rule under this  
14 subsection as an emergency rule is necessary for the preservation of public peace,  
15 health, safety, or welfare and is not required to provide a finding of an emergency for  
16 a rule promulgated under this subsection. Notwithstanding section 227.24 (1) (e) 1d.  
17 and 1g. of the statutes, the department is not required to prepare a statement of the  
18 scope of the rules promulgated under this subsection or present the rules to the  
19 governor for approval.”

20 **7.** Page 11, line 12: delete lines 12 to 16 and substitute:

21 “(1) COLLECTIVE BARGAINING AGREEMENTS. Except as provided in subsections (2)  
22 and (3), this act first applies to an employee, including an employee, as defined in  
23 section 103.11 (1) (b) of the statutes, as created by this act, who is affected by a  
24 collective bargaining agreement that contains provisions inconsistent with this act

1 on the day on which the collective bargaining agreement expires or is extended,  
2 modified, or renewed, whichever occurs first.

3 (2) FAMILY AND MEDICAL LEAVE INSURANCE TRUST FUND CONTRIBUTIONS. The  
4 treatment of section 103.12 (7) of the statutes first applies to wages earned on  
5 January 1, 2019.

6 (3) FAMILY OR MEDICAL LEAVE INSURANCE BENEFITS ELIGIBILITY. The treatment of  
7 section 103.12 (2) (a) and (c) of the statutes first applies to a period of family leave,  
8 as defined in section 103.12 (1) (h) of the statutes, as created by this act, or a period  
9 of medical leave, as defined in section 103.12 (1) (L) of the statutes, as created by this  
10 act, commencing on January 1, 2020.”

11 (END)