



State of Wisconsin  
2017 - 2018 LEGISLATURE

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**SENATE SUBSTITUTE AMENDMENT 1,  
TO SENATE BILL 113**

June 6, 2017 - Offered by Senator HANSEN.

1     **AN ACT to amend** 111.322 (2m) (a), 111.322 (2m) (b), 230.35 (4) (a) 10., 230.35 (4)  
2           (c) and 230.35 (4) (d) (intro.); and **to create** 103.08, 106.54 (11) and 230.35 (4)  
3           (a) 5m. of the statutes; **relating to:** the establishment of November 11 as a day  
4           on which the offices of the agencies of state government are closed and a  
5           requirement that all employers in this state grant a paid leave of absence on  
6           Veterans Day to employees who are veterans.

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

7           **SECTION 1.** 103.08 of the statutes is created to read:  
8           **103.08 Paid leave of absence on Veterans Day. (1)** In this section:  
9           (a) "Employee" means an individual employed in this state by an employer.  
10          (b) "Employer" means a person engaging in any activity, enterprise, or business  
11          in this state. "Employer" includes the state and any office, department, independent

1 agency, authority, institution, association, society, or other body in state government  
2 created or authorized to be created by the constitution or any law, including the  
3 legislature and the courts.

4 (c) "Veteran" has the meaning given in s. 45.01 (12) (a) to (f).

5 (2) (a) Subject to par. (b), an employer shall grant to each employee who is a  
6 veteran a paid leave of absence on November 11 or, if November 11 falls on a Saturday  
7 or Sunday and the employee is not scheduled to work on November 11, on the  
8 following Monday. The leave of absence shall be for the entire workday. If an  
9 employee intends to take a leave of absence under this paragraph, the employee  
10 shall, in a reasonable and practicable manner, give the employer advance notice of  
11 the leave of absence.

12 (b) For employees whose wages, hours, and conditions of employment are  
13 determined under a collective bargaining agreement, par. (a) applies only if the paid  
14 leave of absence described in par. (a) is provided under the collective bargaining  
15 agreement.

16 (3) An employer may not discharge or discriminate against an employee in  
17 promotion, in compensation, or in the terms, conditions, or privileges of employment  
18 for taking a paid leave of absence as provided in sub. (2), opposing a practice  
19 prohibited under this section, filing a complaint or attempting to enforce any right  
20 under this section, or testifying or assisting in any action or proceeding to enforce any  
21 right under this section.

22 (4) An employee who is discharged or discriminated against in violation of sub.  
23 (3) may file a complaint with the department, and the department shall process the  
24 complaint in the same manner that employment discrimination complaints are  
25 processed under s. 111.39. If the department finds that an employer has violated sub.

1 (3), it may order the employer to take such action under s. 111.39 as will effectuate  
2 the purpose of this section. Section 111.322 (2m) applies to a discharge or other  
3 discriminatory act arising in connection with any proceeding under this subsection.

4 **SECTION 2.** 106.54 (11) of the statutes is created to read:

5 106.54 (11) The division shall receive complaints under s. 103.08 (4) and shall  
6 process the complaints in the same manner that employment discrimination  
7 complaints are processed under s. 111.39.

8 **SECTION 3.** 111.322 (2m) (a) of the statutes is amended to read:

9 111.322 (2m) (a) The individual files a complaint or attempts to enforce any  
10 right under s. 103.02, 103.08, 103.10, 103.11, 103.13, 103.28, 103.32, 103.34,  
11 103.455, 104.12, 109.03, 109.07, 109.075, 146.997, or 995.55, or ss. 101.58 to 101.599  
12 or 103.64 to 103.82.

13 **SECTION 4.** 111.322 (2m) (b) of the statutes is amended to read:

14 111.322 (2m) (b) The individual testifies or assists in any action or proceeding  
15 held under or to enforce any right under s. 103.02, 103.08, 103.10, 103.11, 103.13,  
16 103.28, 103.32, 103.34, 103.455, 104.12, 109.03, 109.07, 109.075, 146.997, or 995.55,  
17 or ss. 101.58 to 101.599 or 103.64 to 103.82.

18 **SECTION 5.** 230.35 (4) (a) 5m. of the statutes is created to read:

19 230.35 (4) (a) 5m. November 11.

20 **SECTION 6.** 230.35 (4) (a) 10. of the statutes is amended to read:

21 230.35 (4) (a) 10. The day following if January 1, July 4, November 11, or  
22 December 25 falls on Sunday.

23 **SECTION 7.** 230.35 (4) (c) of the statutes is amended to read:

24 230.35 (4) (c) Except as provided in the compensation plan under s. 230.12, all  
25 employees except limited term employees shall receive ~~9~~ 10 paid holidays annually

1 in addition to any other authorized paid leave, the time to be at the discretion of the  
2 appointing authorities.

3 **SECTION 8.** 230.35 (4) (d) (intro.) of the statutes is amended to read:

4 230.35 (4) (d) (intro.) In addition to the holidays granted under par. (c) and  
5 except as provided in the compensation plan under s. 230.12, all employees except  
6 limited term employees shall earn 3.5 paid personal holidays each calendar year;  
7 ~~plus one additional paid personal holiday each calendar year in recognition of~~  
8 ~~Veterans Day.~~ Eligibility to take the personal holidays during the year earned is  
9 subject to the following:

10 **SECTION 9. Effective date.**

11 (1) This bill takes effect on the January 1 after publication.

12 (END)