



State of Wisconsin
2025 - 2026 LEGISLATURE

LRB-1772/P5
MIM:cdc/amn/skw

DOA:.....Humphry, BB0432 - Paid Family Medical Leave

FOR 2025-2027 BUDGET -- NOT READY FOR INTRODUCTION

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

Analysis by the Legislative Reference Bureau

EMPLOYMENT

Family and medical leave expansion

Under the current family and medical leave law, an employer that employs at least 50 individuals on a permanent basis must allow an employee who has been employed by the employer for more than 52 consecutive weeks and who has worked for the employer for at least 1,000 hours during the preceding 52 weeks to take family leave to care for the employee's child, spouse, domestic partner, or parent who has a serious health condition. Employers covered under the law must also allow an employee covered under the law to take up to two weeks of medical leave in a 12-month period when that employee has a serious health condition. An employee may file a complaint with DWD regarding an alleged violation of the family and medical leave law within 30 days after either the violation occurs or the employee should reasonably have known that the violation occurred, whichever is later.

This bill makes the following changes to the family and medical leave law:

1. Requires employers covered under the law to allow employees covered under the law to take family leave to provide for a grandparent, grandchild, or sibling who has a serious health condition.
2. Decreases the number of hours an employee is required to work before qualifying for family and medical leave to 680 hours during the preceding 52 weeks.
3. Extends the time period in which an employee may file a complaint with DWD to 300 days after either the violation occurs or the employee should reasonably have known that the violation occurred, whichever is later.
4. Removes the age restriction from the definition of "child" for various purposes under the family and medical leave law.
5. Requires employers to allow employees to take family leave in the instance of an unforeseen or unexpected gap in childcare for an employee's child, grandchild, or sibling or because of a qualifying exigency as to be determined by DWD related to covered active duty, as defined in the bill, or notification of an impending call or order to covered active duty of an employee's child, spouse, domestic partner, parent, grandparent, grandchild, or sibling who is a member of the U.S. armed forces.

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6. Requires employers to allow employees to take family leave to address issues related to the employee or the employee's child, spouse, domestic partner, parent, grandparent, grandchild, or sibling being the victim of domestic abuse, sexual abuse, or stalking.

7. Requires employers to allow employees to take family leave to care for a child, spouse, domestic partner, parent, grandparent, grandchild, or sibling of an employee who is in medical isolation and requires employers to allow employees to take medical leave when an employee is in medical isolation. The bill defines "medical isolation" to include when a local health officer or DHS advises that an individual isolate or quarantine; when a health care professional, a local health officer, or DHS advises that an individual seclude herself or himself when awaiting the results of a diagnostic test for a communicable disease or when the individual is infected with a communicable disease; and when an individual's employer advises that the individual not come to the workplace due to a concern that the individual may have been exposed to or infected with a communicable disease.

Paid family and medical leave benefits

This bill requires employers that are covered by the current family and medical leave law to provide paid benefits to their employees for up to eight weeks of family and medical leave annually, beginning on January 1, 2027. The bill exempts most state employers from required coverage. Under the bill, an employer may buy private insurance to pay benefits to employees. Employers are prohibited from deducting any cost of the insurance from an employee's paycheck or otherwise seeking reimbursement for the cost of providing the leave benefits.

Under the bill, the amount of leave benefits for a week for which benefits are payable is as follows: 1) for the amount of the employee's average weekly earnings that are not more than 50 percent of the state annual median wage in the calendar year before the employee's application year, 90 percent of that individual's average weekly earnings; or 2) for the amount of the employee's average weekly earnings that are more than 50 percent of the state annual median wage in the calendar year before the employee's application year, 50 percent of that employee's average weekly earnings.

The bill also provides an employee with the right to appeal a final decision of an insurer or a self-insured employer to deny a leave benefit.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 103.08 of the statutes is created to read:

103.08 Paid family and medical leave. (1) DEFINITIONS. In this section:

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(a) “Application year” means the 12-month period beginning on the first day of the first calendar week for which leave benefits are claimed by an employee under this section.

(b) “Average weekly earnings” means one-thirteenth of the wages paid to an employee during the last completed calendar quarter prior to the employee’s date of eligibility for leave benefits under this section and includes all sick, holiday, vacation, and termination pay that is paid directly by an employer to an employee at the employee’s usual rate of pay during his or her last completed calendar quarter as a result of employment for an employer and any total or partial disability payments under ch. 102 or a federal law that provides for payments on account of a work-related injury or illness.

(d) “Employee” has the meaning given in s. 103.10 (b), except that it does not include employees whose compensation is established under s. 20.923 (2) or (3) or 230.12 (9m) or employees of the Board of Regents of the University of Wisconsin System.

(e) “Employer” has the meaning given in s. 103.10 (1) (c), except that it does not include any entity whose employees’ compensation is established under s. 20.923 (2) or (3) or 230.12 (9m) or the Board of Regents of the University of Wisconsin System.

(f) “Family leave” means leave from employment taken for any of the reasons under s. 103.10 (3) (b) 1. to 7.

(g) “Insurer” means a company that issues an insurance policy to an employer to provide leave benefits under this section.

(h) “Leave benefits” means benefits provided under sub. (2).

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(i) “Medical leave” means leave from employment taken for any of the reasons under s. 103.10 (4).

(2) PAID BENEFIT REQUIREMENT. Each employer shall provide paid leave benefits to their employees for up to 8 weeks of family and medical leave in the amount specified in sub. (3). Employees shall be paid leave benefits for consecutive family and medical leave or intermittent family leave and medical leave at the employee’s sole discretion.

(3) BENEFIT AMOUNT. The amount of leave benefits for a week for which those benefits are payable is as follows:

(a) For the amount of the employee's average weekly earnings that are not more than 50 percent of the state annual median wage in the calendar year before the employee’s application year, 90 percent of that individual's average weekly earnings.

(b) For the amount of the employee’s average weekly earnings that are more than 50 percent of the state annual median wage in the calendar year before the employee’s application year, 50 percent of that employee’s average weekly earnings.

(4) INSURANCE. (a) An employer may contract with an insurance company to provide coverage for the leave benefits required under sub. (2).

(b) Employers may not deduct any fees from employee compensation for the cost of insurance coverage or otherwise charge employees for the cost of insurance coverage under this subsection.

(c) Insurance policies for leave benefits shall allow for employees to seek arbitration following a denial of leave benefits by the insurer.

(5) FEDERAL TAX TREATMENT OF BENEFITS. With respect to the federal income

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taxation of family or medical leave insurance benefits, an employer shall do all of the following:

(a) At the time an individual files a claim for leave benefits, advise the individual that those benefits may be subject to federal income taxation, that requirements exist under federal law pertaining to estimated tax payments, and that the individual may elect to have federal income taxes withheld from the individual's benefit payments and may change that election not more than one time in an application year.

(b) Allow the individual to elect to have federal income tax deducted and withheld from the individual's benefit payments, allow the individual to change that election not more than one time in an application year, and deduct and withhold that tax in accordance with the individual's election as provided under [26 USC 3402](#). If the employer has contracted with an insurer, the employer shall direct the insurer to follow the provisions of this paragraph.

(6) DENIAL OF BENEFITS; APPEALS. An employer or an insurer that provides benefits under a policy under sub. (4) shall provide an employee with the reason for a denial for a claim for leave benefits whether in whole or in part, with information for the employee to file an appeal with the department. An employee whose claim for leave benefits under this section has been denied in whole or in part by their employer or their employer's insurer may file a complaint with the department after receiving a final denial from their employer or their employer's insurer. The department shall process the complaint in the same manner as complaints filed under s. 103.10 (12) (b) are processed. If the department finds that the employer or insurer should have paid leave benefits, the department may order the employer or

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insurer to provide the benefits owed and, notwithstanding s. 814.04 (1), pay reasonable actual attorney fees to the employee.

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

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

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

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

(9) RULES. The department shall promulgate rules to implement this section.

SECTION 2. 103.10 (1) (a) (intro.) of the statutes is renumbered 103.10 (1) (a) and amended to read:

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

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

SECTION 4. 103.10 (1) (a) 2. of the statutes is repealed.

SECTION 5. 103.10 (1) (ap) of the statutes is created to read:

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

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

2. For a member of a reserve component of the U.S. armed forces, duty during the deployment of the member with the U.S. armed forces to a foreign country under a call or order to active duty under a provision of law specified in [10 USC 101 \(a\) \(13\) \(B\)](#).

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

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

SECTION 7. 103.10 (1) (dm) of the statutes is created to read:

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

SECTION 8. 103.10 (1) (dp) of the statutes is created to read:

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

SECTION 9. 103.10 (1) (em) of the statutes is created to read:

103.10 (1) (em) “Medical isolation” means any of the following:

1. When a health care professional, a local health officer, or the department of health services advises that an individual seclude herself or himself from others

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when the individual is awaiting the result of a diagnostic test for a communicable disease or when the individual is infected with a communicable disease.

2. When a local health officer or the department of health services advises that an individual isolate or quarantine under s. 252.06.

3. When an individual's employer advises that the individual not come to the workplace due to a concern that the individual may have been exposed to or infected with a communicable disease.

SECTION 10. 103.10 (1) (gm) of the statutes is created to read:

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

SECTION 11. 103.10 (1m) (b) 1. of the statutes is renumbered 103.10 (1) (an).

SECTION 12. 103.10 (1m) (b) 6. of the statutes is renumbered 103.10 (1) (gd).

SECTION 13. 103.10 (1m) (b) 7. of the statutes is renumbered 103.10 (1) (m).

SECTION 14. 103.10 (2) (c) of the statutes is amended to read:

103.10 (2) (c) This section only applies to an employee who has been employed by the same employer for more than 52 consecutive weeks and who worked for the employer for at least ~~1,000~~ 680 hours during the preceding 52-week period.

SECTION 15. 103.10 (3) (a) of the statutes is repealed.

SECTION 16. 103.10 (3) (b) 3. of the statutes is amended to read:

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

SECTION 17. 103.10 (3) (b) 4. of the statutes is created to read:

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

SECTION 18. 103.10 (3) (b) 5. of the statutes is created to read:

103.10 (3) (b) 5. Because there is an unforeseen or unexpected short-term gap in childcare for the employee's child, grandchild, or sibling that the employee must fill. The department may define by rule "unforeseen or unexpected short-term gap in childcare."

SECTION 19. 103.10 (3) (b) 6. of the statutes is created to read:

103.10 (3) (b) 6. To care for the employee's child, spouse, domestic partner, parent, grandparent, grandchild, or sibling, if the child, spouse, domestic partner, parent, grandparent, grandchild, or sibling is in medical isolation.

SECTION 20. 103.10 (3) (b) 7. of the statutes is created to read:

103.10 (3) (b) 7. To address issues of the employee or the employee's child, spouse, domestic partner, parent, grandparent, grandchild, or sibling related to being the victim of domestic abuse, sexual abuse, or stalking.

SECTION 21. 103.10 (4) (a) of the statutes is amended to read:

103.10 (4) (a) Subject to ~~pars. (b) and par. (c)~~ and sub. (4m), an employee who is in medical isolation or has a serious health condition which makes the employee unable to perform his or her employment duties may take medical leave for the period during which he or she is unable to perform those duties.

SECTION 22. 103.10 (4) (b) of the statutes is repealed.

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SECTION 23. 103.10 (4m) of the statutes is created to read:

103.10 (**4m**) DURATION OF LEAVE. In a 12-month period, no employee may take more than 8 weeks of leave for any combination of reasons specified under sub. (3) or (4).

SECTION 24. 103.10 (6) (b) (intro.) of the statutes is amended to read:

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

SECTION 25. 103.10 (6) (b) 1. of the statutes is amended to read:

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

SECTION 26. 103.10 (6) (c) of the statutes is created to read:

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

SECTION 27. 103.10 (7) (a) of the statutes is amended to read:

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

SECTION 28. 103.10 (7) (b) (intro.) of the statutes is amended to read:

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

SECTION 29. 103.10 (7) (b) 1. of the statutes is amended to read:

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

SECTION 30. 103.10 (7) (cm) of the statutes is created to read:

103.10 (7) (cm) If an employee requests family leave for a reason described in sub. (3) (b) 3., the employer may require the employee to provide certification that the employee is responsible for the care of a child, spouse, domestic partner, parent, grandparent, grandchild, or sibling with a serious health condition.

SECTION 31. 103.10 (7) (d) of the statutes is created to read:

103.10 (7) (d) If an employee requests family leave under sub. (3) (b) 4., the employer may require the employee to provide certification that the spouse, child, domestic partner, parent, grandparent, grandchild, or sibling of the employee is on covered active duty or has been notified of an impending call or order to covered active duty. The certification under this paragraph shall be issued at such time and

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

SECTION 32. 103.10 (7) (e) of the statutes is created to read:

103.10 (7) (e) If an employee requests family leave under sub. (3) (b) 5., the employer may require the employee to provide certification that there is an unforeseen or unexpected short-term gap in childcare, as defined in rule by the department, for the employee's child, grandchild, or sibling that the employee must fill. The department may prescribe by rule the form and content of the certification.

SECTION 33. 103.10 (7) (f) of the statutes is created to read:

103.10 (7) (f) 1. If an employee requests family leave under sub. (3) (b) 6., or medical leave due to medical isolation, the employer may require the employee to provide certification issued by a local public health official, the department of health services, or a health care provider or Christian Science practitioner of the child, spouse, domestic partner, parent, grandparent, grandchild, sibling, or employee, whichever is appropriate, except that no employer may require certification under this paragraph if the sole reason for the medical isolation is due to the employer's request under sub. (1) (em) 3. No employer may require certification under this subdivision stating more than that the child, spouse, domestic partner, parent, grandparent, grandchild, sibling, or employee is in medical isolation.

2. If an employee requests family leave under sub. (3) (b) 6., the employer may require the employee to provide certification that the employee is responsible for the

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care of a child, spouse, domestic partner, parent, grandparent, grandchild, sibling, or employee who is in medical isolation.

SECTION 34. 103.10 (7) (g) of the statutes is created to read:

103.10 (7) (g) If an employee requests family leave under sub. (3) (b) 7., the employer may require the employee to provide certification that the employee is addressing issues of the employee or the employee's child, spouse, domestic partner, parent, grandparent, grandchild, or sibling related to being the victim of domestic abuse, sexual abuse, or stalking.

SECTION 35. 103.10 (10) of the statutes is amended to read:

103.10 (10) ALTERNATIVE EMPLOYMENT. Nothing in this section prohibits an employer and an employee with a serious health condition or in medical isolation from mutually agreeing to alternative employment for the employee while the serious health condition or medical isolation lasts. No period of alternative employment, with the same employer, reduces the employee's right to family leave or medical leave.

SECTION 36. 103.10 (12) (b) of the statutes is amended to read:

103.10 (12) (b) An employee who believes his or her employer has violated sub. (11) (a) or (b) may, within ~~30~~ 300 days after the violation occurs or the employee should reasonably have known that the violation occurred, whichever is later, file a complaint with the department alleging the violation. Except as provided in s. 230.45 (1m), the department shall investigate the complaint and shall attempt to resolve the complaint by conference, conciliation or persuasion. If the complaint is not resolved and the department finds probable cause to believe a violation has

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occurred, the department shall proceed with notice and a hearing on the complaint as provided in ch. 227. The hearing shall be held within 60 days after the department receives the complaint.

SECTION 37. 103.10 (12) (c) of the statutes is amended to read:

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

SECTION 38. 103.10 (14) (a) of the statutes is renumbered 103.10 (14).

SECTION 39. 103.10 (14) (b) of the statutes is repealed.

SECTION 40. 165.68 (1) (a) 3. of the statutes is amended to read:

165.68 (1) (a) 3. Sexual abuse, as defined in s. 103.10 ~~(1m)~~ ~~(b)~~ 6 (1) (gd).

SECTION 9350. Initial applicability; Workforce Development.

(1) FAMILY AND MEDICAL LEAVE. The treatment of s. 103.10 (12) (b) first applies to a violation that occurs, or that an employee should reasonably have known occurred, on the effective date of this subsection.

(2) LEAVE BENEFITS ELIGIBILITY. The treatment of s. 103.108 (2) first applies to a period of family leave, as defined in s. 103.108 (1) (f), or a period of medical leave, as defined in s. 103.105 (1) (i), commencing on January 1, 2027.

SECTION 9450. Effective dates; Workforce Development.

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SECTION 9450

(1) PAID FAMILY AND MEDICAL LEAVE BENEFITS. The treatment of s. 103.08 takes effect on January 1, 2027.

(END)