



## 2013 SENATE BILL 123

April 3, 2013 – Introduced by Senators HANSEN, HARRIS, SCHULTZ, C. LARSON and L. TAYLOR, cosponsored by Representatives GENRICH, BERCEAU, SINICKI, OHNSTAD, RINGHAND and SHANKLAND. Referred to Committee on Judiciary and Labor.

1     **AN ACT to amend** 111.322 (2m) (a) and 111.322 (2m) (b); and **to create** 103.08  
2             and 106.54 (10) of the statutes; **relating to:** a requirement that all employers  
3             in this state grant a paid leave of absence on Veterans Day to employees who  
4             are veterans.

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### *Analysis by the Legislative Reference Bureau*

Under current law, November 11 (Veterans Day) is a legal holiday. This bill requires every public and private employer in this state to grant to each employee who is a veteran a paid leave of absence for the entire workday on Veterans Day, or on the following Monday if Veterans Day falls on a Saturday or Sunday and the employee is not scheduled to work on that day. Under the bill, for employees who are covered under a collective bargaining agreement, the paid leave of absence is granted only if so provided in the collective bargaining agreement.

The bill prohibits an employer from discharging or discriminating against an employee in promotion, in compensation, or in the terms, conditions, or privileges of employment for taking a paid leave of absence on Veterans Day; opposing a discharge or discrimination in violation of the bill; filing a complaint or attempting to enforce a right under the bill; or testifying or assisting in any action or proceeding to enforce a right under the bill. An employee who is discharged or discriminated against in violation of the bill may file a complaint with the Department of Workforce Development (DWD), and DWD must process the complaint in the same manner that employment discrimination complaints are processed under current law. That

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processing may include the ordering of back pay, reinstatement, compensation in lieu of reinstatement, and costs and attorney fees.

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

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

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

2           **103.08 Paid leave of absence on Veterans Day.** (1) In this section:

3           (a) "Employee" means an individual employed in this state by an employer.

4           (b) "Employer" means a person engaging in any activity, enterprise, or business  
5 in this state. "Employer" includes the state and any office, department, independent  
6 agency, authority, institution, association, society, or other body in state government  
7 created or authorized to be created by the constitution or any law, including the  
8 legislature and the courts.

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

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

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

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

7           **(4)** An employee who is discharged or discriminated against in violation of sub.  
8 (3) may file a complaint with the department, and the department shall process the  
9 complaint in the same manner that employment discrimination complaints are  
10 processed under s. 111.39. If the department finds that an employer has violated sub.  
11 (3), it may order the employer to take such action under s. 111.39 as will effectuate  
12 the purpose of this section. Section 111.322 (2m) applies to a discharge or other  
13 discriminatory act arising in connection with any proceeding under this subsection.

14           **SECTION 2.** 106.54 (10) of the statutes is created to read:

15           106.54 **(10)** The division shall receive complaints under s. 103.08 (4) and shall  
16 process the complaints in the same manner that employment discrimination  
17 complaints are processed under s. 111.39.

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

19           111.322 **(2m)** (a) The individual files a complaint or attempts to enforce any  
20 right under s. 103.02, 103.08, 103.10, 103.13, 103.28, 103.32, 103.34, 103.455,  
21 103.50, 104.12, ~~106.04~~, 109.03, 109.07, 109.075, or 146.997 or ss. 101.58 to 101.599  
22 or 103.64 to 103.82.

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

24           111.322 **(2m)** (b) The individual testifies or assists in any action or proceeding  
25 held under or to enforce any right under s. 103.02, 103.08, 103.10, 103.13, 103.28,

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**SECTION 4**

1 103.32, 103.34, 103.455, 103.50, 104.12, ~~106.04~~, 109.03, 109.07, 109.075, or 146.997

2 or ss. 101.58 to 101.599 or 103.64 to 103.82.

3 (END)