



1997 SENATE BILL 265

July 24, 1997 - Introduced by Senator ROESSLER, cosponsored by Representatives SCHNEIDER, MUSSER, HASENOHRL, BOYLE, BOCK and GRONEMUS. Referred to Committee on Labor, Transportation and Financial Institutions.

- 1 **AN ACT to amend** 230.35 (1) (g) 1 and 230.35 (1m) (f); and **to create** 230.35 (3)
2 (e) of the statutes; **relating to:** leaves of absence for certain state employes to
3 participate in providing certain disaster relief services.

Analysis by the Legislative Reference Bureau

Under current law, a state employe is entitled to leaves of absence with pay from his or her job for certain purposes. A state employe who is a member of the national guard, the state defense force or any other reserve component of the U.S. military forces is entitled to a leave of absence in order to attend military schools, annual field training, annual active duty for training or any other active tour of duty. A state employe is also entitled to a leave of absence when he or she is summoned for jury duty or in order to engage in job promotion examinations or interviews.

This bill allows a state employe to be granted a leave of absence in order to help provide specialized disaster relief services through the American Red Cross. The bill defines "specialized disaster relief services" as professional, technical or other services that require advanced training or expertise and that are provided to assist persons affected by a disaster. Under the bill, the employe's appointing authority (the person in charge of personnel matters in the employe's agency) may grant a leave of absence to an employe if: 1) the disaster occurred in this state; 2) the employe is a certified disaster service volunteer of the American Red Cross; 3) the American Red Cross makes a written request for the services of the employe to the employe's appointing authority; and 4) the employe has successfully completed his or her probationary period and has permanent employe status, if the employe's position is included in the classified service. The bill also allows an appointing authority to grant a leave of absence to allow an employe to provide services in connection with a disaster that occurs outside this state if: 1) the governor authorizes appointing authorities to grant leaves of absence with respect to that disaster; and 2) the employe satisfies the requirements listed above in items #2, 3 and 4.

A leave of absence to help provide disaster relief services may not exceed 30 workdays each year. An employe who is granted a leave of absence to help provide disaster relief services is entitled to his or her base rate of pay during the leave of absence. A leave of absence to provide disaster relief services does not affect the employe's earning of paid annual leave (vacation), sick leave or retirement benefits. Also, for purposes of calculating seniority, pay or pay advancement and performance awards, the time during which an employe is on a leave of absence to help provide disaster relief services counts as time served in the state service.

Provisions of the bill affecting the wages, fringe benefits, hours or conditions of employment of represented employes apply to the extent provided in applicable collective bargaining agreements.

The bill takes effect on the first day of the 4th month beginning after publication.

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:

1 **SECTION 1.** 230.35 (1) (g) 1. of the statutes is amended to read:

2 230.35 (1) (g) 1. Was on an approved leave of absence, including but not limited
3 to military leave, leave to serve in the unclassified service, leave to participate in
4 providing specialized disaster relief services, leave for absence due to injury or illness
5 arising out of state employment and covered by ch. 102; or

6 **SECTION 2.** 230.35 (1m) (f) of the statutes is amended to read:

7 230.35 (1m) (f) The continuous service of an employe eligible for annual leave
8 under this subsection shall not be considered interrupted if the employe was on an
9 approved leave of absence to participate in providing specialized disaster relief
10 services or if the employe leaves the service and is reemployed by the state in another
11 position covered under this subsection. If reemployed in a position not covered under
12 this subsection the employe shall be required to meet the continuous service
13 requirements of sub. (1) (g). This paragraph applies to all persons who are employes
14 covered under this subsection on or after July 1, 1973.

1 **SECTION 3.** 230.35 (3) (e) of the statutes is created to read:

2 230.35 **(3)** (e) 1. In this paragraph, “specialized disaster relief services” means
3 professional, technical or other services that require advanced training or expertise
4 and that are provided to assist persons affected by a disaster.

5 2. An appointing authority may grant a leave of absence to a state employe to
6 allow the employe to participate in providing specialized disaster relief services if all
7 of the following conditions are met:

8 a. Except as provided under subd. 2m., the disaster occurred in this state.

9 b. The employe is a certified disaster service volunteer of the American Red
10 Cross.

11 c. The American Red Cross submits a written request to the employe’s
12 appointing authority for the services of the employe.

13 d. The employe has permanent status, if the employe’s position is included in
14 the classified service.

15 2m. The governor may authorize appointing authorities to grant a leave of
16 absence to any employe who satisfies the conditions listed in subd. 2. b. to d. to allow
17 that employe to provide specialized disaster relief services in connection with a
18 particular disaster that occurred outside this state. The governor may specify a
19 disaster under this subdivision at any time after the disaster occurs.

20 3. A leave of absence granted under subd. 2. or 2m. may not exceed 30 workdays
21 each year.

22 4. An employe who is granted a leave of absence under subd. 2. or 2m. shall
23 receive his or her base state pay without interruption during the leave of absence.
24 For purposes of determining seniority, pay or pay advancement and performance

1 awards, the service of the employe shall be considered uninterrupted by a leave of
2 absence granted under subd. 2. or 2m.

3 **SECTION 4.** Effective date. This act takes effect on the first day of the 4th month
4 beginning after publication.

5 (END)