



## 2005 SENATE BILL 160

April 7, 2005 - Introduced by Senators DECKER, HANSEN, WIRCH, COGGS and ERPENBACH, cosponsored by Representatives TURNER, SINICKI, VAN AKKEREN, POCAN, POPE-ROBERTS, SEIDEL and HINES.

1     **AN ACT** *to create* 103.06 and 106.54 (8) of the statutes; **relating to:** requiring  
2             that all employers in this state provide employees who are veterans a paid leave  
3             of absence on Veterans Day.

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### *Analysis by the Legislative Reference Bureau*

Under current law, November 11 (Veterans Day) is a legal holiday. This bill requires that every public and private employer in this state grant to each employee who is a veteran a paid leave of absence for the entire workday on Veterans Day, or on the Monday following if Veterans Day falls on a Saturday or Sunday. Under the bill, for employees who are included in a collective bargaining unit, the paid leave of absence is granted only if so provided in a 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 processing may include the ordering of back pay, reinstatement, or compensation in lieu of reinstatement.

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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.** 103.06 of the statutes is created to read:

2           **103.06 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" means any individual who has served on active duty in the U.S.  
10 armed forces or in forces incorporated as part of the U.S. armed forces and who has  
11 been discharged or released from that duty under honorable conditions.

12           **(2)** (a) Subject to par. (b), an employer shall grant to each employee who is a  
13 veteran a paid leave of absence on November 11, or the Monday following if  
14 November 11 falls on a Saturday or Sunday. The leave of absence shall be for the  
15 entire workday. If an employee intends to take a leave of absence under this  
16 paragraph, the employee shall, in a reasonable and practicable manner, give the  
17 employer advance notice of the leave of absence.

18           (b) For employees whose wages, hours, and conditions of employment are  
19 determined in a collective bargaining agreement, par. (a) applies only if the paid  
20 leave of absence on November 11, or on the Monday following if November 11 falls

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1 on a Saturday or Sunday, is provided in an applicable collective bargaining  
2 agreement.

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

9 (4) (a) An employee who is discharged or discriminated against in violation of  
10 sub. (3) may file a complaint with the department, and the department shall process  
11 the complaint in the same manner that employment discrimination complaints are  
12 processed under s. 111.39.

13 **SECTION 2.** 106.54 (8) of the statutes is created to read:

14 106.54 (8) The division shall receive complaints under s. 103.06 (4) and shall  
15 process the complaints in the same manner that employment discrimination  
16 complaints are processed under s. 111.39.

17 (END)