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(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ...  
PUBLIC HEARING - COMMITTEE RECORDS

2011-12

(session year)

Senate

(Assembly, Senate or Joint)

Committee on ... Labor, Public Safety, and Urban  
Affairs (SC-LPSUA)

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)  
(**ab** = Assembly Bill)                      (**ar** = Assembly Resolution)                      (**ajr** = Assembly Joint Resolution)  
(**sb** = Senate Bill)                              (**sr** = Senate Resolution)                              (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

**Chart Showing Sections of Wis. Stat. § 103.10**

**Affected by**

**Proposed**

**2011 Senate Bill 23**

**Submitted by and  
Accompanying Testimony of**

**Madison Teachers Inc.**

**Executive Assistant for Labor Relations Eve Degen, Madison Teachers Inc.**

**Attorney Linda L. Harfst, Madison Teachers Inc.  
Cullen Weston Pines & Bach LLP**

**March 2, 2011  
9:30 a.m.**

**Before the Committee on Labor, Public Safety and Urban Affairs**

Chart Showing Sections of Wis. Stat. § 103.10 Affected by Proposed 2011 Senate Bill 23

Statute Citation	WFMLA Now Provides	Changes Proposed in SB 23
Wis. Stat. sec. 103.10(1)(b)	<p>“Employee” means an individual employed in this state by an employer, except the employer’s parent, spouse, domestic partner or child.</p>	<p>Sec. 103.10(1)(b) Adds language, “Except as provided in sub. (1m)(b) 2., ‘employee’ means an individual employed in this state by an employer, except the employer’s parent, spouse, domestic partner, or child.”</p> <p>Sub. (1m)(b) 2. references Wis. Stat. sec. 104.01(2)(a):                      “‘Employee’ means every individual who is in receipt of or is entitled to any compensation for labor performed for any employer.’ [source: minimum wage law]</p>
103.10(1)(c)	<p>“Except as provided in sub. (14) (b), ‘employer’ means a person engaging in any activity, enterprise or business in this state employing at least 50 individuals on a permanent basis.                      ‘Employer’ includes the state and any office, department, independent agency, authority, institution, association, society or other body in state government created or authorized to be created by the constitution or any law, including the legislature and the courts.”</p>	<p><b>SECTION 2.</b> 103.10(1)(c) of the statutes is amended to read,                      “Except as provided in sub. (1m)(b) 3., ‘employer’ means a person engaging in any activity, enterprise or business in this state employing at least 50 individuals on a permanent basis.                      “Employer’ includes the state and any office, department, independent agency, authority, institution, association, society or other body in state government created or authorized to be created by the constitution or any law, including the legislature and the courts.”</p> <p>(1m) (b) 3. provides, “‘Employer’ has the meaning given in sec. 104.01(3)(a).” That provision reads, “The term ‘employer’ shall mean and include every person, firm or corporation, agent, manager, representative, contractor, subcontractor or principal, or other person having control or direction of any person employed at any labor or responsible directly or indirectly for the wages of another.” [source: minimum wage law]</p>

<u>Statute Citation</u>	<u>WFMLA Now Provides</u>	<u>Changes Proposed in SB 23</u>
Creates 103.10(1m)	No language prior.	<p>Sec. 103.10(1m) "STATEWIDE CONCERN; UNIFORMITY. (a) The legislature finds that the provision of family and medical leave that is uniform throughout the state is a matter of statewide concern and that the enactment of an ordinance by a city, village, town, or county that requires employers to provide employees with leave from employment, paid or unpaid, for any of the reasons specified in par. (c) would be logically inconsistent with, would defeat the purpose of, and would go against the spirit of this section. Therefore, this section shall be construed as an enactment of statewide concern for the purpose of providing family and medical leave that is uniform throughout the state.</p> <p>(b) In this subsection: 1. 'Domestic abuse' has the meaning given in s. 968.075 (1)(a).</p> <p>2. 'Employee' has the meaning given in s. 104.01(2)(a)</p> <p>3. 'Employer' has the meaning given in s. 104.01(3)(a).</p>
	No language prior.	<p>4. "Family member" means a spouse or domestic partner of an employee; a parent, child, sibling, including a foster sibling, brother-in-law, sister in-law, grandparent, stepgrandparent, or grandchild of an employee or of an employee's spouse or domestic partner and whose close association with the employee, spouse, or domestic partner makes the person the equivalent of a family member of the employee, spouse, or domestic partner.</p>
	No language prior.	<p>5. "Health Condition" means a physical or mental illness, injury, impairment, or condition.</p>

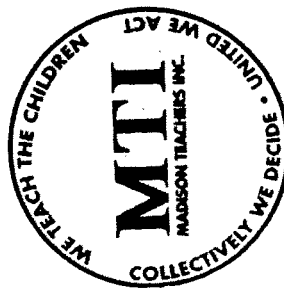
<u>Statute Citation</u>	<u>WFMLA Now Provides</u>	<u>Changes Proposed in SB 23</u>
	<p><i>But see</i> Wis. Stat. s. 103.10  <b>(2) Scope.</b> (a) Nothing in this section prohibits an employer from providing employees with rights to family leave or medical leave which are more generous to the employee than the rights provided under this section.</p>	<p>(c) Subject to par. (d), a city, village, town, or county may not enact and administer an ordinance requiring an employer to provide an employee with leave from employment, paid or unpaid, for any of the following reasons:</p>
	<p>No language prior.</p>	<p>1. Because the employee has a health condition, is in need of medical diagnosis, care, or treatment of a health condition, or is in need of preventive medical care.</p>
	<p>No language prior.</p>	<p>2. To care for a family member who has a health condition, who is in need of medical diagnosis, care, or treatment of a health condition, or who is in need of preventive medical care.</p>
	<p>No language prior.</p>	<p>3. Because the employee's absence from work is necessary in order for the employee to do any of the following:</p>
	<p>No language prior.</p>	<p>a. Seek medical attention or obtain psychological or other counseling for the employee or a family member to recover from any health condition caused by domestic abuse, sexual abuse, or stalking.</p>
	<p>No language prior.</p>	<p>b. Obtain services for the employee of a family member from an organization that provides services to victims of domestic abuse, sexual abuse, or stalking.</p>
	<p>No language prior.</p>	<p>c. Relocate the residence of the employee or of a family member due to domestic abuse, sexual abuse, or stalking.</p>
	<p>No language prior.</p>	<p>d. Initiate, prepare for, or testify, assist, or otherwise participate in any civil or criminal action or proceeding relating to domestic abuse, sexual abuse, or stalking.</p>

<u>Statute Citation</u>	<u>WFMLA Now Provides</u>	<u>Changes Proposed in SB 23</u>
	No language prior.	4. To deal with any other family, medical, or health issues of the employee or of a family member.
	No language prior.	(d) This subsection does not affect an ordinance affecting leave from employment of an employee of a city, village, town, or county.
	No language prior.	(e) Any city, village, town or county ordinance requiring an employer to provide an employee with leave from employment, paid or unpaid, for any of the reasons specified in par. (c) that is in effect on the effective date of this paragraph [LRB inserts date] is void.
	No Equivalent	<b>SECTION 4. Initial applicability. (1) COLLECTIVE BARGAINING AGREEMENTS.</b> This act first applies to an employee who is affected by a collective bargaining agreement that contains provisions inconsistent with this act on the day on which the collective bargaining agreement expires or is extended, modified, or renewed, whichever occurs first.

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**Eve Degen**

Executive Assistant for Labor Relations

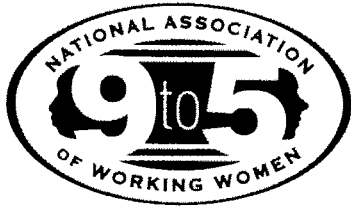
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If this discussion could in any way lead to my being disciplined or terminated or cause an effect on my personal working conditions, I request that my MTI staff representative be present at this meeting. (Call MTI at 257-0491)

Note: You have the right *not* to proceed until your MTI staff representative is present.







## 9to5, National Association of Working Women

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Testimony before the Wisconsin Senate Committee on Labor, Public Safety and Urban  
Affairs  
Hearing on SB 23  
Amy Stear  
Wisconsin Director  
9to5, National Association of Working Women  
March 2, 2011

Thank you members of the Committee on Labor, Public Safety and Urban Affairs for the opportunity to testify today.

My name is Amy Stear and I am here today representing the Wisconsin members of 9to5, National Association of Working Women. 9to5 has worked for decades to promote work place rights and reforms that increase women's abilities to succeed in work while caring for our families.

In 2008, 9to5 led a coalition of over 50 organizations working to pass a city ordinance in Milwaukee that would ensure workers would have access to paid sick days at their jobs. We knew from conversations within our community that a lack of paid sick days increased the chances women would be economically penalized through loss of pay or even their jobs, all because they were striving to meet caregiving obligations to their families. We spoke with women who were transitioning from welfare to work, women in low wage jobs, women from the middle class and we kept hearing the same concerns. Women felt they were being forced to choose between the paycheck they needed over the care of their families.

That is just wrong. The people of Milwaukee had the opportunity through direct legislation to address this wrong, to actively reform policy that was hurting families, not helping them. The end result was a vote of almost 70% of the city to pass paid sick days legislation that would ensure workers would be able to care for their own health and the health of their families while continuing to maintain their economic stability. And that is something that serves our whole community.

When working women can take time off for every day illnesses, their own or their family members, without fear of income loss the result is healthier families, healthier work places and the ability to maintain a level of spending to support family needs. We heard stories throughout the campaign from workers who had to reduce spending because of loss of income related to family illness. One woman stands out in memory because she spoke of how she had made a decision to begin cutting her children's hair herself to save money she lost from missing work for four days to deal with her child's asthma attack

that landed him in the hospital. She said she felt guilty about her choice because she really liked the neighborhood barber they had patronized for years and she knew her forced decision was going to take money out of his pocket.

This is what we learned from our campaign for paid sick days in Milwaukee. This important standard obviously helps families and supports public health but it's also good for businesses and our communities. And that is why so many people – again just short of 70% of voters – came together to pass paid sick days in 2008.

SB 23 will effectively remove the right of working people to utilize direct legislation to pass paid sick days ordinances in our cities and towns. SB 23 disingenuously asserts the Wisconsin Family Medical Leave Act will address family health issues yet WFML doesn't cover all workers and doesn't allow for time off for short term illness and preventative care such as doctor visits. SB 23 will take away the hard-fought gains of the people of Milwaukee who recognized it's good to take care of our health and welfare while maintaining economic stability for our families. In 2008 the voters in Milwaukee acted in good faith, putting our trust in a law that ensured we could speak directly through the electoral process about an issue of importance to us. We want that good faith returned, we want all Wisconsin residents to continue to have the right to exercise their voice on this important issue. The governor and many legislative leaders have stated you care about families in Wisconsin and that you want to honor us. SB 23 takes a basic right we enjoy in Wisconsin away from families which is a long way from honoring us.

We urge you to reject this bill and to stand with Wisconsin workers, our families and our communities. We are an aware, informed constituency who deserve to have continued access to existing Wisconsin laws. We should not be put in a position to fight a rollback of our rights in our state and that is exactly what SB 23 is.




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Change the World. 




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Testimony before the Wisconsin Senate Committee on Labor, Public Safety and Urban Affairs  
Hearing on SB 23  
Ellen Bravo  
Executive Director  
Family Values @ Work Consortium  
March 2, 2011

Thank you, members of the Committee on Labor, Public Safety and Urban Affairs for the opportunity to testify today.

My name is Ellen Bravo. I am here representing Family Values @ Work, a national network of cities and states advocating for paid sick days and other policies that support families' economic success.

Twenty-three years ago, as then-director of Milwaukee 9to5, I was part of a broad coalition which worked to win WI Family and Medical Leave. We were well aware at the time that FMLA would be vital to those caring for new children or for a serious medical condition. But we also understood its limitations in failing to address the need for short-term leave for minor illnesses and preventative health care.

While most children, thankfully, do not suffer from serious long-term health problems, they all get colds and flus. But taking a day off here and there for these regularly-occurring ailments is not covered by FMLA.

Likewise, caring for a parent with a stroke or heart attack is covered by FMLA, but getting our loved ones to the doctor to prevent or diagnose these conditions is not. Neither are the diagnostic appointments that help determine whether a child has autism or learning disabilities.

Preventative and diagnostic care, of course, are vital and smart components of family and public policy. They help people stay healthy or heal more quickly. They cut down on lost time from work, reduce health care costs.

Voters in Milwaukee passed a paid sick days ordinance so that working people could take care of themselves and their family when they are sick and to get to regular doctor visits to keep them healthy. In fact, 70% of voters in Milwaukee voted for the law in a ballot referendum. It was a small step with a big impact on tens of thousands of workers and their families.

Since the ordinance passed in 2008, new research on similar laws in other cities shows significant benefits for workers and minimal impact on businesses. A study last month of San Francisco's paid sick days law shows business concerns about job loss were unfounded, with six in seven employers saying that paid sick days have had no negative effect on profitability and two-thirds of employers



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surveyed supporting the law. Other studies have shown that employees are healthier and more productive when they have access to paid sick days.

Some proponents of SB-23 are advocating for a uniform state-wide family and medical leave policy (FMLA) while overlooking the critical need for short-term time off that is addressed by the Milwaukee paid sick day law. The state and federal FMLA laws that have been in effect since 1988 and 1993, respectively, provide a policy for longer-term sick leave, but do not cover time off for routine illness or medical needs related to diagnosis, preventative care, or to seek services to deal with the horror of domestic or sexual assault.

IF SB 23 passes, Wisconsin families would be able to rely only on long-term leave covered under FMLA. So you would only be able to take time off to care for your dad as he recovers from a heart attack, but not to get him to the doctor's appointment that may have diagnosed and prevented the attack.

Adding insult to injury, SB 23 takes control out of the hands of Wisconsin voters and puts it squarely in the halls of the Capitol. Milwaukee voters overwhelmingly determined paid sick day legislation was important to their community, and their voices – their votes – should not be disregarded. Nor should we pass a law that would set a precedent in allowing state government to undermine local governance.

SB 23 is a slap in the face to the voters in Milwaukee and everywhere in this state. It strips voters of the right to have a voice in the area where we live.

Parents, teachers, business owners, public health officials, faith leaders, unions and advocates for children and seniors participate in Milwaukee's coalition and in that in each of the coalitions that are part of Family Values @ Work. They become engaged because they understand that a minimum standard for paid sick days levels the playing field for business, boosts productivity and profits, improves individual and public health, and adds to the chances of success for our children.

The Milwaukee paid sick days law - a win for working families and a win for business – is the type of legislation that we should be looking to replicate and promote, not one which should be repealed today.

Governor Walker told us he would honor families. Yet SB 23 will force our families to make the impossible decision to stay home with their kids when they're sick, or put food on the table for them. He promised to add jobs, yet this bill will help kill jobs for the working families who are already struggling to make ends meet.

I urge you to reject this bill. Speak up for Wisconsin families.

March 2, 2011

Contact: Dana Schultz, 9to5 414-274-0920, cell: 715-432-4971

## **SENATE BILL WOULD NULLIFY POPULAR MILWAUKEE LAW, APPROVED BY NEARLY 70% OF CITY VOTERS**

### **NEW ATTACK ON FAMILIES UNDERMINES LOCAL DECISIONMAKING**

**Madison, WI**—In Madison's latest attack on Wisconsin families, the state Senate takes up a bill today that would undermine local control statewide and nullify a Milwaukee law to provide paid sick days that was approved by nearly 70% of city voters in 2008. If passed, the Sick Days Scam (SB 23) would deprive 120,000 Milwaukee families who do not have paid sick days of the freedom to take care of ill family members without fear of losing their jobs or a paycheck.

"The Governor and Senate Republicans are trying to rob voters in Milwaukee and other cities of their basic right to local decision-making," said Amy Stear, Wisconsin Director for 9to5, the National Association of Working Women. "This bill will not create one new job. It is nothing more than the latest, transparent attempt by the Governor and his allies to pay back the big corporations who funded their campaigns."

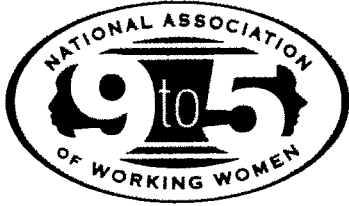
In 2008, nearly 70% of Milwaukee voters approved the paid sick day law that would have helped thousands of working people keep their jobs and care for themselves and their loved ones when they are sick. New research on similar laws in other cities shows significant benefits for workers and minimal impact on businesses. A study last month of San Francisco's paid sick days law shows business concerns about job loss were unfounded, with six in seven employers saying that paid sick days have had no negative effect on profitability and two-thirds of employers surveyed supporting the law. Other studies have shown that employees are healthier and more productive when they have access to paid sick days.

"State leaders should support legislation that helps working people and spurs an economic recovery -- not bills that make life harder for middle class families already at the breaking point," said Stear.

Some proponents of SB-23 are advocating for a uniform state-wide family and medical leave policy (FMLA) while overlooking the critical need for short-term time off that is addressed by the Milwaukee paid sick day law. The state and federal FMLA laws that have been in effect since 1988 and 1993, respectively, provide a policy for longer-term sick leave, but do not cover time off for sickness or medical needs related to diagnosis, preventative care, or to seek services to deal with the horror of domestic or sexual assault.

A large and growing coalition of Wisconsin working families, including 9to5, Citizen Action WI, WI ACLU, and WI Coalition Against Domestic Violence will be testifying against the bill during today's hearing. The group is also calling on the Governor and state legislators to prioritize job creation legislation over proposed legislation that would make it harder for people to live their lives, harder to take care of their families as they see fit, and would infringe on Wisconsin residents' civil rights and freedoms to exercise basic democratic rights. Specifically, the group is opposing Workers' Rights Takeaway (SB11) Civil Rights Rollback (SB6), Family Medical Leave Rollback (SB8) and Anti-Discrimination Lawsuits (LRB 0322).

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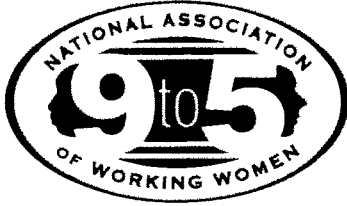


### **Iris Miranda**

**Press contact: (414) 274-0925**

I worked at a clinic for 10 years, and then I decided I wanted to do something else. I ended up taking another job at Patient Care. After 5 years they hired me as a bilingual service representative. Three weeks into training I said I could not come in because my daughter was sick; they said okay. I missed Thursday and Friday but was told I could still come in on Monday, assuring them that I would give my 100%. I was pulled aside on Monday and told me that due to attendance, they had to let me go. I was so excited I would finally be able to afford insurance, but all of a sudden it was done. Here I am nine months later, unemployed. If I would have had employer support from the point of entry and access to paid sick days, I would still have my job.





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### **Rhoda Nance, 9to5 Milwaukee Member** **Press Contact: (414) 274-0925**

Hello, my name is Rhoda Nance. My story is about losing my job because I didn't have paid sick days.

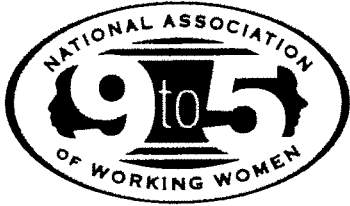
I awoke to pain in my knee from an aggravated issue of joint problems. I called my employer and notified them I would be seeing the doctor before my work shift to make them aware of the problem and the possibility of missing work. After seeing the doctor, I reported to work on time, as scheduled, and continued with my assignment. I went to work because I can't afford to miss money to pay my bills. As time went on, my injury became more painful; the shift supervisor noticed I was in pain and sent me to the company's medical unit.

When I arrived at the nurse, she could see on my face that I was in pain. I gave her the details about my day's events and the medical statement from the doctor stating I needed rest so my knee could heal, which included three days off for tendentious. The nurse directed me to follow the doctor's orders. I returned to work on the fourth day, following my three days off at my regular scheduled shift. When I tried to punch in with my employee ID, it did not work, so I spoke to security and he notified me I had been terminated. He took me to HR to pick up my last check. I asked HR why I had been fired, and she told me that my services were no longer needed by the shift supervisor.

As a result of not having paid sick days, I not only lost my job – I lost my home and I lost my dignity to earn wages to provide for my family. I have also been displaced three times in one year. When I am sick, I'm stuck with the choice of how my family will manage a pay check with less money and missing work to take care of my health.

I want to thank 9to5 for the work to protect my family because I work and still don't have paid sick days.





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### **Torrie Moffett, Milwaukee resident**

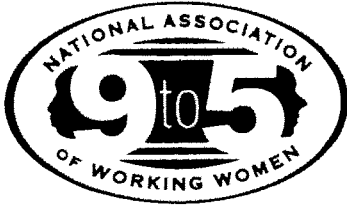
**Press contact: (414) 274-0925**

I have a child with mental illness. When he was in kindergarten and first grade, behavior issues began and I started losing positions. I lost four positions in five years because of the fact that I didn't have paid sick leave, and the attendance rules were very strict. I'm a parent who believes that parenting is my first job and what's outside of the home is my second job.

Whenever the school would call, I would need to be available. Because I didn't have many people who could pick him up and deal with his behavior, I would have to leave work, miss work, or be late to work to go to the school to figure out what was going on. It became a task. When I was at Ameritech in my first 6 months there, I had gotten so many occurrences dealing with my son that I ended up getting terminated; they have a really strict attendance rule. When there was a suspension, I would take the note to the supervisor so that they knew why I could not be there. If he was sick, I would take the doctors notes. If I had an appointment for him that I could not change, I would take the note so that they would know exactly what was going on.

It bothers me that employers don't take into account families when they hire individuals. Things happen that I cannot determine; I can't determine when I'm going to have a sick child. The flexibility with people who have children is not there, and that bothers me. He is 15 now and behavior issues have slowed down, but he still has mental health issues. I'm not working now because of this, knowing at this moment I have a lot going on and don't see how it would benefit me without paid sick leave. I want to work; I enjoy working.





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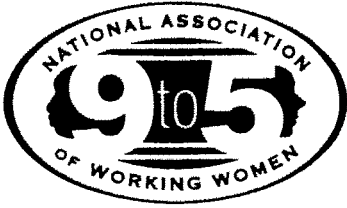
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**Alexis Lee, Milwaukee worker**  
**Press contact: (414) 274-0925**

I work for a temporary hiring service as a package assembler for General Mills. I've been at the job site for six months. On Sunday, I was not feeling well but I went to work Sunday night anyway. By the end of my shift Monday morning I was in excruciating pain. I called off on Monday night because of the pain in an effort to rest so I could go to work better the next day. But Tuesday morning the pain had become so severe that I went to the hospital. After several tests, an ultrasound revealed I had gall stones.

I am now hospitalized for surgery and missing pay because I do not have paid sick time. I am not eligible for Family Medical Leave because of my status as a temporary worker so I have no income support. Due to my unforeseen medical condition, I am missing over a week of wages, making it difficult to pay my bills. It is also difficult for me to take the time I need to heal physically, knowing that I need a paycheck to survive independently. Having paid sick days would provide my son and me the opportunity to maintain economic stability during my time of recovery without additional worries.



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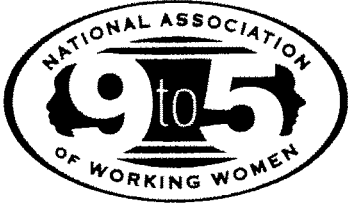
### **Griselle Carrucini, Milwaukee worker**

**Press contact: (414) 274-0925**

I was getting off work from the mall, trying to leave through the usual back exit. There was a situation, however, where a cleaning woman had collapsed. I started to talk with the fireman to figure out why the lady had collapsed. I stayed to translate for the woman, who did not speak English. She said she was dizzy and asked to leave, but another worker standing in for the supervisor would not let her go. She then collapsed on the floor. When she passed out, the person in charge left her there and did not even call 911. It took another co-worker who found her there to do so.

Cleaning supervisors leave early, giving workers very little time to get a lot done. The worker is now stuck with the hospital bill, and lost pay for the time she was at the hospital. I saw her when she was back the next day, and she did not look stable, but she had to work. Her company did not even want to take her back, but I went with her to translate the doctor's note. She didn't want to lose her job and lose pay because she has a daughter and has to pay rent.





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## 9to5, National Association of Working Women

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### **Julie Tenpas, Milwaukee worker**

**Press contact: (414) 274-0925**

I worked at a call center in downtown Milwaukee where 500 people work in close quarters on the phones. I worked 25 hours a week while in school, and was constantly nerve wracked due to not having paid sick time. It didn't matter why you were not at work; you would get points tallied up against you for any absence.

At the call center, you're allowed six points before suspension if you're not full time. I already had 2 and a half when I was vomiting at work and had to leave. I felt nauseated, weak, had a horrible cold. On top of that, I was disciplined at work because I went home sick. This was horrible; I needed paid sick days. If I had had paid sick days, I wouldn't have been worried about getting written up or even fired when I was trying to get better.

Another time, I was so sick that I had lost my voice. I started crying at work because I was so nervous I would get a low score on call voice quality. This would result in me getting a point and getting sent home. It's really scary when you get a cold or get sick there because you cannot afford to be sent home for getting a bad voice quality score. Even worse, if you get two bad scores in a month you can get fired. Getting a cold puts your job in jeopardy.

The employer encouraged us to go home if we were sick, but we did not have paid sick days, so we could not do that. Even if we did, we would be reprimanded. Accumulating points can happen quickly, especially for people who have kids. It's hard because people do not know when they are going to get sick.

I eventually left because I got a new job. It's a relief to no longer work in constant worry from what would happen due to not having paid sick days.





# Quality Part-Time Work Options in Wisconsin

A Report by 9to5, National Association of Working Women

We begin with a simple reality – women are charged with dual responsibilities; the task of managing both work and home. Because of women's caregiving responsibilities, they often need and desire part-time work. But equally large rewards from quality part-time work go to businesses which, through providing these options, are able to maximize their own bottom line.

In this report, supported by the Alfred P. Sloan Foundation, 9to5 explores the business case for quality part-time work options. It includes case studies of fifteen Wisconsin employers — companies large and small, public and private. Employees profiled work in a wide range of positions, from entry-level to mid-level management to executive. The results should encourage more employers to provide flexible work programs that are not only good for workers and good for our communities — but good for business, too.

## Employer benefits of quality part-time options include:

- » Employee recruitment and retention
- » Increased morale, efficiency and productivity
- » Greater flexibility in scheduling hours
- » Improved customer service
- » Enhanced reputation in the community
- » Employer benefits from being known as family friendly

*Here's what some of the highlighted businesses say about the benefits that result from quality part-time work options:*

**"It was a workaholic culture, but it changed for the better to keep people and recruit them."**

**"Involve employees to problem-solve if the employer is worried that work won't get done. Let employees be part of the solution."**

**"It costs almost a year's salary to lose someone and hire and re-train a replacement."**



## Some of the best practices in managing part-time options:

- » **Maintaining good communication** between employee and manager
- » **Careful planning and goal-setting** so that worker tasks are appropriate to the reduced schedule
- » **Encouraging, training and monitoring supervisors**
- » **Involving workers** in resolving scheduling conflicts
- » **Sending a clear message** about the importance of part-time work and work-life balance
- » **Regular review and evaluation** to insure that the process is working for everyone



View the entire report at [www.9to5.org/qualitywork](http://www.9to5.org/qualitywork).

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### *What workers say ...*

**"If you treat people as full time, but just at a reduced schedule, they end up being more committed to the organization."**

**"Kay [who job shares with me] had been with company for seven years, then left when she had children, then came back part-time. She knows a lot about the company. Between the two of us, we manage to relay information quite efficiently."**

**"When I'm covering for one of my co-managers or peers, it makes me understand what their work responsibilities are like and the same is true when they cover for me. It means we're one hospital. The final product is quality in patient care."**

**9to5, National Association of Working Women is an inclusive, multiracial, membership organization that strengthens the ability of low wage women to win economic justice.**







## Preemption of Sick Leave Ordinances ...strengthen Wisconsin's Family Leave Law

In Wisconsin's two largest cities, there have been attempts to require employers to provide paid sick leave to their employees, both full-time and part-time. The Madison ordinance was defeated, but the Milwaukee ordinance was enacted by referendum under Wisconsin's direct legislation statute.

The Milwaukee ordinance requires private businesses to provide up to nine paid sick leave days per year for their employees, but it is currently on hold pending a decision by a state court of appeals.

**The Wisconsin Restaurant Association supports 2011 Senate Bill 23 (SB-23)**, which would clarify that the Wisconsin Family and Medical Leave Act is the law of the land, and that local governments may not impose stricter employee leave requirements.

WRA member restaurants overwhelmingly support SB-23 because:

- **The Wisconsin Health Code already prohibits restaurants from allowing sick employees with certain symptoms to come to work.** One of the advantages of the flexible work schedules in restaurants is that employees can pick up extra shifts to make up for shifts they missed, and employers can usually find someone to cover a shift for a sick employee on short notice.
- Many restaurant employees don't want paid leave. They'd prefer bigger paychecks. If we have to reduce wages or cut other benefits to cover the cost of this new benefit, then our employees lose out. Why not allow employers the flexibility to compensate their employees with the combination of wages and benefits that keeps their employees happy?
- No one is arguing against sick leave. Good employers know their workers are their most valuable resource, and work to accommodate their needs.
- Restaurants are very labor intensive. There is no machine that can greet guests with a smile or provide table service. Mandates that raise the cost of labor are especially harmful in the hospitality industry.
- Paid leave mandates cost employers a lot of money and take away the flexibility they need to ensure proper staffing and provide for the needs of a sick employee. A restaurant owner would be forced to pay for the employee who is not working, and the employee who covers the shift.
- Regulation of labor, wages and benefits belongs at the state or federal level. Local ordinances create a patchwork of regulations across the state that is an administrative nightmare for businesses that operate in more than one city.
- Milwaukee lost a lot of jobs during the recent economic recession. If the appeals court allows this ordinance to go into effect, it will lose even more. This mandate will make Milwaukee a more expensive place to do business and create a perception of Milwaukee as a place where city government is willing to impose extraordinary costs and conditions on employers.

**We ask you to support Senate Bill 23, and prevent a patchwork of local sick leave mandates that could harm both workers and employers in Wisconsin.**





## Lawsuits Against Employers

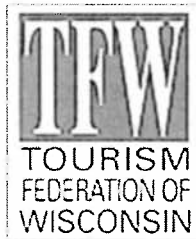
The Wisconsin Restaurant Association had strong concerns with 2009 Senate Bill 20, a bill that allowed employees to sue employers for discrimination in state courts, and to collect compensatory and punitive damages.

Prior to the passage of this bill, the Department of Workforce Development would investigate claims of discrimination and could order employers to make reparations. Plaintiffs seeking non-economic damages, however, had to file suit in federal court.

Some of our concerns were addressed by amendments in the Assembly Labor Committee before the bill passed, but the law does appear to be encouraging lawsuits, nonetheless. In fact, some WRA member businesses have already been sued by plaintiffs citing this law as a reason for bringing their lawsuits.

- The punitive and compensatory damages allowed by this law encourage disgruntled employees and their attorneys to file claims in the hopes of a quick settlement or a big pay day. Non-economic damages are limited to \$300,000 or less, but that's incentive enough.
- Wisconsin has an agency – the Equal Rights Division at DWD – that investigates and adjudicates claims for discrimination in the workplace. If investigators find evidence that discrimination has occurred, then the administrative law judges can force employers to pay back wages and to hire the person back to a job equivalent to the one he or she had, or should have had. If the employer does not comply, then the state will bring suit to force compliance, and the entire process is free for the employee who files the claim.
- The increased risk that goes along with higher potential awards encourages companies to settle out of court, and encourages higher settlement amounts. The cost of settling out of court is roughly equal to the cost of hiring a new employee for a year.
- Putting these suits into state courts unnecessarily clogs the court system, which is already overburdened. There was already an avenue through federal court to pursue non-economic damages from employers in discrimination cases. Why have we decided to make Wisconsin taxpayers foot the bill for trials that used to be handled in federal court?
- By rescinding this law, we can reduce the burden on the court system, save taxpayer dollars and allow more jobs to be created in Wisconsin.

**WRA asks you to support legislation repealing 2009 Wisconsin Act 20.**



# Wisconsin Tourism

## Jumpstarting an Economic Opportunity and Creating Jobs

### Wisconsin Tourism at a Crossroads

*In a tough economy, Wisconsin is working to keep and create new jobs, but by limiting and restricting tourism promotional dollars, the state has dramatically hurt its opportunities to grow the economy. While other states spend tens of millions of dollars to attract new visitors, Wisconsin has cut its promotional budget and left tourism with a whistle rather than a bullhorn to tout our state. This means fewer people know about our natural beauty, resorts, restaurants, four seasons of recreation and sporting tournaments, meeting and entertainment venues and more. A \$15 million annual promotional funding commitment will help Wisconsin's economy. It will protect and create tens of thousands of jobs and help Wisconsin build upon tourism's \$12 billion a year economic impact.*

### Wisconsin is Losing Ground to Other States

- Last year, Michigan doubled its tourism funding to \$30 million and generated more than \$250 million in new economic activity. A breakdown of the numbers showed a regional return of \$5.34 for every one dollar invested.
- In 2008, Illinois spent more than \$48 million on tourism promotion. Colorado, which once invested a paltry \$8 million, launched a blockbuster effort and invested more than \$23 million in 2008.
- Wisconsin has reduced its tourism funding to less than \$13 million while other states are dramatically outspending us. The state's economy has not reaped the benefits that a robust and growing tourism industry can and does yield.

### Putting Wisconsin Tourism Back on the Map

- Governor Scott Walker has said he supports Wisconsin's tourism industry, and we have asked him to become an actively engaged partner in growing the tourism industry.
- **The 2011-2012 state budget should establish a bipartisan goal to set tourism promotion funding at \$15 million annually.**

**A business can move factory production to another state, but you can't move the Mighty Mississippi or Lake Michigan. Wisconsin needs to take advantage of and build upon the \$12 billion spent annually by tourists in the state.**



## September 1 School Start Date

... better for taxpayers, better for families

The Wisconsin Restaurant Association asks you to maintain Wisconsin's September 1<sup>st</sup>, uniform school starting date. This law represents a compromise between those who want schools to start after Labor Day, and those who prefer school start in August. The compromise was reached in 1999 after more than a decade of contentious debate.

- **A consistent school start date remains in the best interest of:**
  - ✓ Tax revenues being returned to communities
  - ✓ Overall economic development and sustainable economic growth
  - ✓ Quality of life for families
  - ✓ The hospitality reputation of the state
- Parents overwhelmingly support the September 1 school start date. In a 2008 survey, 70 percent of parents support the September 1 school start date while only 23 percent oppose it.
- Tourism during the last two weeks of August returns added tax revenue to fund schools. In the past two years, travelers spent an estimated \$30-35 million more in August than in June statewide, according to the Wisconsin Department of Tourism.
- It is important to remember that the labor pool that also relies on income from these last weeks of August. In many cases, these employees are students who will use that income toward their post-high school education.
- Families want to vacation together and the good weather and warm water makes late August an ideal time for family vacations in Wisconsin. It is a reality of modern family life that the last two weeks of August may present the one-and-only opportunity for families to spend quality time together during a planned-for getaway.
- Public schools in the city of Chicago, Minneapolis and St. Paul are beginning school in September. These areas are strong markets for the Wisconsin Tourism economy in late August.
- Minnesota and Michigan have a post-Labor Day school start date and, in fact, Minnesota's State Legislature rejected a bill in committee last session that would have repealed that state's post-Labor Day start.
- Local school boards and districts still have flexibility to set their school calendar; selecting holiday breaks, staff development days and making up snow days. Some school districts in Wisconsin manage to finish in early June while others finish in mid-June which demonstrates the flexibility each district has.





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## Paid Sick Leave Ordinance

Updated 7/8/2010

### Department of Employee Relations (DER)

Employee Assistance Program

Employment Opportunities

Transfer/Promotional Opportunities

City Service Commission

Equal Rights Commission

**Paid Sick Leave Ordinance**

Office of Diversity & Outreach

Policies, City of Milwaukee

Compensation Services

Employee Benefits (2011)

Wellness.....Your Choice Milwaukee

Forms for City Employees

Self Service Instructions & Tips

Labor Contracts

Training Opportunities for City Employees

E-Notify Newsletters

Sitemap to DER

The Equal Rights Commission considered the revised Paid Sick Leave Ordinance Administrative Rules at its meeting on May 19, 2010. Changes to the Administrative Rules issued in April of 2009 have been made based on comments, questions, and feedback received by the Commission since the release of the original rules. Please forward specific questions or concerns to Maria Monteagudo at [mmonte@milwaukee.gov](mailto:mmonte@milwaukee.gov).

- PSLO Administrative Rules Adopted 05/19/2010 ([click here](#))
- PSLO Administrative Rules 4/21/10 ([click here](#))
- PSLO Administrative Rules 4/9/09 ([click here](#))

On June 12, 2009, the Milwaukee County Circuit Court issued a permanent injunction prohibiting the implementation and enforcement of the Paid Sick Leave Ordinance. The Court found that portions of the Ordinance are unconstitutional and that it was unlawfully enacted. The City successfully urged the Court to accept 9to5 National Association of Working Women as a full party to defend the Ordinance. According to a statement issued by City Attorney Langley "they are well-positioned to appeal the Circuit Court's decision as the main proponents of the Ordinance". The City of Milwaukee did not file a separate appeal of the ruling in recognition of the position taken by the Mayor and the President of the Common Council.

The Wisconsin State Court of Appeals has sent the PSLO case to the Wisconsin Supreme Court for hearing. There are two issues that the Supreme Court will be reviewing. The first is whether or not the City has complied with Wisconsin State Statute §9.20(6) and second whether the two year ban on amending or repealing an ordinance that has been adopted as imposed by State Statute §9.20(8) is valid in light of the injunction that has been issued on this case. The injunction against the PSLO is still in place and will be while the Wisconsin Supreme Court hears the case.

### PAID SICK LEAVE ORDINANCE ADMINISTRATIVE RULES

The Milwaukee Equal Rights Commission (ERC) adopted a draft of the City of Milwaukee Paid Sick Leave Ordinance Administrative Rules on 04/01/2009. The Administrative Rules will establish the standards and procedures for the implementation and enforcement of the Ordinance by the ERC, contingent upon the outcome of the legal challenge filed in Circuit Court by the MMAC. The ERC has the authority and responsibility to adopt the rules to enforce the Ordinance. A public comment period has been established from 04/02/2009 to 04/24/2009 to allow employers, employees and other interested parties to provide feedback about the rules prior to their final adoption.

Comments, questions and concerns about the Administrative Rules should be sent to [emprel@milwaukee.gov](mailto:emprel@milwaukee.gov) or mailed to the Equal Rights Commission, Department of

Employee Relations, 200 E. Wells Street, Room 706 - City Hall, Milwaukee, WI 53202.

Testimony at the Public Hearing(s) will be limited to questions, concerns and feedback about the rules. The Commission will not hear testimony about the merits of the Ordinance or the legal challenge. Individuals planning to speak at the public hearing are encouraged to submit their testimony in writing. The ERC is encouraging individuals to be specific about the particular rule(s) they are concerned with and, if possible, to document examples of the issues they want addressed by the Rules.

### **BACKGROUND**

The Paid Sick Leave Ordinance was enacted by the citizens of the City of Milwaukee pursuant to Wisconsin's direct legislation statute. In 2008, a coalition of groups circulated petitions seeking to have the ordinance enacted or placed on the November 4, 2008 ballot. The ordinance was written by this coalition, not the City of Milwaukee. When the petitioners filed the required number of signed petitions, the City of Milwaukee Common Council was advised that it was required to pass the ordinance, without altering it, or place it on the November 4 ballot. The Common Council chose not to enact the ordinance but was required to submit it to a referendum by the voters. On November 4, the voters of the City of Milwaukee approved the referendum. Pursuant to Wisconsin's direct legislation statute, the Common Council and Mayor cannot amend or repeal the ordinance for two years.

You must have Adobe Reader installed to read the following documents: [Click here](#) to download the latest version of Adobe Reader for free.

- Summary of Lawsuit Status for Employee Relations Department (1 page)
- Ordinance, File #080420 (7 pages)
- Housing and Employment Discrimination, Chapter 109, Milwaukee Code of Ordinances (R. 12-16-08; 18 pages)

*The comments you submit electronically, written, or provide at public hearings may be subject to the Wisconsin Public Records Law. If you do not want your personally identifying information to be made public you must indicate that you request your personally identifying information to be kept confidential and that you would not participate but for the promise that this information will be kept confidential.*

### **SUBSCRIBE TO E-NOTIFY:**

If you would like to be added to the e-mail list for Paid Sick Leave Ordinance notices, please subscribe to the City's E-Notify service.

To ensure receipt of e-mail from Milwaukee.gov please **add** the following e-mail addresses to your address book or safe list ([click here to learn how](#)). To view future e-mails please view them as HTML.

- [eservices@milwaukee.gov](mailto:eservices@milwaukee.gov)
- [MilwaukeeE-Notify@milwaukee.gov](mailto:MilwaukeeE-Notify@milwaukee.gov)

1. **To subscribe, you must first create an account.** Click on the following link and enter your e-mail address. All other information is optional: <http://itmdapps.ci.mil.wi.us/login/login/notificationsignin.jsp>
2. When you get our password go to <http://itmdapps.ci.mil.wi.us/login/login/signin.jsp>
3. Your account will be created immediately and your initial password will be sent to your email address

4. Login and click on **Your Information** to change the password.
5. Click on E-Notify. Under the "Information Updates" category, check box next to *Paid Sick Leave Ordinance Information*.
6. Click on the **Update Notification** button at the top or bottom of the page and you are all set.
7. Click on **Log Out** when you are finished.
8. You can change your password, E-mail address, or e-notify selections at **any time**. To stop receiving notices altogether login and click on **Delete Account**.

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