



## WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

**2009 Wisconsin Act 56**  
[2009 Assembly Bill 132]

**Leave of Absence for Civil Air  
Patrol Members**

2009 Wisconsin Act 56 requires employers to grant an unpaid leave of absence to an employee for purposes of participation in a Civil Air Patrol emergency service operation, if all of the following conditions are met:

1. The employee is a member of the Civil Air Patrol.
2. Prior to any emergency service operation, the employee notifies the employer in writing that the employee is a member of the Civil Air Patrol.
3. For an operation that begins before the employee is required to report for work and, if required by the employer, the employee provides a written statement from his or her commander certifying that the employee was participating in an emergency service operation at the time of the leave of absence.
4. For an operation that begins after the employee reports for work, the employee secures authorization from the employer to leave work and, if required by the employer, also provides the written statement described in item 3.
5. The leave of absence does not unduly disrupt the employer's operations.

The Act's requirements apply to any employer in the state, public or private, with 11 or more permanent employees. "Emergency service operation" includes search and rescue missions, disaster relief or humanitarian services, and operations in support of the U.S. Air Force.

An employee may not take more than five consecutive workdays of leave, or more than 15 days of leave in a year, to participate in an emergency service operation. The status of an employee who takes a leave of absence is considered to be uninterrupted by the leave, for purposes of seniority, pay advancement, and employment benefits.

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.

The Act prohibits an employer or other person from discriminating against an individual, in any of several specified ways, based on the individual's Civil Air Patrol membership. Further, no employer or other person may interfere with the exercise of an employee's right to take a leave of absence for a Civil Air Patrol operation, or discharge or take other actions against the individual for taking a leave of absence. An individual whose rights have been violated may file a complaint with the Department of Workforce Development. The Act provides several remedies for violations, including granting the leave, reinstating the employee, providing compensation in lieu of reinstatement, providing certain back pay, and paying costs and attorneys fees.

The Act contains an initial applicability clause stating that the Act first applies to an employee who is affected by a collective bargaining agreement that contains provisions inconsistent with the Act on the day on which the agreement expires or is extended, modified, or renewed, whichever occurs first.

***Effective date:*** November 12, 2009

***Prepared by:*** Pam Shannon, Senior Staff Attorney

December 14, 2009

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