



1995 ASSEMBLY BILL 691

November 21, 1995 - Introduced by Representatives NASS, KREIBICH, LORGE, WILDER, GUNDERSON and SERATTI. Referred to Committee on Labor and Employment.

1 **AN ACT to create** 111.91 (2) (k), 111.92 (6) and 230.355 of the statutes; **relating**
2 **to:** annual mandatory unpaid leave for state employes

Analysis by the Legislative Reference Bureau

This bill provides that the secretary of administration shall designate one day in each calendar year that every state agency, except for a state agency or a subunit of a state agency that the secretary of administration excludes because of public health or safety considerations or operational necessity to the state, shall be closed and every employe of such a state agency shall be prohibited from working on that day and shall be required to take this day as an unpaid leave of absence. The day designated by the secretary shall be the same day for all state agencies and may not fall on a Saturday, a Sunday or any state holiday. An employe who is prohibited from working on the day specified by the secretary may not use any paid annual leave, personal holidays or sick leave credits for the day. If the employe normally does not work on that day, the employe shall be prohibited from working on a different day specified by the state agency during the same calendar year, shall be required to take this day as an unpaid leave of absence and is prohibited from using any paid annual leave, personal holidays or sick leave credits for the day. If the employe is a permanent part-time employe, the employe shall be subject to the unpaid leave of absence requirement on a prorated basis. Any state agency that is closed may not require that any of its employes work an additional day of work that is not regularly scheduled to compensate for the mandatory day of unpaid leave.

This bill also provides that any tentative collective bargaining agreement reached by the department of employment relations and a labor organization under the state employment labor relations act (SELRA) shall include a provision requiring this annual mandatory unpaid leave. Any additional matter relating to the annual mandatory unpaid leave program is a prohibited subject of collective bargaining under SELRA.

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.** 111.91 (2) (k) of the statutes is created to read:

2 111.91 (2) (k) Except as provided in s. 111.92 (6), any matter relating to annual
3 mandatory unpaid leave for employes under s. 230.355.

4 **SECTION 2.** 111.92 (6) of the statutes is created to read:

5 111.92 (6) Any tentative agreement reached between the department, acting
6 in behalf of the state, and any labor organization on or after the effective date of this
7 subsection [revisor inserts date], shall include a provision requiring annual
8 mandatory unpaid leave for employes as specified under s. 230.355.

9 **SECTION 3.** 230.355 of the statutes is created to read:

10 **230.355 Annual mandatory unpaid leave of absence.** (1) In this section,
11 “state agency” has the meaning given in s. 20.001 (1).

12 (2) Notwithstanding ss. 230.29, 230.31, 230.34 (2) and 230.35 (2), (4) and (5)
13 and any rules of the department of employment relations promulgated under those
14 sections, but subject to sub. (3), the secretary of administration shall designate one
15 day in each calendar year that every state agency, except for a state agency or a
16 subunit of a state agency that the secretary of administration excludes because of
17 public health or safety considerations or operational necessity to the state, shall be
18 closed and every employe of a state agency that is closed shall be prohibited from
19 working on that day and shall be required to take this day as an unpaid leave of
20 absence.

1 **(3)** The day designated by the secretary of administration under sub. (2) shall
2 be the same day for all state agencies closed under sub. (2) and may not fall on a
3 Saturday, a Sunday or any state holiday specified under s. 230.35 (4) (a).

4 **(4)** An employe who is prohibited from working on the day specified under sub.
5 (2) may not use any paid annual leave, personal holidays or sick leave credits for the
6 day. If the employe normally does not work on the day specified under sub. (2) as a
7 mandatory day of unpaid leave, the employe shall be prohibited from working on a
8 different day specified by the state agency during the same calendar year, shall be
9 required to take this day as an unpaid leave of absence and is prohibited from using
10 any paid annual leave, personal holidays or sick leave credits for the day. If the
11 employe is a permanent part-time employe, the employe shall be subject to the
12 unpaid leave of absence requirement on a prorated basis.

13 **(5)** Any state agency that is closed under sub. (2) may not require that any of
14 its employes work an additional day of work that is not regularly scheduled to
15 compensate for the mandatory day of unpaid leave.

16 **SECTION 4. Nonstatutory provisions.**

17 (1) ANNUAL MANDATORY UNPAID LEAVE OF ABSENCE. If section 230.355 of the
18 statutes, as created by this act, takes effect before December 30, 1995, the secretary
19 of administration shall designate a day during the 1995 calendar year as the day that
20 state agencies are first closed under section 230.355 (2) of the statutes.

21 **SECTION 5. Initial applicability.**

22 (1) ANNUAL MANDATORY UNPAID LEAVE OF ABSENCE; PROHIBITED SUBJECTS OF
23 COLLECTIVE BARGAINING. The treatment of section 111.91 (2) (k) of the statutes first
24 applies to a collective bargaining agreement that contains provisions inconsistent

1 with that treatment on the day on which the collective bargaining agreement expires
2 or is extended, modified or renewed, whichever occurs first.

3 (END)