



State of Wisconsin  
2003 - 2004 LEGISLATURE

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**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 2003 ASSEMBLY BILL 80**

July 15, 2003 - Offered by Representatives TOWNSEND and MUSSER.

1 **AN ACT to amend** 111.93 (3), 230.35 (1) (j) and 230.35 (4) (d) 3.; and **to create**  
2 230.35 (6) of the statutes; **relating to:** use of annual leave and personal  
3 holidays by state employees who are veterans.

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***Analysis by the Legislative Reference Bureau***

Currently, an appointing authority must respect the wishes of a state employee as to the time of taking vacation and personal holidays that the employee has earned insofar as the needs of the civil service will permit.

This substitute amendment provides that a state employee who is a veteran must be allowed to use an accrued vacation day or a personal holiday for participating in or attending a Veterans Day ceremony on November 11, or the Monday following if November 11 falls on a Saturday or Sunday. In order to be entitled to use a vacation day or personal holiday, an employee must notify his or her appointing authority of his or her intention to participate in or attend a Veterans Day ceremony no later than the November 1 that immediately precedes the day of the Veterans Day ceremony.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1           **SECTION 1.** 111.93 (3) of the statutes is amended to read:

2           111.93 (3) Except as provided in ss. 7.33 (4), 40.05, 40.80 (3), 111.91 (1) (cm),  
3           230.35 (2d) and (3) (e) 6. and (6) (c), and 230.88 (2) (b), if a collective bargaining  
4           agreement exists between the employer and a labor organization representing  
5           employees in a collective bargaining unit, the provisions of that agreement shall  
6           supersede the provisions of civil service and other applicable statutes, as well as  
7           rules and policies of the board of regents of the University of Wisconsin System,  
8           related to wages, fringe benefits, hours, and conditions of employment whether or  
9           not the matters contained in those statutes, rules, and policies are set forth in the  
10          collective bargaining agreement.

11          **SECTION 2.** 230.35 (1) (j) of the statutes is amended to read:

12          230.35 (1) (j) The appointing authority shall respect the wishes of the eligible  
13          employees as to the time of taking their annual leave in all cases under sub. (6) and  
14          otherwise insofar as the needs of the service will permit.

15          **SECTION 3.** 230.35 (4) (d) 3. of the statutes is amended to read:

16          230.35 (4) (d) 3. ~~Such~~ Personal holidays shall be taken at the discretion of the  
17          appointing authority who shall respect the wishes of the eligible employees as to the  
18          time of taking the holidays under this paragraph in all cases under sub. (6) and  
19          otherwise insofar as the needs of the service will permit.

20          **SECTION 4.** 230.35 (6) of the statutes is created to read:

21          230.35 (6) (a) An appointing authority shall permit an employee to use accrued  
22          annual leave or a personal holiday on November 11, or the Monday following if  
23          November 11 falls on a Saturday or Sunday, if the employee is a veteran and is  
24          participating in or attending a Veterans Day ceremony on that day.

1           (b) In order to be entitled to use annual leave or a personal holiday under par.  
2           (a), an employee must notify the appointing authority of his or her intention to  
3           participate in or attend a Veterans Day ceremony no later than the November 1 that  
4           immediately precedes the day of the Veterans Day ceremony.

5           (c) For employees who are included in a collective bargaining unit for which a  
6           representative is recognized or certified under subch. V of ch. 111, this subsection  
7           shall apply unless otherwise provided in a collective bargaining agreement.

8           **SECTION 5. Initial applicability.**

9           (1) This act first applies to employees who are covered by a collective bargaining  
10          agreement under subchapter V of chapter 111 of the statutes that contains provisions  
11          inconsistent with this act on the day on which the collective bargaining agreement  
12          expires or is extended, modified, or renewed, whichever occurs first.

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(END)