

CHAPTER 112
PAID SICK LEAVE FOR EMPLOYES PROVIDED BY
EMPLOYERS WITHIN THE CITY

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112-1. Definitions. In this chapter:

1. CITY means as defined in ch. 1 of the city charter.
2. DOMESTIC ABUSE means as defined in s. 968.075(1)(a), Wis. Stats.
3. EMPLOYE means any person who is employed within the geographic boundaries of the city by an employer, and includes a part-time or temporary employe.
4. EMPLOYER means as defined in s. 104.01(3)(a), Wis. Stats. For purposes of this chapter, "employer" does not include any of the following:
 - a. The United States government.
 - b. The state of Wisconsin, including any office, department, agency, authority, institution, association, society or other body of the state, including the legislature and the judiciary.
 - c. Any county or local government.
5. FAMILY MEMBER means any of the following:
 - a. A child as defined in s. 103.10(1)(a), Wis. Stats.
 - b. A parent as defined in s. 103.10(1)(f), Wis. Stats.
 - c. A person to whom the employe is legally married under the laws of Wisconsin.
 - d. A grandparent defined as the parent of a parent or spouse of a grandparent.

- e. A grandchild defined as the child of a child.
 - f. A biological, foster or adopted sibling or spouse of a biological, foster or adopted sibling.
 - g. A domestic partner as defined in ch. 770, Wis. Stats.
 - h. Any other individual related by blood or affinity whose close association with the employe is the equivalent of a family relationship.
6. PAID SICK LEAVE means leave that is compensated at the same hourly rate as the employe earns from his or her employment and is provided by an employer to an employe for the purposes described in s. 112-3.
7. RETALIATORY PERSONNEL ACTION means the discharge, suspension or demotion by an employer of an employe or any other adverse employment action.
8. SEXUAL ASSAULT means as defined in s. 940.225, Wis. Stats.
9. SMALL BUSINESS means any private individual, firm, partnership, institution, corporation, or association for which fewer than 10 persons work for compensation during a given week. In determining the number of persons performing work for compensation during a given week, all persons performing work for compensation on a full-time, part-time, or temporary basis shall be counted, including persons made available to work through the services of a temporary services or staffing agency or similar entity. In situations in which the number of persons who work for compensation per week fluctuates above and below 10 or more per week over the course of a year, business size will be determined for the current calendar year based upon the average number of persons who worked for compensation per week during the preceding calendar year.
10. STALKING means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear

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for his or her safety or the safety of others, or suffer substantial emotional distress.

112-3. Accrual of Paid Sick Leave. 1. All employes have the right to paid sick leave as provided in this chapter.

2. Except as provided in sub.3, all employers shall provide a minimum of one hour of paid sick leave for every 30 hours worked by an employe. Employers will not be required under this section to provide more than 72 hours of sick leave for an employe in a calendar year.

3. Employes of small businesses will not accrue more than 40 hours of paid sick leave in a calendar year, unless the employer selects a higher limit.

4. Employes who are exempt from requirements under s. 13(a)(1) of the Federal Fair Labor Standards Act with respect to payment of overtime will be assumed to work 40 hours in each work week for purposes of paid sick leave accrual unless their regular work week is less than 40 hours, in which case paid sick leave accrues based upon that regular work week.

5. Paid sick leave shall accrue in hour unit increments.

6. Paid sick leave as provided in this section shall begin to accrue at the commencement of employment.

7. Employes shall be entitled to use accrued paid sick leave beginning on the 90th calendar day following commencement of their employment. After the 90th calendar day of employment, employes may use sick leave as it is accrued.

8. Paid sick leave shall be carried over to the following calendar year; however, an employe's use of sick leave provided in each calendar year shall not exceed 40 hours for employes of small businesses and 72 hours for employes of all other businesses.

9. Any employer with a paid leave policy, such as a paid time-off policy, who makes available an amount of paid leave sufficient to meet the accrual requirements of this chapter that may be used for the same

purposes and under the same conditions as paid sick leave under this chapter is not required to provide additional paid sick leave.

10. Nothing in this chapter shall be construed to prevent employers from adopting or retaining leave policies that are more generous than the policies required under this chapter.

11. Nothing in this chapter shall be construed as requiring financial or other reimbursement to an employe from an employer upon the employe's termination, resignation, retirement or other separation from employment for accrued paid sick leave that has not been used.

12. When there is a separation from employment and the employe is rehired within one year of separation by the same employer, previously accrued paid sick leave that had not been used shall be reinstated. Further, the employe shall be entitled to use accrued paid sick leave at the commencement of employment following a separation from employment of one year or less.

112-5. Use of Paid Sick Leave. 1. Paid sick leave shall be provided to an employe by an employer for:

a. An employe's mental or physical illness, injury or health condition or need for medical diagnosis, care or treatment of a mental or physical illness, injury or health condition or need for preventive medical care.

b. Care of a family member with a mental or physical illness, injury or health condition who needs medical diagnosis, care or treatment of a mental or physical illness, injury or health condition or who needs preventive medical care.

c. Absence necessary due to domestic abuse, sexual assault or stalking, provided the leave is for any of the following:

c-1. Seek medical attention for the employe or employe's child, spouse, parent, grandparent or extended family member to recover from physical or psychological injury or disability caused by domestic or sexual violence.

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c-2. Obtain services from a victim services organization.

c-3. Obtain psychological or other counseling.

c-4. Seek relocation due to the domestic or sexual violence or stalking.

c-5. Take legal action, including preparing for or participating in any civil or criminal legal proceeding related to or resulting from the domestic or sexual violence.

2. An employer may not require, as a condition of an employee's taking paid sick leave, that the employee search for or find a replacement worker to cover the hours during which the employee is on paid sick leave.

3. An employer may not impose unreasonable barriers to use of paid sick leave or require unreasonable documentation of illness when an employee takes sick leave.

4. An employer may not penalize an employee for use of sick leave by reducing any benefits of employment otherwise due the employee.

112-7. Exercise of Rights Protected; Retaliation Prohibited. 1. An employer or any other person shall not interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right protected under this chapter.

2. An employer shall not take retaliatory personnel action or discriminate against an employee because the employee has exercised rights protected under this chapter. Such rights include but are not limited to the right to use paid sick leave pursuant to this chapter; the right to file a complaint or inform any person about any employer's alleged violation of this chapter; and the right to inform any person of his or her potential rights under this chapter.

3. No employer may treat sick leave taken under this chapter as an absence that may lead to or result in discipline, discharge, demotion, suspension or any other adverse action, or treat the use of paid sick leave guaranteed under this chapter as a negative factor in hiring, evaluation or promotion.

4. Protections of this section shall apply to any person who mistakenly but in good faith alleges violations of this chapter.

112-9. Notice and Posting. 1. Employers shall give notice that employees are entitled to paid sick leave, the amount of paid sick leave, and the terms of its use guaranteed under this chapter and that retaliation against employees who request or use paid sick leave is prohibited.

2. Employers may comply with this section by supplying each of their employees with a notice in English, Hmong and Spanish that contains the information required in sub. 1.

3. Employers may comply with this section by displaying a poster in a conspicuous and accessible place in each establishment where such employees are employed which contains in English, Hmong and Spanish all information required under sub. 1.

112-11. Employer Records. Employers shall retain records documenting hours worked by employees and paid sick leave taken by employees, for a period of 5 years.

112-13. Confidentiality and Nondisclosure. An employer may not require disclosure of information relating to domestic abuse, sexual assault or stalking or the details of an employee's medical condition as a condition of providing paid sick leave under this chapter. If an employer possesses health information or information pertaining to domestic abuse, sexual assault or stalking about an employee or employee's child, parent, spouse, extended family member or other individual described in s. 112-1-5, such information shall be treated as confidential and not disclosed except to the affected employee or with the permission of the affected employee.

112-15. Encouragement of More Generous Leave Policies; No Effect on More Generous Policies. 1. Nothing in this chapter shall be construed to discourage or prohibit an employer from the adoption or retention of a paid leave policy more generous than the one required herein.

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2. Nothing in this chapter shall be construed as diminishing the obligation of an employer to comply with any contract, collective bargaining agreement, employment benefit plan or other agreement providing more generous leave to an employe than required herein.

3. Nothing in this chapter shall be construed as diminishing the rights of public employes regarding paid sick leave or use of sick leave.

112-17. Other Legal Requirements. This chapter provides minimum requirements pertaining to paid sick leave and shall not be construed to preempt, limit or otherwise affect the applicability of any other law, regulation, requirement, policy or standard that provides for greater accrual or use by employes of sick leave, whether paid or unpaid, or that extends other protections to employes.

112-19. Preemption. Nothing in this chapter shall be interpreted or applied so as to create any power or duty in conflict with federal or state law.

**Paid Sick Leave for Employes Provided by
Employers Within the City--(HISTORY)**

**LEGISLATIVE HISTORY
CHAPTER 112**

Abbreviations:

am = amended
cr = created

ra = renumbered and amended
rc = repealed and recreated

rn = renumbered
rp = repealed

<u>Section</u>	<u>Action</u>	<u>File</u>	<u>Passed</u>	<u>Effective</u>
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112-1-5-g	am	090739	10/13/2009	10/30/2009

*enacted as result of direct legislation; passed by city voters on 11/4/2008.

**112--(HISTORY) Paid Sick Leave for Employes Provided by
Employers Within the City**

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