



TO: Wisconsin State Legislature

RE: Please oppose LRB 2015/1 – Federalization of the Wisconsin Family Medical Leave Act

Date: October 26, 2017

As organizations that recognize the importance of maintaining existing family and medical leave job protections for Wisconsin citizens, we wish to state our strong opposition to LRB 2015/1. This bill would eliminate some of the protections and benefits that the Wisconsin Family Medical Leave Act (WI FMLA) provides to employees who are employed by a business that is covered by both the state and federal FMLA's.

Background on the Wisconsin and Federal Family and Medical Leave Acts (FMLA's)

In 1988, Wisconsin became one of the first states to pass a state-level Family Medical Leave Act (FMLA). Congress followed Wisconsin's lead and passed a federal FMLA in 1993. Both the state and federal FMLA allow employees who meet certain criteria to take unpaid time off of work if they become ill, have a child, or need to care for a sick family member. This advancement in employment policy has been of great benefit to workers, our communities, and the overall health of our state.

The Wisconsin FMLA and federal FMLA are not identical. In general, the Wisconsin FMLA covers more employees and provides more flexible leave benefits than the federal FMLA. Wisconsin employers who are covered by both the state and federal FMLA must comply with any provisions of the state FMLA law that provide greater family or medical leave rights than the rights established by the federal FMLA and vice versa.

Why LRB 2015/1 is Problematic

LRB 2015/1 is an attempt to "federalize" the Wisconsin FMLA, which would reduce access to family and medical leave and reduce the quality of leave for many Wisconsin workers.

If passed, LRB 2015/1 would remove the following protections and benefits that workers who have dual state and federal FMLA eligibility current receive:

- The Wisconsin FMLA covers more part-time employees than the federal FMLA. Under the Wisconsin FMLA, part-time employees working between 20-25 hours per week for a full year are covered. Under the federal FMLA, only part-time employees working 25 or more hours per week are covered. If passed, LRB 2015/1 would remove family and medical leave protections for these employees working between 20-25 hours per week.
- The Wisconsin FMLA is less restrictive regarding how employees can choose whether to substitute accrued paid or unpaid leave that is provided by their employer for their qualifying FMLA leave. If passed, LRB 2015/1 would remove this flexibility for employees who have dual eligibility.
- The Wisconsin FMLA is more permissive regarding the ability of employees to take intermittent leave. Under Wisconsin law, intermittent leave is permitted for all family and medical leaves in increments equal to the shortest increment permitted by their employer for any other non-



emergency leave. Under federal law, intermittent leave is only permitted if medically necessary for a serious, personal health condition.

Now is not the time to scale back Wisconsinites' hard-won access to family and medical leave. If anything, Wisconsin should be working to expand job protections to more of its citizens to ensure that they can take time off of work in order to take care of themselves, a sick family member, or a new child. Because this attempt to "federalize" the Wisconsin FMLA would weaken some of the very important protections listed above, the undersigned organizations respectfully request that member of the Legislature oppose LRB 2015/1.

9to5 Wisconsin
ACLU of Wisconsin
African American Breastfeeding Network of Milwaukee
African American Roundtable
American Academy of Pediatrics - Wisconsin Section
Citizen Action of Wisconsin
Community Advocates, Inc.
End Domestic Abuse Wisconsin
EXPO (Ex-Prisoners Organization)
FAIR Wisconsin
Greater Wisconsin Agency on Aging Resources
Interfaith Coalition for Worker Justice
Kids Forward
Marathon County Central Labor Coalition
Midday Women's Alliance of Fox Valley
Milwaukee Teachers Education Association
ONE Wisconsin Now
Our Wisconsin Revolution – Milwaukee Chapter
OutReach, Inc.
Planned Parenthood Advocates of Wisconsin
Schools and Communities United
SEIU Healthcare Wisconsin
Voces de la Frontera
WAVE Educational Fund
Wisconsin Alliance for Women's Health
Wisconsin Association of Local Health Departments and Boards
Wisconsin Breast Cancer Coalition
Wisconsin Coalition Against Sexual Assault
Wisconsin Community Action Program Association
Wisconsin Council of Churches
Wisconsin Democracy Campaign
Wisconsin Faith Voices for Justice
Wisconsin Public Health Association
Wisconsin Religious Coalition for Reproductive Choice
Wisconsin Voices
Wisconsin Women's Network
Madison Workers' Rights Center
YWCA Southeast Wisconsin