



TO: Wisconsin State Legislature

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

Date: October 26, 2017

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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