

Representative Chris Kapenga

Testimony for Assembly Public Hearing  
Committee on Labor, Industry and Workforce Development  
Wednesday, March 30, 2011

**RE: Assembly Bill 41 – Preemption of city , village, town, or county ordinances requiring employers to provide employees with leave from employment to deal with family, medical, or health issues.**

Thank you Madam Chair for the opportunity to testify this morning.

The Milwaukee Paid Sick Leave ordinance was passed via a referendum by the City of Milwaukee in November 2008. The ordinance mandates the amount of sick time employers are to provide their employees as well as how an employer administers the benefit program. The mandate far exceeds the State FMLA requirements.

I authored AB41 to ensure that there is uniformity throughout the state in regards to FMLA regulation. The Milwaukee ordinance, and any ordinance like it, is detrimental to the citizens of the State of Wisconsin. It harms them in two ways: First, it creates a competitive disadvantage for businesses under the ordinance and secondly, it creates injustice by placing an undue burden on business owners while also violating their personal property rights.

Our goal in this state is to foster a business environment that creates employment opportunities. These employment opportunities are what people in this state are asking for. We know that employers want stability, consistency and predictability. They also want freedom to operate their business in a way that will allow them to be competitive, which leads to profitability, growth and hiring. This bill will help to ensure that:

1. Businesses in Wisconsin have uniform laws in place on employment relations.
2. Business owners in Milwaukee, and all other areas of the state, are given the freedom to run their business in a way that they feel is best, as opposed to in the way that the government feels is best.
3. Businesses outside of Wisconsin are not given the wrong impression of our state. They may see this overreaching regulation as a representation of the state as a whole, thus the statewide concern. Due to Milwaukee being the largest city in the state, it has a significant influence on the tone our state projects to outside companies who may be looking to locate in within the state.

You will hear the opposition to this bill bring up the argument that this disenfranchises people who are dealing with various personal issues. It does exactly the opposite.

The reality is that this ordinance, and any similar ordinance, will only increase the burden on not only on the disenfranchised, but on all workers in the area. The increased burden will be that of unemployment. Businesses in Milwaukee would not be able to pass on their added costs to customers because

customers would simply move their spending outside of the city where goods and services are cheaper. That would lead to businesses either going out of business or leaving the city. That means that jobs are lost.

Just to give an example of additional cost, Gary Wenzel, President of Capital Stampings located in Milwaukee was interviewed by the Milwaukee Journal Sentinel (Jan 6, 2009) on the impact to his company. He stated that it would add another \$100,000 per year in cost, which would force him to look at having the work done elsewhere. That would cost jobs in Milwaukee.

Another problem it creates is that new businesses will be far less likely to locate within the city and state. A major factor that businesses look at when choosing a location for their business is the regulatory environment. The Milwaukee Paid Sick Leave ordinance would add to the already onerous regulatory environment that exists in Wisconsin, making it more difficult to attract new businesses, thus new jobs.

In addition, you will hear the opposition to this bill say that it flies in the face of the citizens who voted on the referendum. I believe ordinances like this violate one of the foundations of our constitution and thus our society; the right of personal property.

The rule of law is to be used by the Legislature to cure an injustice. In this specific situation, no one will argue that there are personal situations in society that are unjust, but justice is not served by creating another injustice. Ordinances like the one in Milwaukee actually create an injustice on the business owner by forcing them to follow work rules far beyond the existing state FLMA laws.

A business is personal property, and the business owner has the right to determine the use of that property. If another individual seeks to take away the right of another, we have determined as a society that they cannot do so. The same reasoning applies to a group of individuals; collective force cannot take away the rights of an individual. That is what has happened with this ordinance and that is why this bill needs to be put in place.

In summary, this bill will ensure that the requirements on employers within the state are uniform, and it ensures that a specific injustice that has been created by the Milwaukee Ordinance is properly dealt with.

Thank you.



**Metropolitan Milwaukee  
Association of Commerce**

**DATE: MARCH 30, 2011**

**TO: THE ASSEMBLY COMMITTEE ON LABOR AND WORKFORCE  
DEVELOPMENT**

**FROM: STEVE BAAS, VICE PRESIDENT OF GOVERNMENT AFFAIRS,  
METROPOLITAN MILWAUKEE ASSOCIATION OF COMMERCE**

**RE: AB 41/SB23**

Representative Ballweg and members, thank you for holding this hearing today and allowing me to express the MMAC's strong support for this critical piece of jobs legislation.

The MMAC represents over 1800 member businesses employing nearly a half million workers throughout the metropolitan Milwaukee region. We are also founding members of the M7, the regional economic development organization for southeast Wisconsin. As such, we are on the front lines working with companies looking to bring jobs and economic development to our region, and we see first-hand the issues that factor into their growth and location decisions.

These decisions multi-faceted and as unique as the different companies making them, but some themes run through nearly all of them. Nearly every business we work with is looking for a consistent, competitive environment in which they can succeed in this state. That goal and that competitiveness are compromised when there is a patchwork of different regulatory standards affecting their cost of doing business from community to community throughout the state.

The state recognized that dynamic several years ago when it created the uniform Living Wage. The bill before you today, is a logical extension of that bill, creating a consistent, competitive landscape statewide when it comes to family and medical leave. While there has been in the past and surely will in the future a robust and occasionally passionate debate about exactly what the appropriate safety net standard in this area should be, there should be no debate that Wisconsin's economic competitiveness is best served by ensuring that that standard is applied on a uniform statewide basis

That is precisely what this bill does. This is commonsense legislation that ensures worker protections and ensures that those protections are applied in a way that does not harm job creation or retention.

Thank you again for your consideration of this legislation. I urge your prompt passage of this important job protection measure.

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Wisconsin Coalition Against Sexual Assault, Inc.  
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To: Members of the Assembly Committee on Labor and Workforce Development  
From: Wisconsin Coalition Against Sexual Assault  
Re: AB 41/SB 23 – Preemption of Local Governments Allowing Leave for Victims of Sexual Assault  
Date: March 29, 2011

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Good morning, my name is Ian Henderson, Director of Legal and Systems Services at the Wisconsin Coalition Against Sexual Assault (WCASA). WCASA is a statewide membership organization which collaborates with and supports local sexual assault service providers around the state and other organizations working to end sexual violence in Wisconsin.

We oppose AB 41/SB 23. As you know, these bills would preempt any municipality or county from requiring that employers provide employees with paid leave in a number of situations. The bill specifically states that no such ordinances may be adopted by these local governments which require that employers provide leave for those employees seeking medical attention after being sexually assaulted, or to obtain services from a local sexual assault service provider, or for a victim of sexual assault to relocate. Nor does it allow for the requirement that leave be provided to initiate, prepare for, testify, assist, or otherwise participate in a sexual assault-related criminal or civil proceeding.

Sexual assault is a significant problem in Wisconsin, and in the City of Milwaukee specifically. The Milwaukee Police Department responds to approximately 1,000 reports of sexual assault each year. Aurora Sexual Assault Treatment Center in Milwaukee is the second-busiest program of its kind in the nation – providing approximately 700 victims a year with treatment and referrals to counseling and legal advocacy. Recognizing the dramatic effect that sexual violence has on Milwaukeeans and the importance of victim services, the Milwaukee ordinance in question included specific provisions regarding sexual violence.

Removing the ability of local citizens and local governments from making the decision for themselves shows a disturbing disregard for the serious nature of these crimes, and for the long-term impacts that these assaults have on victims. Those who are struggling the most economically and who cannot easily take unpaid time off are less likely to seek assistance, to follow-up with law enforcement, to relocate in order to stay safe. Keep in mind that an estimated 60 to 80 percent of sexual assault already go unreported every year. We should not be making it more difficult for victims to seek the

assistance of a local service provider or to assist our criminal justice system and the prosecution of a sex offender and that is exactly what this bill would do.

# Testimony



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**To:** Members of the Assembly Labor and Workforce Development Committee

**From:** Tony Gibart, Policy Coordinator, Wisconsin Coalition Against Domestic Violence

**Date:** Wednesday March 30, 2011

**Re:** Senate Bill 23 and Assembly Bill 41

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Chairwoman Ballweg and members of the Committee, thank you for the opportunity to provide testimony today. My name is Tony Gibart, and I represent the Wisconsin Coalition Against Domestic Violence (WCADV). WCADV is the statewide group that represents local domestic violence victim service providers and survivors across the state. Senate Bill 23 and Assembly Bill 41 are matters of great concern for my organization and our members. WCADV and our member organizations were active in supporting and defending the Milwaukee Sick Pay Ordinance because the ordinance provides victims of domestic violence, sexual assault and stalking paid time off from work to take critical preventive action to address their situations. Because Senate Bill 23 and Assembly Bill 41 would preempt these protections for victims in Milwaukee and prohibit other communities from enacting these policies, WCADV opposes Senate Bill 23 and Assembly Bill 41.

Senate Bill 23 and Assembly Bill 41 would prohibit local governments from enacting ordinances that provide victims of domestic violence, sexual assault or stalking leave to do following:

- Seek medical attention or obtain psychological or other counseling
- Obtain services from our local victim service providers
- Relocate
- Initiate, prepare for, or testify, assist, or otherwise participate in any civil or criminal action or proceeding

Yet, these are the activities that have been shown to reduce and eliminate domestic and sexual violence. One survey found that taking legal action, relocating or working with an advocate significantly increased the chances a woman would leave an abusive relationship, which in turn improved her physical health.<sup>1</sup> Another study documented a significant decrease in injury, need for medical care and sexual abuse for women who obtained an injunction against their abuser.<sup>2</sup> Other studies in the Journal of the American Medical Association and American Journal of Public Health have found that permanent restraining orders reduce physical abuse<sup>3</sup> and that a victim's decision to take legal action is associated with a "significant and rapid decline" in violence.<sup>4</sup> Research also indicates that relocation and obtaining restraining orders are key to

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<sup>1</sup> Laura A. McCloskey, *Assessing Intimate Partner Violence in Health Care Settings Leads to a Women's Receipt of Interventions and Improved Health*, 121 Public Health Reports 435 (2006).

<sup>2</sup> Victoria Holt et al., *Do Protective Orders Affect the Likelihood of Future Partner Violence and Injury?*, 24 Am. J. Preventative Medicine 16 (2003).

<sup>3</sup> Victoria Holt et al., *Civil Protection Orders and Risk of Subsequent Police-Reported Violence*, 288 JAMA 589 (2002).

<sup>4</sup> Judith McFarlane, *Protection Orders and Intimate Partner Violence: An 18-month Study of 150 Black, Hispanic and White Women*, 94 Am. J. Public Health 613, 617 (2004).

preventing rape and stalking. Sixty percent of sexual assaults in 2005 occurred at the victim's home.<sup>5</sup> As a result, many sexual assault victims need to move to be safe.<sup>6</sup> One in seven stalking victims reported that they moved as a result of the stalking.<sup>7</sup>

Local units of government should be permitted to provide leave for domestic and sexual violence victims, because without these protections, many victims become trapped in a mutually reinforcing cycle of abuse and financial insecurity. Indeed, victims face an intractable situation: taking proven preventive action involves the loss of income due to missed work, but escaping and successfully living free from abuse requires financial independence and security.

Domestic and sexual violence thrive when victims have few financial resources for escape. Financial strain and poverty are associated with higher rates of abuse.<sup>8</sup> An inability to survive financially without the abuser is the most common reason abused women give for staying in violent relationships,<sup>9</sup> and an independent source of income is the single most significant indicator that a woman will permanently leave an abuser.<sup>10</sup>

Approximately, one-quarter to one-half of domestic violence victims report losing their jobs as a result of abuse.<sup>11</sup> Rape victims also face barriers to employment; fifty percent of these victims lose their jobs in the aftermath of the rape.<sup>12</sup> In one year, 296,000 stalking victims lost pay from work; critically, about one in eight lost time from work because of fear for their safety or to pursue legal action, and seven percent lost time from work for relocation or fixing damaged property.<sup>13</sup>

Victims know they need income to survive without the abuser. They also experience the effects of abuse on their families, health and employment. Although advocates and researchers have identified steps that can end the abuse and set victims on a path to economic stability and improved health, the utilization of these processes requires the expenditure of time and money. Surveys show work absences and loss of income are reasons victims do not follow through in obtaining injunctions.<sup>14</sup> One study found that urban victims spend, on average, eight hours obtaining a restraining order.<sup>15</sup> Obviously, relocation requires time and financial resources. Without paid leave, some victims remain trapped in the cycle of abuse and financial insecurity.

In closing, I would like to focus on Milwaukee—the city whose voters chose by an overwhelming majority to enact a sick leave ordinance aimed to prevent domestic and sexual violence. In 2006, law enforcement agencies handled 8,347 domestic violence incidents in Milwaukee County.<sup>16</sup> The Milwaukee Police Department responds to approximately 1,000 reports of sexual assault each year.<sup>17</sup> Domestic violence is a leading cause of homicide in Milwaukee. In 2008, almost one-quarter of homicides were committed by a

<sup>5</sup> Lawrence A. Greenfeld, *Sex Offenses and Offenders* 3 (U.S. Dep't of Justice) (1997), available at <http://www.ojp.usdoj.gov/bjs/pub/pdf/soo.pdf>.

<sup>6</sup> Martha R. Burt & Bonnie L. Katz, *Rape, Robbery, and Burglary: Responses to Actual and Feared Victimization, with Special Focus on Women and the Elderly*, 10 *Victimology* 325, 330 (1985).

<sup>7</sup> Katrina Baum et al., *Bureau of Justice Statistics Special Report: Stalking Victimization in the United States* (U.S. Dep't of Justice) (2009), available at [http://www.caepv.org/membercenter/files/stalking\\_victimization\\_in\\_the\\_us\\_%28january\\_2009%29.pdf](http://www.caepv.org/membercenter/files/stalking_victimization_in_the_us_%28january_2009%29.pdf).

<sup>8</sup> Michael L. Benson & Greer L. Fox, *Economic Distress, Community Context and Intimate Violence: An Application and Extension of Social Disorganization Theory, Final Report* (National Institute of Justice) (2001), available at <http://www.ncjrs.gov/pdffiles1/nij/grants/193434.pdf>.

<sup>9</sup> Deborah A. Widiss, *Domestic Violence and the Workplace: The Explosion of State Legislation and the Need for a Comprehensive Strategy*, 35 *Fla. St. U. L. Rev.* 669, 678 (2008).

<sup>10</sup> Massachusetts Governor's Commission on Domestic Violence, *The Economic Impacts of Domestic Violence: A Blueprint for Action 2* (2002), available at [http://www.janedoe.org/know/voices\\_of\\_survival.pdf](http://www.janedoe.org/know/voices_of_survival.pdf).

<sup>11</sup> Melanie Shepard & Ellen Pence, *The Effects of Battering on the Employment Status of Women*, 3 *Affilia* 58 (1988); Jessica Pearson et al., *Child Support and Domestic Violence: The Victims Speak Out* (Center for Policy Research) (1998).

<sup>12</sup> 703 *S. Rep. No.* 103-138, at 54 & n. 69 (1993) (citing Elizabeth M. Ellis et al., *An Assessment of Long Term Reaction to Rape*, 90 *J. Abnormal Psychology* 263, 264 (1981)).

<sup>13</sup> Katrina Baum et al., *Bureau of Justice Statistics Special Report: Stalking Victimization in the United States* (U.S. Dep't of Justice) (2009).

<sup>14</sup> TK Logan et al., *The Kentucky Civil Protective Order Study: A Rural and Urban Multiple Perspective Study of Protective Order Violation Consequences, Responses & Costs* 91 (National Institute of Justice 2009); McFarlane, *supra* note 16, at 615.

<sup>15</sup> Logan at 94.

<sup>16</sup> Wisconsin Department of Justice, *Domestic Abuse Incident Report* 11 (2007), available at <http://www.doj.state.wi.us/cvs/documents/DAR/2006DAR/2006DAR.pdf>.

<sup>17</sup> Wisconsin Office of Justice Assistance, *Sexual Assaults in Wisconsin 2004 Revised* 27 (2004), available at <http://oja.state.wi.us/docview.asp?docid=11165&locid=97>.

family member or domestic partner of the victim.<sup>18</sup> The Milwaukee Police Chief has called this large percentage “a disturbing trend” and “a communitywide problem.”<sup>19</sup> And, Mayor Barrett highlighted domestic violence homicides as a key public safety problem in his 2011 State of the City address.

Domestic and sexual violence are not problems that are unique to Milwaukee, but Milwaukee’s citizens did choose to provide victims with workplace protections that allow them to take steps necessary to address these crimes and reduce violence. I ask that you uphold the right of Milwaukee voters and citizens in other communities to enact similar victim safety measures. Thank you.

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### **Statement from a Domestic Violence Survivor in Milwaukee Regarding the Importance of Sick Leave**

While my abuser threatened my life and I repeatedly hit roadblocks with the legal system, I also lost my job after my abuser harassed me at work and I came to work unable to hide the black eye my abuser gave me, because I needed to work and sick or safe time was not an option for me. The abuse I endured was not only physical and emotional in nature, it also included the threat and use of gun violence to myself, my family, my child, and the community in which I was at any given time. Domestic violence is not a private or personal issue, and it doesn’t just impact one person, or race, or class of persons.

I saw the effects of witnessing violence through my children and saw it impact them mentally, emotionally, and academically, in their ability to succeed in school. This led me to seek out services and resources to help me make positive changes for myself, my children, and my community. This process took time, a commitment to court proceedings to see justice, and the ability to find services to help me and my family find safety and enough hope to heal

I can make valuable contributions by sharing my experiences and insight as a survivor of domestic violence. However, without access to childcare, transportation, livable wages, or health care, all basic needs I can provide for my family when I have secure employment and a workplace that cares about my safety and that of all its workers, it is difficult to plan ahead or succeed in long-term goals. Having no option to take a day off work to seek safety services, to attend vital court proceedings, to seek medical treatment after a physical assault, or ensure my children can seek counseling to heal from trauma, not only puts domestic violence victims at further risk, but it poses a threat to the wellbeing to our communities and sends the message to victims that they are indeed, alone.

-- A Survivor in Milwaukee

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<sup>18</sup> Ryan Haggerty, *Domestic Violence Killings Put State on Deadly Pace*, Milwaukee J. Sentinel, Sept. 29, 2009, available at <http://www.jsonline.com/news/wisconsin/62598252.html>.

<sup>19</sup> John Diedrich, *Milwaukee Crime Drops 17% in 2009*, Milwaukee J. Sentinel, Apr. 15, 2009, available at <http://www.jsonline.com/news/crime/43078197.html>.

To: Representative Ballweg, Chair; Representative Kapenga, Vice-Chair; and  
Members of the Committee on Labor and Workforce Development

From: Jodi Hanna, Attorney, Disability Rights Wisconsin

Date: March 30 2011

Subject: **DRW Opposes SB 23 and AB 41**

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**Disability Rights Wisconsin (DRW) opposes Senate Bill 23 and Assembly Bill 41**, which preempt city, village, town or county ordinances requiring employers to provide employees with leave to deal with "family, medical or health issues."

Disability Rights Wisconsin is Wisconsin's designated protection and advocacy agency for people with disabilities. We serve people with all types of disabilities and ages throughout Wisconsin. Of relevance to this issue, we serve many employees with disabilities and employees who care for family members with disabilities. We know that leave time to recover from illness or to care for family members is vitally important to our clients who need these employment protections. As examples, workers with multiple sclerosis may require medical leave time necessary for treatments. Parents of children with disabilities may require leave time to care for their children's medical needs. These employment protections are vital to ensure that all employees with disabilities and those caring for family members with disabilities are able to retain their jobs, provide for their families and contribute to their communities.

SB 23 and AB 41 harm people with disabilities because they prevent local communities from providing additional employment protections that compliment the Wisconsin Family and Medical Leave Act (FMLA). Thus, local communities are prevented from enacting or maintaining any additional protections they have deemed necessary to ensure that employees who need either paid or unpaid leave to deal with "family, medical and health issues" can meet their personal or family obligations and keep their jobs.

Local communities deserve the right to determine that additional protections are needed to maintain a stable economy and retain an experienced workforce. For example, Dane County Ordinances 18.21(2m) provides that county civil service employees be entitled to unpaid leave of a total of 26 workweeks in a 12-month period for reasons including birth of a child of the employee and in order to care for the child and because of placement of a child with the employee for adoption. Dane County has made the local decision to provide this additional leave, which

compliments the state FMLA. It has multiple purposes, but one advantage is that it protects new parents of a child with a disability who might need additional leave beyond the state FMLA. This typically includes creating a care plan that provides training for the parents on their child's disability and hiring and obtaining experienced caretakers so the parent can return to work. This can be a new world for parents, and it is vital that they be able to focus on care for the child with a disability without fear of losing their jobs and means of supporting the child. The policy also promotes special needs adoptions, again by giving adoptive parents the time needed to settle in their child with the knowledge that they will be returning to their jobs.

However, our biggest concern is that SB 23 and AB 41 go far beyond the stated purpose of ensuring uniformity and consistency statewide. **SB 23 and AB 41 create an entirely new section containing a bewildering and confusing set of definitions that differ from the FMLA. This will make it very difficult and confusing for both employers and employees to understand their rights and responsibilities under the law.** The new section created by the bills, 103.10(1m), uses a definition of "employee," "employer" and "family member" that is different from the definition used in the rest of the statute, and it introduces language related to domestic abuse, sexual abuse and stalking. Family, for the purposes of this section only, is very broad, including even "stepgrandparents," and those with a close association that makes the person a "family member equivalent," which is undefined. In addition, the bill refers to matters far beyond the current FMLA requirement of a "serious health condition which makes the employee unable to perform his or her employment duties," requiring only an undefined "health condition." The enumerated list of leave activities is also broader than the state FMLA, including the need for a medical diagnosis and preventative medical care. This section goes beyond the bills' stated purpose of making the state family and medical leave uniform throughout the state. In addition, introduction of these new terms and new definitions will make it very difficult for employees and employers alike to understand their rights and responsibilities

**DRW opposes SB 23 and AB 41 because they prevent local communities from creating ordinances which provide additional protections consistent with the state FMLA that would benefit workers with disabilities and because the language is vague, introduces confusing, undefined terms and is much more sweeping than necessary to achieve their stated purpose, to achieve consistency with FMLA.**



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Wisconsin Innkeepers Association

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industry for more than  
100 years

March 30, 2011

To: Committee on Labor and Workforce Development  
Representative Joan Ballweg, Chair  
From: Trisha Pugal, CAE  
President, CEO  
RE: **Support of AB 41 and SB 23 - Preemption of Ordinances  
Mandating Paid Leave Benefits**

On behalf of over 800 hotels, motels, resorts, inns, vacation homes and bed & breakfasts around the state in our membership, we ask for your support of both AB 41 and SB 23 providing for state preemption of local ordinances relating to mandated employer-paid leave that is more extensive than the state family and medical leave laws require.

The following represent just a few of the reasons to support these bills:

- This would prevent the use of **direct legislation** in Milwaukee and other municipalities around the state that could make employers beholden to a general public vote on the benefits that privately owned companies must provide to employees. Direct legislation not only bypasses locally elected officials, but provides for wide discretion in the wording of referendum questions that may not allow voters sufficient information to understand the full cost or impact of their vote
- Local mandates on paid sick leave could result in a **reduction of other benefits** employees may prefer to have, due to budget limitations. Profit margins in our industry are too thin (or are non-existent) for absorbing more costs without trading out other employee expenses, such as pay or benefits.
- This preemption would **prevent an uneven playing field** that would occur if some municipalities had high-cost mandates that others did not have. Without this preemption, municipalities with such an ordinance as Milwaukee would have a disadvantage in retaining or trying to attract businesses to the area.

When our organization sent out an Advisory last Friday about the Court of Appeals ruling upholding the Mandatory Sick Leave Ordinance in Milwaukee, a successful national hotel developer based in the Midwest, but with just one lodging property in Wisconsin, sent us a note simply saying, "This is exactly why I don't develop more hotels in Wisconsin".

We cannot afford to send businesses to other states because our state and local mandates discourage their investment here and their employment of the many Wisconsin residents currently seeking jobs.

Please support AB 41 and SB 23.

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TOM LANGER

JENKINS IMPORTS  
INC.

Public Hearing on SB 23 / AB 41

30 March 2011

4020 N. GREEN BAY AVE. Wednesday

MILWAUKEE, WI

10:30

(414) 265-4400 53209

**WI Assembly, Labor & Workforce Development Committee**

Good Morning,

My name is Tom Langer and with me is our Office Manager, Lorrie Gaudynski. Our family owns and operates a third generation new and used car dealership, one of the few left in the geographic boundaries of the city of Milwaukee. Some of our twenty one employees have been with us since our move here almost thirty one years ago.

Our technicians, parts reps, and salespeople are all producers and very specialized in their fields. We (and they) have invested enormous amounts of time and dollars in their training and continuing education. Office, lot and janitorial personnel perform equally important and necessary functions. Whenever someone is absent, productivity lags and another employee must step in to fill the gap.

I'm before this committee because I wanted you to hear from an actual business owner operator, some of the hardships this mandate will impose on us. Even as we have not felt the end of the negative effects of the recession, this is heaped on us, and could well be the death of many businesses and (just as significantly) jobs in the city of Milwaukee. This committee is our last lifeline to prevent these losses.

As I understand it, this mandate is already law in the City of Milwaukee. Its' implementation and administrative guidelines are ambiguous and cloudy. The policy seems poorly thought out, unorganized and confusing to staff that are required to administer it.

Most importantly this law puts businesses in Milwaukee City Proper at an economic disadvantage with businesses in the near surrounding community.

This is what happens when policy is born of a referendum in which people get to vote themselves a pay raise. Everyone suffers.

Our business is small by comparison, maybe, but there are plenty like us out here. We know our employees and their families have attended weddings, funerals and parties. We are not tyrants and we know how valuable our good employees are to us. They know that if there is a true emergency they can approach us and their concerns will be dealt with in a fair and timely manner.

**I urge this committee to pass this legislation quickly to help keep Milwaukee OPEN FOR BUSINESS.**

**Thank You**

# FIRST SUPPLY®

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Good Morning,

My name is Mark Kindschi. I am the Director of Human Resources at First Supply. First Supply is a wholesale distributor of plumbing, heating and air conditioning equipment and supplies. For over 110 years First Supply has been a Wisconsin employer. Today, we employ over 400 people in the State of Wisconsin, in 19 cities across the state. We also operate a fleet of 70 trucks which make deliveries in virtually all municipalities statewide.

We currently offer an identical benefit package to all of our employees regardless of where in the state an employee lives and works. We see that as a basic issue of fairness. However if municipalities are allowed to each develop their own framework of required benefits, resulting in a statewide patchwork quilt of benefit mandates, we would have no choice but to offer differing benefits to various groups based on where they live. This would result in a sense of unfairness among staff and significant ill will across the organization.

Also, as an organization that utilizes a fleet of delivery trucks, we have employees driving into and performing work in virtually every municipality of the state, even if we do not have a physical location in any given municipality. It would be a near impossibility to track time spent in various municipalities throughout the day for each of our delivery drivers and traveling outside sales staff, yet it is foreseeable that such tracking may be necessary under municipal paid sick leave requirements.

We, as a company related to the construction and remodeling sectors of the economy, have worked hard during the last several years to break even financially. These have been lean times to say the least. If we were required to pay sick leave for a portion of our employees, the cost of doing so would have to be offset elsewhere. Perhaps a wage reduction, reduction in vacation time, or an increase in the cost employees pay for other benefits.

Local units of government should not arbitrarily be placing a higher value on certain employee benefits than others. We try very hard to provide our employees with the combination of benefits that best suits them and their needs. Yet a requirement to give paid sick leave, which would necessarily require a cut in some other benefit or compensation, would force us to provide a benefit that may very well be less valued by employees than the benefit they would be losing.

It is for these reasons that I respectfully ask for your support of this legislation prohibiting local units of government from instituting paid sick leave requirements. Thank you.



**DATE:** March 30, 2011

**TO:** Rep. Joan Ballweg, Chairperson  
Assembly Committee on Labor and Workforce Development

**FROM:** Ed Lump, President & CEO  
Wisconsin Restaurant Association

**RE:** Support for Senate Bill 23/Assembly Bill 41

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In Wisconsin's two largest cities, there have been attempts to require employers to provide paid sick leave to their employees, both full-time and part-time. The Madison ordinance was defeated, but the Milwaukee ordinance was enacted by referendum under Wisconsin's direct legislation statute.

The Milwaukee ordinance requires private businesses to provide up to nine paid sick leave days per year for their employees, and it was recently upheld by the 1<sup>st</sup> District Wisconsin Court of Appeals.

The Wisconsin Restaurant Association supports 2011 Senate Bill 23 (SB-23) and Assembly Bill 41 (AB 41), which would clarify that the Wisconsin Family and Medical Leave Act is the law of the land, and that local governments may not impose stricter employee leave requirements.

WRA member restaurants overwhelmingly support this legislation because:

- **The Wisconsin Health Code already prohibits restaurants from allowing sick employees with certain symptoms to come to work.** One of the advantages of the flexible work-schedules in restaurants is that employees can pick up extra shifts to make up for shifts they missed, and employers can usually find someone to cover a shift for a sick employee on short notice.
- Many restaurant employees don't want paid leave. They'd prefer bigger paychecks. If we have to reduce wages or cut other benefits to cover the cost of this new benefit, then our employees lose out. Why not allow employers the flexibility to compensate their employees with the combination of wages and benefits that keeps their employees happy?
- No one is arguing against sick leave. Good employers know their workers are their most valuable resource, and work to accommodate their needs.
- Restaurants are very labor intensive. There is no machine that can greet guests with a smile or provide table service. Mandates that raise the cost of labor are especially harmful in the hospitality industry.
- Paid leave mandates cost employers a lot of money and take away the flexibility they need to ensure proper staffing and provide for the needs of a sick employee. A restaurant owner would be forced to pay for the employee who is not working, and the employee who covers the shift.
- Regulation of labor, wages and benefits belongs at the state or federal level. Local ordinances create a patchwork of regulations across the state that is an administrative nightmare for businesses that operate in more than one city.

- Milwaukee lost a lot of jobs during the recent economic recession. If the appeals court allows this ordinance to go into effect, it will lose even more. This mandate will make Milwaukee a more expensive place to do business and create a perception of Milwaukee as a place where city government is willing to impose extraordinary costs and conditions on employers.

**WRA members ask you to support Senate Bill 23 and Assembly Bill 41, and prevent a patchwork of local sick leave mandates that could harm both workers and employers in Wisconsin.**



**Wisconsin**

**Statement Before the  
Assembly Committee on Labor and Workforce Development**

**By**

**Bill G. Smith  
State Director  
National Federation of Independent Business  
Wisconsin Chapter**

**Wednesday, March 30, 2011  
Senate Bill 23**

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Madam Chair and members of the Committee, thank you for the opportunity to make a brief statement in support of passage of Senate Bill 23.

NFIB is unique among membership organizations in terms of our process for establishing legislative policy. We ask the opinion of our 12,000 member firms, and through their support or opposition we advocate on their views before the Legislature and the Congress of the United States.

Senate Bill 23, which would prohibit any local ordinance from mandating paid or unpaid leave from work, has the strong support of our state's small business community, according to a recent survey study of NFIB's members. I can report 79% of our members believe legislation should be enacted that would prohibit local units of government from establishing their own labor laws. Small business owners support this legislation because they believe labor laws mandated by local governments will have a negative impact on their local economy, create unfair competitive situations from one local unit of government to another, and will present complex, costly compliance challenges for employers and employees.

The net result of these local laws, Madam Chair, is to increase payroll costs, reduce job growth, stifle economic expansion, and create competitive challenges for thousands of small business owners.

**Statement Before the Assembly Committee on Labor and Workforce Development**  
**Wednesday, March 30, 2011**  
**Page Two**

Small business owners need maximum flexibility to manage the workplace for all their employees. Costly mandates that force employers to shift benefit dollars around to accommodate a new requirement of their workforce does not produce winners. Contrary to those who advocate government workplace mandates, workers gain little, and in fact, more often they are the losers.

I appreciate the opportunity to present these views on behalf of our state's small business community, and **I respectfully urge members of the committee to act favorably on passage of Senate Bill 23.**

Thank you.



**Testimony submitted on Wednesday, March 30, 2011 before the  
Assembly Labor & Workforce Development Committee  
in support of 2011 Assembly Bill 41/Senate Bill 23**

Good morning.

Chairwoman Ballweg and members of the Assembly Labor and Workforce Development Committee, my name is Brian Dake, Legislative Director for Wisconsin Independent Businesses. On behalf of WIB and its 12,000 members, I am here to testify in support of 2011 Assembly Bill 41 and Senate Bill 23.

Small, independent businesses must comply with a vast array of rules and regulations imposed upon them by federal, state and local units of government. According to a recent report from the Small Business Administration, small businesses spend more than \$10,500 per employee every year to comply with government rules and regulations.

Needless to say, Wisconsin Independent Businesses supports regulatory relief and reform. We appreciate the efforts of Governor Walker and legislators this session to provide more accountability and transparency to the state government rule-making process. But there is more that must be done to reduce the regulatory burden on small, independent businesses.

Because all levels of government have the authority to impose mandates on small businesses, policymakers must proceed carefully when creating new rules and regulations. Every effort should be made to ensure that new mandates are applied in a fair and uniform manner.

The legislation before this committee today is especially relevant because we have recently seen one City in the State of Wisconsin choose to create a new mandate on businesses operating within its boundaries. The new mandate does not apply to businesses operating in adjacent communities.

Under the Sick Leave Ordinance, a company doing business in Milwaukee will be required to pay out an additional benefit to its workers above and beyond the benefits a competing business operating across the street in the City of Cudahy, Wauwatosa, Shorewood or any other community that borders Milwaukee offers to its employees.

In today's marketplace commerce does not recognize municipal boundaries, state lines or even national borders. This economic reality must be accounted for when government rules and regulations are imposed on small businesses.

Furthermore, Wisconsin currently has a family and medical leave law in place. It is applied in a uniform manner to businesses operating in every corner of the state. It closely mirrors the federal family and medical leave law which again is applied in a uniform manner to businesses operating across this nation.

Assembly Bill 41/Senate 23 re-establishes this uniform family and medical leave law for Wisconsin businesses and keeps small businesses operating in Milwaukee on a level playing field with their competitors in neighboring communities and across the State of Wisconsin.

Thank you.



## 9to5, National Association of Working Women

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**For Immediate Release:** March 30, 2011

**For More Information:** 9to5 Wisconsin, 414-274-0925

### ASSEMBLY MEMBERS, SENATORS PROTEST BILL TO UNDERMINE LOCAL DECISION MAKING

**Madison, WI**—In advance of today's Assembly Labor Committee meeting, Assembly Members, State Senators and a broad coalition of workers' rights groups, health care advocates and good governance groups called on state legislators to vote against AB41, which would strip local municipalities of some of their legislative power. The bill (AB41) would preempt local governments and voters from enacting paid sick day legislation, and in doing so, open the door for the State Legislature to overturn a range of legislation passed in towns and cities throughout Wisconsin.

Assembly Members signed on to the following statement:

*"Wisconsinites want an end to the partisan politics that is undercutting the state's middle class.*

*"AB 41 is a scam that will strip Milwaukeeans of the paid sick days they voted for and that they need to take care of their families in a changing economy. AB 41 overrides the will of the 68% of Milwaukee voters who approved this measure and overrides a carefully considered decision from the state Court of Appeals. Even worse, this bill is another attack on the working women and men who should be getting support from their representatives in Madison instead new laws that don't create jobs and make their lives even harder.*

*"We are also deeply concerned that this legislation will open the door for Madison politicians to overturn local ordinances at will across the state, undermining the principles of local governance and local control that have long been a hallmark of Wisconsin political tradition.*

*"Paid sick day legislation provides workers with time off for routine illness, preventive care, efforts to prevent recurrences of violence - key areas that the Family Medical Leave Act (FMLA) does not. Wisconsin does not have a policy on these critical short-term health needs, and AB 41 will not set a uniform standard that would address this.*

*"We call on our colleagues to respect the majority vote of the people of Milwaukee and the ruling of the state Court of Appeals, and vote against this bill. Instead of wasting our time on bills that pay back CEOs for their political support, infringe on workers' rights and make life harder for working families, we ought to be passing legislation that would create good jobs and grow our economy."*



Wisconsin has a rich history of local governance, in which municipalities enact legislation that addresses the needs of their communities. In 2008, nearly 70% of Milwaukee voters approved a law to provide paid sick days for workers in the city. Last Thursday, the Wisconsin Court of Appeals issued a decision to uphold the law, which would provide 120,000 Milwaukee families who do not have paid sick days of the freedom to take care of ill family members without fear of losing their jobs or a paycheck.

“This bill is inconsistent with Wisconsin’s tradition of local municipalities having discretion, whether through direct legislation or their own power, to shape these matters,” said Kathleen Dolan, Professor of Political Science at the University of Wisconsin-Milwaukee. “It is also inconsistent with the Republican ideology that says, ‘Leave the states alone, one size does not fit all, top down is not always the best thing.’ Here they are trying to impose a position on localities who may want to determine their own needs.”

“State legislators are trying to rob voters in Milwaukee and cities across the state of their basic right to local decision-making,” said Rhonda Willette, Milwaukee Organizer of 9to5, National Association of Working Women. “Workers deserve a voice at work and at the ballot box.”

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**Testimony before the Wisconsin Assembly  
Committee on Labor and Workforce Development  
Hearing on AB 41  
Caitlin Devine, Organizer  
9to5, National Association of Working Women  
March 30, 2011**

Thank you, members of the Committee, for the opportunity to testify today.

My name is Caitlin Devine and I am here today representing the Wisconsin members of 9to5, National Association of Working Women. 9to5 has worked for decades to promote workplace rights and reforms that increase women's abilities to succeed in work while caring for our families.

In 2008, 9to5 led a coalition of over 50 organizations working to pass a city ordinance in Milwaukee that would ensure workers would have access to paid sick days at their jobs. We knew from conversations within our community that a lack of paid sick days increased the chances women would be economically penalized through loss of pay or even their jobs, all because they were striving to meet care giving obligations to their families. We spoke with women who were transitioning from welfare to work, women in low wage jobs, women from the middle class and we kept hearing the same concerns. Women felt they were being forced to choose between the paycheck they needed over the care of their families.

The people of Milwaukee had the opportunity through direct legislation to actively reform policy that was hurting families, not helping them. The end result was a vote of almost 70% of the city to pass paid sick days legislation that would ensure workers would be able to care for their own health and the health of their families while continuing to maintain their economic stability. This legislation, which serves our whole community, was unanimously upheld by the Wisconsin Court of Appeals last Thursday.

When working women can take time off for every day illnesses, their own or their family members, without fear of income loss, the result is healthier families, healthier work places and the ability to maintain a level of spending to support family needs. On 9to5's Job Survival Helpline, we answer calls from women in the community dealing with workplace injustices. I have spoken firsthand with many women who will benefit from paid sick days in Milwaukee. For example, Tina, who would have lost her job if she had stayed at home when she had pink eye because she did not have paid sick days. Another dedicated worker, Erin, recently lost her independence and had to move in with family because she did not have paid sick days when she was hospitalized. Because she did not qualify for Family Medical leave at the time, she had no income to pay her bills for the days she was out.



This important standard obviously helps families and supports public health, but it's also good for businesses and our communities. And that is why so many people – again, just short of 70% of voters – came together to pass paid sick days in 2008.

AB 41 will effectively remove the right of working people to utilize direct legislation to pass paid sick days ordinances in our cities and towns. AB 41 disingenuously asserts the Wisconsin Family Medical Leave Act will address family health issues, yet WFML doesn't cover all workers and doesn't allow for time off for short term illness and preventative care such as doctor visits. AB 41 will take away the hard-fought gains of the people of Milwaukee who recognized it's good to take care of our health and welfare while maintaining economic stability for our families. The governor and many legislative leaders have stated they care about families in Wisconsin and that they want to honor what is right. AB 41 takes a basic right we enjoy in Wisconsin away from families which is a long way from honoring what is right.

We urge you to reject this bill and to stand with Wisconsin workers, our families and our communities. We are an aware, informed constituency who deserve to have continued access to existing Wisconsin laws. We should not be put in a position to fight a rollback of our rights in our state and that is exactly what AB 41 does.



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Testimony before the Wisconsin Assembly Committee on Labor and Workforce Development  
Hearing on AB 41  
Ellen Bravo  
Executive Director  
Family Values @ Work Consortium  
March 30, 2011

Thank you, members of the Committee on Labor and Workforce Development for the opportunity to testify today.

My name is Ellen Bravo. I represent Family Values @ Work, a national network of cities and states advocating for paid sick days and other policies that support families' economic success.

Please listen to this quote:

"To my mind this is all wrong. The experience of the past proves conclusively that the best government is the least possible government. [This] new law would drive manufacturers out of the city and state."

You may think this came from Tim Sheehy or Steve Baas from the MMAC. In fact, the speaker was Terence McGuire, president of the Real Estate Board in New York City, arguing a century ago against safety regulations being proposed following the disastrous Triangle Waist Company fire that killed 146 young workers, mostly women, in that city.

Or this:

"[This bill] would create chaos in business never yet known to us.... It sets an all-time high in crackpot legislation. Let me make it very clear that I am not opposed to the social theory.... No decent American citizen can take exception to this attitude. What I do take exception to is any approach to a solution of this problem which is utterly impractical and in operation would be much more destructive than constructive to the very purposes which it is designed to serve."

Tim Sheehy or Steve Baas? Could have been, but the author is actually U.S. Representative Arthur Phillip Lamneck (D-OH) arguing 74 years ago against proposed laws to abolish child labor and to establish a minimum wage. Those minimum standards did not destroy the American economy—neither did the FMLA, and neither will paid sick days.

Tim Sheehy did come to this building 23 years ago to make similar arguments against a proposed new law. He said it would cause business to flee the state or not come here, that it would destroy

the economic environment, isolate Wisconsin and kill jobs. That bill was the Wisconsin Family and Medical Leave Act.

As then-director of Milwaukee 9to5, I was part of a broad coalition which worked to win WI Family and Medical Leave. We were well aware at the time that FMLA would be vital to those caring for new children or for a serious medical condition. But we also understood its limitations in failing to address the need for short-term leave for minor illnesses and preventative health care.

While most children, thankfully, do not suffer from serious long-term health problems, they all get colds and flus. But taking a day off here and there for these regularly-occurring ailments is not covered by FMLA.

Likewise, caring for a parent with a stroke or heart attack is covered by FMLA, but getting our loved ones to the doctor to prevent or diagnose these conditions is not. Neither are the diagnostic appointments that help determine whether a child has autism or learning disabilities.

Preventative and diagnostic care, of course, are vital and smart components of family and public policy. They help people stay healthy or heal more quickly. They cut down on lost time from work, reduce health care costs.

Voters in Milwaukee passed a paid sick days ordinance so that working people could take care of themselves and their family when they are sick and to get to regular doctor visits to keep them healthy. In fact, 70% of voters in Milwaukee voted for the law in a ballot referendum. It was a small step with a big impact on tens of thousands of workers and their families.

Since the ordinance passed in 2008, new research on similar laws in other cities shows significant benefits for workers and minimal impact on businesses. A study last month of San Francisco's paid sick days law shows business concerns about job loss were unfounded, with six in seven employers saying that paid sick days have had no negative effect on profitability and two-thirds of employers surveyed supporting the law. Other studies have shown that employees are healthier and more productive when they have access to paid sick days.

Proponents of AB 41 claim we need a uniform state-wide family and medical leave policy (FMLA) while overlooking the critical need for short-term time off that is addressed by the Milwaukee paid sick day law. The state and federal FMLA laws that have been in effect since 1988 and 1993, respectively, provide a policy for longer-term sick leave, but do not cover time off for routine illness or medical needs related to diagnosis, preventative care, or to seek services to deal with the horror of domestic or sexual assault.

IF AB 41 passes, Wisconsin families would be able to rely only on long-term leave covered under FMLA. So you would only be able to take time off to care for your dad as he recovers from a heart attack, but not to get him to the doctor's appointment that may have diagnosed and prevented the attack.

Adding insult to injury, AB 41 takes control out of the hands of Wisconsin voters and puts it squarely in the halls of the Capitol. Milwaukee voters overwhelmingly determined paid sick day legislation was important to their community, and their voices – their votes – should not be disregarded. Nor should we pass a law that would set a precedent in allowing state government to undermine local governance.

AB 41 is a slap in the face to the voters in Milwaukee and everywhere in this state. It strips voters of the right to have a voice in the area where we live.

Parents, teachers, business owners, public health officials, faith leaders, unions and advocates for children and seniors participate in Milwaukee's coalition and in that in each of the coalitions that are part of Family Values @ Work. They become engaged because they understand that a minimum standard for paid sick days levels the playing field for business, boosts productivity and profits, improves individual and public health, and adds to the chances of success for our children.

The Milwaukee paid sick days law - a win for working families and a win for business – is the type of legislation that we should be looking to replicate and promote, not one which should be repealed today.

Governor Walker told us he would honor families. Yet AB 41 will force our families to make the impossible decision to stay home with their kids when they're sick, or put food on the table for them. He promised to add jobs, yet this bill will help kill jobs for the working families who are already struggling to make ends meet.

Those who led the charge against paid sick days in San Francisco now acknowledge the bill has not been a problem. Jim Lazarus, senior vice president of the city's Chamber of Commerce, told The Wall Street Journal, "(W)e really have not heard much about it being a major issue for a lot of businesses."

And in a June 2010 Business Week article, Kevin Westlye, executive director of the restaurant industry's lobby, sounded like a proponent: "(Paid sick leave) is the best public policy for the least cost. Do you want your server coughing over your food?"

Please don't listen to the lobbyists. I urge you to reject this bill. Speak up for Wisconsin families.



## **9to5, National Association of Working Women**

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### **Testimony before the Wisconsin Assembly Committee on Labor and Workforce Development**

Hearing on AB 41

Rhonda Willette, Organizer

9to5, National Association of Working Women – Milwaukee Chapter

March 30, 2011

My name is Rhonda Willette, and I am a working mother and a grandmother. I live in the central city of Milwaukee. My neighbors and three of my daughters are struggling to keep jobs because of their lack of flexibility to care for their families.

I returned to live in Wisconsin because my eight month pregnant daughter had an asthma attack at work. She went to the hospital and was told by her doctor to take her medications and to return to work in three days. While at the hospital she called her employer and followed up with the medical certification. When she called in on her third day off to find out her work hours for the following day, she was told she was no longer needed.

My daughter had only been at this job for five months. She changed employers for better pay, but still no benefits. She wasn't eligible for Family and Medical Leave. From her hospital visit forward, her family's security was challenged by a chain of unfortunate events. At eight months pregnant, looking for a job was difficult and landing one impossible. She sought emergency rent assistant through W2, but was denied because she did not have income to pay the following month's rent. The application process for W2 partial cash payments is 6 weeks. Add another 30 days to that for a full payment of just over \$600 per month. As a result of the barriers she faced to accessing safety net services, my daughter and grandchildren were faced with eviction and ultimately homelessness.

My daughter was told she was too far pregnant to fly to where I was living, so I uprooted and came to help. My first goal was to seek employment. The Campaign for Paid Sick Days Milwaukee was in progress and I applied for and secured a canvasser position. I carried my daughter's plight each step of the way to the Paid Sick Days victory.

If my daughter had had paid sick days, she would have kept her job, her income and her family's home. The value placed on creating conditions where all workers can balance work and family is at an all time low. Workers are not disposable like paper towels – used for the immediate need and thrown away when done. All workers, regardless of their wage, should be treated with dignity and respect.

Everyone gets sick, but families still have expenses such as food, clothing and shelter. I challenge you to think about having to balance a budget based on her income (when fully employed) at \$1280 a month before taxes. Six hundred went to rent, \$250 for utilities, \$160 for



transportation, and \$120 for childcare. After taxes, nothing was left. Now think about other basic needs such as food and clothing. Deduct three unpaid days from work and try to balance this budget again. It's impossible. This is the reality that most of the 122,000 workers in Wisconsin without paid sick days face when they or their children get sick.

Paid Sick Days is an opportunity to value families and value workers. It also builds a healthy workforce and a healthy community. Businesses which do provide paid time off should be the model, not the exception. Level the playing field for them and for workers in keeping this law intact.

As a voter, a worker and a mother, please oppose AB 41.

Thank you.



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### **Testimony before the Wisconsin Assembly Committee on Labor and Workforce Development**

Hearing on AB 41

Amy Ali, Organizer

9to5, National Association of Working Women – Milwaukee Chapter

March 30, 2011

Thank you, members of the Committee, for the opportunity to testify today.

My name is Amy Ali, and I am speaking from my experience organizing with 9to5, National Association of Working Women. I would like to highlight the need for local legislation for paid sick days specifically as it relates to educational opportunities for Wisconsin's youth.

Earlier this year I went to speak about the importance of voting at Shalom High School, a partner school with Milwaukee Public Schools for students at risk. I gave the students an example of the importance of voting by talking about the empowerment of participating in local legislation, citing the Paid Sick Days ordinance to relate it to their daily experiences. I asked over 60 students in three separate classes if they ever had to miss school to stay at home to take care of a sibling who was sick because their parent could not afford to take unpaid time off or even risk getting fired by calling in.

Almost every hand in every class shamelessly went up.

These students did not miss school because they did not care about going to class or because their parents did not value education. Rather, their right to go to school and get an education was and continues to be infringed upon due to employers not providing family flexible workplace policies like paid sick days. The local government has the responsibility to respond directly to the needs of the students at Shalom and hold employers to these relevant standards that Milwaukeeans overwhelmingly voted for and that the Court of Appeals upheld. This way, being able to attend school would no longer be the privilege it has become, but be a right that every youth in Wisconsin deserves and needs to move forward.

I also would like to highlight that even if eligible for statewide Wisconsin Family and Medical Leave, parents of Shalom students and all Wisconsin students alike could not use this to stay home to take care of sick kids because it does not cover routine illnesses or preventative care.

Taking away direct legislation around paid sick days is a threat to the opportunity to work hard in school to advance as a working member of society; it is setting the stage for education being a privilege that not everyone has instead of a right. I urge you to keep education a right for all Wisconsin students by rejecting AB 41.

Thank you.





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### Statements from Milwaukee Workers and Community Leaders in Opposition to AB 41

#### **Julie Tenpas, Milwaukee**

I worked at a call center in downtown Milwaukee where 500 people work in close quarters on the phones. It didn't matter why you were not at work; you would get points tallied up against you for any absence; after six points, you were suspended. I already had 2.5 points when I was vomiting at work and had to leave. I felt nauseated, weak, had a horrible cold. On top of that, I was disciplined at work because I went home sick. Another time, I was so sick that I lost my voice. I was so nervous I would get a low score on call voice quality. If you get two bad scores in a month you can get fired. Getting a cold puts your job in jeopardy.

#### **Rhoda Nance, Milwaukee**

I awoke to pain in my knee from aggravated joint problems. I notified my employer, went to the doctor and reported to work on time because I can't afford to miss money to pay my bills. As the day went on, the shift supervisor noticed I was in pain and sent me to the company's nurse, who told me to follow my doctor's instructions and take three days off for tendentious. I returned to work on the fourth day, but my employee ID did not work. Security told me I had been terminated. As a result of not having paid sick days, I not only lost my job – I lost my home and I lost my dignity to earn wages to provide for my family.

#### **Alexis Lee, Milwaukee**

I work for a temporary hiring service as a package assembler for a large manufacturer. After six months on the site, I was not feeling well but went to work anyway. By the end of my shift I was in excruciating pain. I called off that night; the pain became so severe that I went to the hospital. After several tests, an ultrasound revealed I had gall stones. I was hospitalized for surgery and missed a week's pay because I do not have paid sick time. It's difficult to pay my bills and also difficult to take the time I need to heal physically, knowing that I need a paycheck to survive independently.

#### **Iris Miranda, Milwaukee**

After 5 years on my job, I was transferred to be a bilingual service representative. Three weeks into training I said I could not come in because my daughter was sick; they said okay. When I came back two days later, I was told they had to let me go. Nine months later, I was still unemployed. If I would have had employer support from the point of entry and access to paid sick days, I would still have my job.

#### **Torrie Moffett, Milwaukee**

I have a child with mental illness. When he was in kindergarten and first grade, behavior issues began and I started losing positions. I lost four positions in five years because of the fact that I didn't have paid sick leave. Because I didn't have many people who could pick him up and deal with his behavior, I would have to leave work, miss work, or be late to work to go to the school to figure out what was going on. When there was a suspension or a doctor's appointment, I would take the note to the supervisor so that they knew why I could not be there. Things happen that I cannot determine; I can't determine when I'm going to have a sick child.

**Griselle Carrucini, Milwaukee**

I was getting off work from the mall when I passed a cleaning woman who had collapsed. I started to talk with the fireman to figure out why the lady had collapsed. She said she was dizzy and asked to leave, but another worker standing in for the supervisor would not let her go. The worker is now stuck with the hospital bill, and lost pay for the time she was at the hospital. I saw her when she was back the next day, and she did not look stable, but she had to work. She didn't want to lose her job and lose pay because she has a daughter and has to pay rent.

**Terry Tetzlaff, Wisconsin Respiratory Therapist and Cancer Survivor**

I worked in the medical field for 30 years when I was then diagnosed with Stage 4 Hodgkins Lymphoma cancer and was unable to work. If I had not had paid sick time to use during my Family and Medical Leave, I would not have been able to pay the rent or meet my basic needs.

I live alone. My sister was able to use her paid sick time to take me to appointments and also be there with me through surgery and chemo treatments. Having the right to use paid time during Family Leave could mean the difference between life and death. Workers who earn their paid time off need it to live on while they are sick. For me, having that income meant less chance of being evicted, less chance of not affording medication and less chance of giving up – it meant survival.

**Lila Saavedra, 9to5 Board Member**

Since I have a 4 year old daughter and am currently working two minimum wage jobs, I know how important Paid Sick Days are. With Paid Sick Days, I'd be able to take the time to take my daughter to her doctor's appointments, without the worries of losing pay or worst, my job. It would help all parents to be able to take time out in putting their families and their own health first, so that they are productive in the working environment.

**Rosie Caradine-Lewis, 9to5 Board Member**

My daughter and my grandchildren help me and my husband manage our health problems. If my daughter didn't have paid sick days, my husband and I would have been lost. This is about families having money to put bread on the table. This is about workers being able to take care of themselves and their loved ones.

**Carmen Pitre, Co-Executive Director, Sojourner Peace Center**

Victims of domestic violence and sexual assault deserve to have the time they need to heal themselves and find safety. Survivors need paid sick days to end violence without the fear of losing their jobs or livelihood.

**Dr. Kathleen Dolan, Professor of Political Science, University of Wisconsin-Milwaukee**

This bill is inconsistent with Wisconsin's tradition of local municipalities having discretion, whether through direct legislation or their own power, to shape these matters. It's also inconsistent with the Republican ideology that says, "Leave the states alone, one size does not fit all, top down is not always the best thing." Here they are trying to impose a position on localities who may want to determine their own needs.

**Sharlen Moore, Urban Underground Director**

Urban Underground works with many youth who come from families already struggling in these difficult times. It is truly sad to think they could be punished financially for something that happens to all of us – getting sick. The people of Milwaukee recognized no one should be one sick kid or one bad case of the flu away from economic disaster. Now the court has affirmed our vote. Our community, our children, all our families would enjoy greater income security and improved public health conditions. The legislature should not take this away from us.

**Mike Langyel, President, Milwaukee Teachers' Education Association**

Paid sick days is a great asset to the children of Milwaukee in terms of education. All too often, parents have had to choose between putting food on the table or taking care of their own children when they're ill. This really is a public health issue. When kids are sick, they need to stay at home so they can be cared for and get back to school and do well there, and not infect other kids. Frequently at MPS high school students need to stay home to help their younger siblings who are ill. That also has a negative effect on school attendance and school performance. Paid sick days is a sensible step to help parents keep their jobs and income and help kids succeed in school.

**Susan Bietila, RN, Milwaukee Public Schools Nurse**

As an MPS nurse, I am delighted that the Appeals Court has upheld Milwaukee's paid sick days ordinance. Every day I see sick children sent to school because there is no one at home to care for them. They are in no shape to learn and they can spread diseases like strep throat and gastrointestinal disease throughout the school population. I find many parents are who are fearful of being penalized for even receiving phone calls at work about a sick or injured child. This ordinance will make a significant difference. I urge the legislature to honor families and let the paid sick days law stand.

**Pastor Teresa Thomas-Boyd, Christian Community Caucus of Milwaukee**

The faith-based community knows firsthand how much many families are currently suffering because they don't have jobs that allow them to earn paid sick days. These families cannot afford to lose even one day's pay but what are they to do if they become ill? What if their child or another loved one needs care at home but that will result in a loss of food on the table? These are terrible choices working people in our city make every day, and they are already struggling with too much economic hardship and heartache. Paid sick days will result in a healthier, more economically stable city for us all. Our elected officials should honor that vote.

**Alicia Treadwell, VP of SEIU Healthcare WI and VP of SEIU WI State Council**

SEIU Healthcare WI and SEIU Wisconsin State Council strongly support the benefit of paid sick days not only to workers, but also to those receiving care; we are all in this together. Our homecare workers strive to ensure that the aging and those dealing with chronic illness receive high quality care so that they can live with dignity. That requires health care providers to be able to look after their own health, including a day off when they have a cold or the flu. We want our elected officials in Madison to stop the attacks on Wisconsin families and on democracy. Do not trample on this paid sick days ordinance.

**Matt Brusky, Political Director & Director of Good Jobs and Livable Neighborhoods Project, Citizen Action of Wisconsin**

Today's court victory for Paid Sick Days is a victory for the health of Milwaukee's working families and for direct democracy. Wisconsin's has a proud history of direct democracy through the use of local referendums. Milwaukee voters, drowning with high concentrations of poverty and low-wage jobs, did not wait for the Washington, Madison, or Milwaukee political establishment to do the right thing. Now it is time for the state legislature to uphold -- not trample on -- the will of the voters.

**Annie Wacker, Vice President, Milwaukee Area Labor Council**

With paid sick days, workers win, businesses win and public health wins. This decision is good for all of us.

**Ray Vahey, President, Equality Wisconsin FUND Inc.:**

Equality and Economic Justice are intertwined. Neither can survive without the other. Having to work while sick is a dangerous, exploitive work requirement worthy of medieval times. The potential spread of illness to the public from food service, health and child care employees are three prime examples of

the need for change. Paid sick days are essential not only as a protection for largely unrepresented employees, but ensures the health of the entire community.

**Paul Sickel, Staff Representative, Milwaukee Graduate Assistants Association, AFT Local 2169**

Voters overwhelmingly passed the referendum more than two years ago. As a voter, I expected that law to be carried out. We have waited long enough. Paid Sick Days should be a basic right for all employees and a necessity for any responsible employer. The health of our city and its workers is too important. The legislature must not steal this victory from us.

**Rachel Crites, Executive Director, The Wisconsin Apprentice Organizers Project**

We understand that these are lean times – but the economic crisis must not become a race to the bottom. The ability to care for a sick child without fear of being fired from your job is especially important in insecure economic times such as these. Paid sick days provides an avenue to keep good workers on the job - which is where we need them - while balancing the right of each of us to care for our loved ones. This legislation makes good sense. The Assembly should respect our vote.

**James H. Hall, Jr., President, NAACP Milwaukee Branch**

The voters spoke in 2008. The court has now spoken. From the beginning, NAACP Milwaukee Branch has supported this measure which clearly benefits working people and citizens of Milwaukee. NAACP will continue to support workers' rights and vigorously oppose other measures that undercut the rights of all citizens of Milwaukee.

**Christine Neumann-Ortiz, Executive Director, Voces de la Frontera**

As the largest Latino membership organization in the State of Wisconsin, we believe that all workers deserve the dignity of caring for the health of themselves and their family when they need to – and to prevent illness from spreading. When 75% of low-wage workers have to make a choice between putting food on their table and their own health, something's wrong. If passed, AB 41 would deprive 120,000 Milwaukee families who do not have paid sick leave through their work of the freedom to take care of ill family members without fear of losing their jobs or a paycheck. WI Family Medical Leave covers only serious medical conditions, not colds and flu, preventative and diagnostic care, domestic violence recovery, or caring for domestic partnerships. The reforms in AB 41 will dramatically decrease the quality of life for Milwaukee's immigrant families, as well as our public health in general.

**Amy Kirkland, RN, President, NURSES & Medical Staffing, INC**

The ability to use paid time off is as a good thing for everyone. It keeps employees healthier and more productive – they have time to get well, don't spread germs to co-workers or clients. Providing paid sick days helps workers keep their jobs. That's good for business owners, saves us money in turnover and health care costs, and boosts productivity. It's also good for workers and their families. And it's good for the community. This should be seen as a plus for businesses who want to locate here – it will add to the stability of the workforce and the economic and public health of our community. I join those calling on the legislature to respect the will of the Milwaukee voters, now that the court has ruled.