

Milwaukee Paid Sick Days Ordinance Update

In February 2009, we wrote an update regarding the City of Milwaukee mandatory sick days ordinance created by referendum, which required all Milwaukee employers to provide sick leave to all employees. The ordinance called for private-sector employers of the City of Milwaukee to allow their employees to earn one hour of paid sick leave for each thirty hours worked, up to nine days a year for employees at large businesses and five days a year at small businesses.

“This is a case where the proposed ordinance’s reach exceeds its grasp.”

-Milwaukee County
Circuit Judge
Thomas Cooper

During a hearing on February 6, 2009, a judge placed a temporary injunction on the ordinance. Though the injunction was only supposed to be temporary, another hearing was held in May to place a permanent injunction on the ordinance-prohibiting the implementation and enforcement of the ordinance. On June 12, 2009, Milwaukee County Circuit Judge Thomas Cooper granted the permanent injunction, ruling that the ordinance was invalidly enacted and unconstitutional. The main reason behind Judge Cooper’s decision was a provision within the ordinance that would require paid leave for reasons outside the traditional definition of sick. The provision extended benefits to the victims of domestic or sexual violence or stalking who need time off to seek shelter or pursue legal action.

Currently, the decision is being appealed by **9to5 The National Association of Working Women**, the group that helped put the ordinance on the November 2008 ballot. 9to5 asked the City of Milwaukee to join in the appeal, but the city attorney declined. Without the help of the City, the appeal is likely to be denied and the ordinance will never be implemented.

Even though it appears the Milwaukee ordinance will not be enacted, federal lawmakers continue to consider mandatory sick leave, including introduction of the Healthy Family Act of 2009. The current draft of the bill requires employers to provide up to seven days of paid sick leave to employees. While pending federal legislation is far from enactment, it is important for business owners to be aware of any significant legislation that may affect their finances. Accordingly we will continue to keep you posted on developments on mandatory sick leave and other impactful legislation.