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Milwaukee Paid Sick Leave Ordinance Preempted

By Jill Pedigo Hall

For employees waiting to find out whether the Milwaukee Paid Sick Leave Ordinance ("Ordinance") will ever be effectuated, yesterday's events appear to bring an end to the matter. On April 12, 2011, the Wisconsin Legislature approved legislation that invalidates the Ordinance and prohibits any local community within the state - cities, villages, towns, or counties - from passing its own paid or unpaid leave mandates. The bill, which now heads to Governor Scott Walker's desk, expresses the Legislature's intent that existing state family and medical leave law stand as the sole and uniform articulation of family and medical leave requirements throughout the state. The bill declares any local ordinance requiring employers to provide employees with leave for any of the reasons articulated in the Ordinance to be "logically inconsistent with, ...[to] defeat the purpose of, and...[to] go against the spirit of the state family and medical leave law." Any local ordinance that requires employers to provide leave for the reasons articulated in the Ordinance and that is in effect on the effective date of the bill will become void. Governor Walker is expected to sign the bill.

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