

## OUR INSIGHTS

### Be a Donor ... and Qualify for Unpaid Leave: New Wisconsin Law Goes Into Effect Soon

**Author:** Keith E. Kopplin (Milwaukee)

**Published Date:** May 16, 2016

Effective July 1, 2016, Wisconsin law will require covered employers to provide eligible employees with up to 6 weeks of unpaid leave in a 12-month period to undergo and recover from bone marrow or organ donation procedures. Previously, only employees of the Wisconsin state government were entitled to leave for such donations.

The new law, codified at section 103.11 of the Wisconsin Statutes, borrows heavily from the Wisconsin Family and Medical Leave Act (WFMLA), including its employer scope, employee eligibility requirements, benefit continuation and reinstatement requirements, substitution rules, and enforcement standards and procedures. Like the WFMLA, the Wisconsin donation leave act (WDLA) allows employers to require medical certification and advance notice from employees who are seeking leave pursuant to the WDLA's terms. Subject to the approval of the donee's healthcare provider, a donor employee must also make a reasonable effort to schedule his or her procedure so that it does not unduly disrupt the employer's operations.

The WDLA will be enforced by the Wisconsin Department of Workforce Development, which is currently creating a mandatory workplace poster. In addition to displaying the new poster once it is made available, covered employers will want to also adopt policy language regarding the new leave—whether by creating an entirely new policy or by amending existing policies to encompass family, medical, and donation leaves.

Employers should also note that, at the federal level, the U.S. Department of Labor revised the [Family and Medical Leave Act \(FMLA\) poster](#) (WH 1420) in April of 2016 to more clearly present its information to employees. The February 2013 version of the FMLA poster is still valid, however, and can be used to fulfill the federal FMLA posting requirement.

We will continue monitoring the new WDLA, the WFMLA, and the federal FMLA, for changes in federal and state leave laws, including any regulatory guidance or clarification that may be promulgated.

---

**Keith E. Kopplin** (Milwaukee)



Keith E. Kopplin's practice focuses on employment litigation and employment



law matters. Keith assists clients in resolving wage and hour class and collective actions, defending employment discrimination claims, responding to government audits, and improving workplace policies and procedures. He also provides day-to-day counseling to employers regarding a wide range of human resource matters including discipline and discharge decisions, the Wisconsin and federal Family and Medical Leave...

---