

Sally A. Piefer, Esq., The Schroeder Group S.C., Attorneys at Law, [sap@tsqlaw.com](mailto:sap@tsqlaw.com)



## GOOD NEWS! – Court to Hear Request for Injunction Preventing Implementation of Milwaukee's Sick Leave Ordinance

Last week, the prospect of avoiding implementation of the Milwaukee Sick Leave Ordinance looked grim when the judge assigned to the case withdrew himself and several other judges appointed to the case followed suit.

However, yesterday afternoon, the case was once again re-assigned and the Judge assigned the case informed the lawyers that he intended to hear the MMAC's request for a temporary restraining order preventing the implementation of the Ordinance. The motion hearing is scheduled for Friday, February 10, 2009.

At present, employers are expected to begin complying with the Sick Leave Ordinance on *February 10, 2009*. *The Ordinance, as drafted, applies to employers, regardless of location, who have employees working in the City of Milwaukee. Arguably, this would include delivery employees, construction company employees, truck drivers – and anyone who has employees physically working within the city limits of the City of Milwaukee.*

Employees – both full-time and part-time – must accrue 1 hour of paid sick leave for every 30 hours worked in the City of Milwaukee, not to exceed 72 hours (9 days) for each calendar year for employers who have 10 or more employees. “Small employers” – those with less than 10 employees – must provide paid sick leave based on the same accrual schedule, not to exceed 40 hours (5 days).

**It is imperative that employers begin to prepare for a mechanism to account for the time being worked by employees as of February 10, 2009, rather than to wait for the legal challenge. In addition, written policies must be updated and if employers do not have written policies, they should ensure that written policies are put in place. All policies must comply with the Sick Leave Ordinance.**

### What Should You Be Doing Now to Comply?

- Ensure you have a system in place that tracks hours at the rate of 1 hour per 30 hours worked – begin tracking as of 2/10/09.
- Clarify your policy in writing, and ensure that you have accounted for salaried employees who work less than 40 hours per week.
- Identify who is “employed in the geographic boundaries of the City of

**The Schroeder Group, S.C.  
Attorneys at Law**  
Crossroads Corporate Center  
20800 Swenson Drive  
Suite 475  
Waukesha, WI 53186

**Main Phone**  
(262) 798-8220  
(800) 372-3020

**Facsimile**  
(262) 798-8232

**Direct Phone**  
(262) 754-1325

**E-Mail**  
[sap@tsqlaw.com](mailto:sap@tsqlaw.com)

[www.tsqlaw.com](http://www.tsqlaw.com)

Milwaukee."

- Ensure your written policy allows employees to use paid sick leave for the following reasons:

- employee's own physical/mental condition;
- to care for a family member's condition (define family member); or
- for an absence due to domestic abuse, sexual assault or stalking

- The written policy must also notify employees that they are entitled to take paid sick leave, that they may use sick leave on their 90<sup>th</sup> day of employment, that there is mandatory carry-over, and that retaliation is prohibited.

- You must place a notice or poster in English, Spanish and Hmong notifying employees they are entitled to paid sick leave, the amount of sick leave, the terms of its use and that retaliation is prohibited.

- You must notify employees they are entitled to bring a claim for perceived violations and who they must file the claim with.

- Always encourage your employees to bring questions or concerns to your attention and investigate concerns promptly. An ounce of prevention will save you potential legal fees down the road.

- Contact legal counsel if you have questions – and to confirm that your policy complies with the Ordinance.

**The Schroeder Group, S.C., Attorneys at Law will continue to keep you abreast of further developments on this issue as they occur. However, should you have questions or concerns in the interim, please do not hesitate to contact us.**

The Schroeder Group, S.C., Attorneys at Law provides comprehensive services covering all aspects of employment, employee benefits and labor relations law to closely-held businesses and companies. Through aggressive representation and sound advice, we help our clients achieve their business objectives. We are regularly in direct and ongoing communication with labor relations, human resources and employee benefits managers, as well as business owners and senior executives, and are also sensitive to their business, cost management and relationship needs. Our priority is counseling and problem avoidance.

For assistance with the interpretation and compliance with the ordinance, please contact **Attorney Sally A. Piefer at (262) 754-1325 or [sap@tsqlaw.com](mailto:sap@tsqlaw.com)** in our Employment Law Group. We welcome your comments and questions.

*This document is a publication of The Schroeder Group, S.C., Attorneys at Law and is intended to provide information on recent employment law developments. This document should not be construed as legal advice or an opinion on specific situations. You should consult with legal counsel before taking action to ensure its applicability to your particular situation.*

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