

HUMAN RESOURCES & EMPLOYMENT LAW

The cost of complying with human resources and employment regulations is significant for all employers. We need to ensure Wisconsin remains competitive with other states by streamlining employment regulations, addressing the growing medical costs associated with Worker's Compensation, and ensuring a level playing field in our labor laws.



CONTAIN WORKER'S COMPENSATION MEDICAL COSTS

Wisconsin's work comp medical costs are significantly higher than the national average, making our employers less competitive. WMC supports curbing these costs, as 45 other states have already done, by implementing a fee schedule for maximum-allowed medical charges. WMC also supports allowing employers to utilize medical providers with the best outcomes, establishment of enforceable treatment guidelines to ensure appropriate care and administrative efficiencies to reduce transaction costs.



REFORM WISCONSIN'S FAMILY AND MEDICAL LEAVE ACT (FMLA)

Governor Thompson signed Wisconsin's FMLA in 1988. President Clinton signed the federal FMLA in 1993. A harmonization of our state law and federal law has never taken place, leaving Wisconsin companies to deal with two sets of rules. Exempting employers who must follow federal regulations from the state law would remove the burden of complying with both laws, and remove confusion resulting from compliance with two overlapping and conflicting leave laws.



FEDERALIZE WAGE AND HOUR STANDARDS

Like FMLA, state and federal law differs when it comes to wage and hour standards. Items like how lunch breaks are treated, travel time, changing clothes and overtime should be federalized so that workers and employers have one set of rules to follow instead of two.



DEFINE HOURS WORKED TO PROVIDE FLEXIBILITY

Workers today demand flexibility, and many employers are meeting that demand by allowing flexible schedules to hourly and salaried workers alike. In doing so, many hourly workers are now given employer-provided smart devices. Wisconsin should ensure that preliminary activities, such as de minimis time spent checking emails and calendars on smart devices, do not count toward compensable hours worked.



PROPERTY PROTECTION FOR EMPLOYERS

Employers face an increased risk of corporate espionage with the ever-increasing use of technology. Wisconsin should ensure that it is illegal for employees to remove an employer's data, records, etc. without consent, and hold anyone who assists in such efforts as jointly liable.



STRENGTHEN RESTRICTIVE COVENANT PROTECTIONS

Restrictive covenants protect the intellectual and proprietary information of employers from misuse by former employees. Wisconsin judges often must nullify these employment contracts in their entirety if one part of the contract is found to be too broad or restrictive. Judges should be given the ability to strike or reduce a clause they find to be invalid while still reserving the remainder of the contract, giving employers certainty that their intellectual property will be protected by the courts.



PRE-EMPT LOCAL EMPLOYMENT DISCRIMINATION ORDINANCES

Employers need consistency and certainty in the employment laws they must follow. As it has done for many other areas of employment law, the state should recognize discrimination law as an area of statewide concern and prohibit local units of government from establishing employment discrimination classes that differ from state law.



INDEPENDENT CONTRACTOR UNIFORMITY

Worker's Compensation, Unemployment Insurance and the Department of Revenue each have their own criteria for determining if someone is an employee or an independent contractor. This causes great confusion for all involved, especially with the expanding gig economy. Wisconsin should streamline the classification of independent contractors and make the definitions and criteria used uniform across state government.



OPPOSE EMPLOYMENT MANDATES THAT INCREASE THE COST OF DOING BUSINESS

Politicians often believe they can force employers to do what the politicians believe to be right by using the heavy hand of government to mandate decisions on hiring, wages, etc. Government, be it the state or a local unit, should not be in the business of micro-managing decisions employers make regarding their operations.

