

LEGAL MINUTE

YAY! YOUR COMPANY IS NOT SUBJECT TO FMLA! NOW WHAT?

Very generally speaking, Wisconsin employers are subject to—and must comply with—the federal FMLA and state WFMLA if they have 50 or more employees. Those employers know that FMLA compliance can be complicated and cumbersome.

But what about the roughly 75% of Wisconsin employers that have less than 50 employees? If you are fortunate not to have to deal with morass of statutory family and medical leave laws, you're not quite in the clear. Almost all Wisconsin employers must comply with the Wisconsin Fair Employment Act (WFA), the Wisconsin Worker's Compensation Act (WCA), the federal Uniformed Services Employment and Reemployment Rights Act (USERRA), jury, voting and witness leave laws. Many employers must further comply with the federal Americans with Disabilities Act (ADA), Pregnant Workers Fairness Act (PWFA).

Below is a reference of some of the laws that are likely to apply to your organization, even if the FMLA does not. It may be helpful to consider this list and consult with HR or your attorney about compliance when dealing with employee leave issues.

Law	Acronym	Applicability	More Information
Wisconsin Fair Employment Act	WFEA	All employers	https://dwd.wisconsin.gov/er/civilrights/discrimination/
Worker's Compensation Act	WCA	Practically all employers	https://dwd.wisconsin.gov/wc/
Jury, Voting and Witness Leave		All employers	Wisconsin Statutes: § 6.76 (voting) § 103.87 (subpoenas to testify) § 756.255 (jury service)
Uniformed Services Employment and Reemployment Rights Act	USERRA	All employers	https://www.dol.gov/agencies/vets/programs/userra
Volunteer Emergency Responder Leave		All employers	Wisconsin Statute § 103.88
Americans with Disabilities Act	ADA	Employers with 15+ employees	Ada.gov
Pregnant Workers Fairness Act	PWFA	Employers with 15+ employees	https://www.eeoc.gov/wysk/what-you-should-know-about-pregnant-workers-fairness-act

[1] Wisconsin Manufacturing Report, available at: chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.wicmp.org/wp-content/uploads/2022/10/2022-WI-Manufacturing-Report.pdf

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