



Legal Alert: Courts Halts Milwaukee Paid Sick Leave Ordinance

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A Milwaukee County Circuit Court has issued a temporary injunction, halting the implementation of Milwaukee's paid sick leave ordinance that was scheduled to go into effect on February 10. The ordinance will now remain on hold until May 11, when the court will decide whether to enjoin the law permanently. Both sides, however, expect the legal battle to continue past that date, with the losing party likely to appeal.

Judge Thomas Cooper granted the temporary injunction on February 6 in response to a motion by the Metropolitan Milwaukee Association of Commerce, which has criticized the ordinance as being harmful to local and state businesses. In moving for the injunction, the MMAC asserted that the ordinance was unconstitutional. The City of Milwaukee did not oppose the injunction, conceding that it was not ready to implement the ordinance; instead, the injunction was opposed by a workers' organization called "9to5, National Association of Working Women," which had intervened in the case.

Judge Cooper did not indicate how he ultimately might rule on the ordinance, but in responding to the large number of "amicus" briefs the injunction had garnered, as well as the overflowing courtroom at the hearing, he noted, "This call is such a big deal to everybody that we better do it right from the start."

As reported in a previous Legal Alert, the ordinance would require all employers within Milwaukee city limits to provide employees with one hour of paid leave for every 30 hours worked, up to a maximum of 72 hours for larger employers and 40 hours for smaller employers. Employees would begin to accrue the leave immediately upon the commencement of employment, and would be eligible to take leave after 90 days on the job. While commonly referred to as a "sick leave" ordinance, the measure would also provide leave to care for family members and for absences related to domestic abuse, sexual assault or stalking. The measure would also prohibit retaliation against employees who exercised their leave rights, and would require employers to post or distribute notice of the ordinance and retain related records for five years.

If you have questions regarding the ordinance or the injunction halting its enforcement, please contact the Ford & Harrison attorney with whom you usually work or the author of this Alert, Andrew Tanick, a partner in our Minneapolis office at atanick@fordharrison.com or 612-486-1623.