

## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

<p>1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original   <input type="checkbox"/> Updated   <input type="checkbox"/> Corrected</p>	<p>2. Date November 23, 2021</p>
<p>3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) Chapter DWD 226 – Bone Marrow and Organ Donor Leave</p>	
<p>4. Subject Bone marrow donation leave and organ donation leave</p>	
<p>5. Fund Sources Affected <input checked="" type="checkbox"/> GPR   <input type="checkbox"/> FED   <input type="checkbox"/> PRO   <input type="checkbox"/> PRS   <input type="checkbox"/> SEG   <input type="checkbox"/> SEG-S</p>	<p>6. Chapter 20, Stats. Appropriations Affected 20.445 (1) (a)</p>
<p>7. Fiscal Effect of Implementing the Rule <input type="checkbox"/> No Fiscal Effect   <input type="checkbox"/> Increase Existing Revenues   <input type="checkbox"/> Increase Costs   <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Indeterminate   <input type="checkbox"/> Decrease Existing Revenues   <input checked="" type="checkbox"/> Could Absorb Within Agency's Budget</p>	
<p>8. The Rule Will Impact the Following (Check All That Apply) <input type="checkbox"/> State's Economy   <input checked="" type="checkbox"/> Specific Businesses/Sectors <input checked="" type="checkbox"/> Local Government Units   <input type="checkbox"/> Public Utility Rate Payers <input type="checkbox"/> Small Businesses <b>(if checked, complete Attachment A)</b></p>	
<p>9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$0</p>	
<p>10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)? <input type="checkbox"/> Yes   <input checked="" type="checkbox"/> No</p>	
<p>11. Policy Problem Addressed by the Rule The rule implements s. 103.11, Stats, which requires leave for bone marrow and organ donors, similar to that required under the Wisconsin Family and Medical Leave Act (WFMLA), which is set forth at s. 103.10, Stats.</p>	
<p>12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments. All employers of 50 or more employees are affected.</p>	
<p>13. Identify the Local Governmental Units that Participated in the Development of this EIA. None</p>	
<p>14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred) The rule should have minimal effect on any business. The rule requires leave that would likely be covered under the WFMLA. The statute does not require paid leave. There is a required posting that is available free of charge from DWD.</p>	
<p>15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule The rule will clarify how DWD conducts the hearings and investigations that are required by the statute to enforce its requirements.</p>	
<p>16. Long Range Implications of Implementing the Rule The rule will ensure fairness in the provision of leave.</p>	
<p>17. Compare With Approaches Being Used by Federal Government The Family and Medical Leave Act of 1993 (FMLA), 29 USC 2601 et seq., as amended, entitles eligible employees who work for covered employers to take unpaid, job-protected leave with continuation of group health insurance coverage for specified family and medical reasons, including inability to work because of a serious health condition. Although FMLA and its implementing regulations do not specifically refer to bone marrow and organ donation, the recovery time from donation would likely qualify as a "serious health condition" and be covered under FMLA.</p>	

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18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

An Illinois law (5 ILCS 327) allows state employees to take paid leave of up to 30 days for organ or bone marrow donation.

Iowa Code 70A.39 allows state employees to take up to 30 days paid leave for organ donation and up to 5 days for bone marrow donation.

Michigan has no comparable law.

Minnesota laws allow state and local employees to take up to 40 hours paid leave for organ donations and allow state, local, and private employees to take up to 40 hours paid leave for bone marrow donation. 2019 Minnesota Statutes 181.945 and 181.9456.

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19. Contact Name

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20. Contact Phone Number

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**ATTACHMENT A**

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1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

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2. Summary of the data sources used to measure the Rule's impact on Small Businesses

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3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
- Less Stringent Schedules or Deadlines for Compliance or Reporting
- Consolidation or Simplification of Reporting Requirements
- Establishment of performance standards in lieu of Design or Operational Standards
- Exemption of Small Businesses from some or all requirements
- Other, describe:

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4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

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5. Describe the Rule's Enforcement Provisions

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6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes    No
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