Oct 14-State Supreme Court Split on Milwaukee Sick Pay Ordinance

Court of Appeals to Decide Whether Victims Can be Protected

Madison—Today, the Wisconsin Supreme Court announced it is evenly divided over a legal challenge to the Milwaukee Sick Pay Ordinance. The case now heads back to the Court of Appeals. The ordinance, which has never gone into effect, will allow workers in Milwaukee paid time off of work to recover from illness, to care for a sick family member or to take preventative action for domestic violence and sexual assault, such as seeking a restraining order or relocating.

The legal dispute originated after Milwaukee voters overwhelmingly voted in favor of the ordinance. The Metropolitan Milwaukee Association of Commerce (MMAC), which campaigned against the victim and employee protection measure, challenged its validity in court. Throughout the proceedings, MMAC has argued that domestic and sexual violence are not health concerns and therefore could not be addressed in the ordinance.

Victim advocates reacted to the Supreme Court's announcement.

"While we believe the Court should have affirmed the will of the voters and restored life-saving protections for victims, we are glad the Court of Appeals will soon decide this case," said Jeanie Kurka Reimer, executive director of the Wisconsin Coalition Against Sexual Assault (WCASA).

"Domestic and sexual violence have long been recognized as major public health concerns. Last year, 67 people in Wisconsin were killed in domestic violence incidents; many thousands more were injured," said Patti Seger, executive director of the Wisconsin Coalition Against Domestic Violence (WCADV). "Voters in Milwaukee understand that being subjected to domestic violence is every bit as much a threat to an individual's health and wellbeing as an illness or disease."

WCADV and WCASA submitted amicus briefs to both the Court of the Appeals and Supreme Court in support of the ordinance. The briefs draw upon extensive medical research that shows preventing repeat domestic and sexual violence improves victims' short and long term health. Leading medical organizations, like the American Medical Association, recommend referring abused patients to programs offering legal and other advocacy services.

Advocates point out the ordinance could stem the recent rise in domestic violence, which has been attributed to the economy.

"Especially in this economic climate, victims stay in abusive environments because they lack the financial security to obtain safety," Seger continued. "Once it is implemented, the Milwaukee Sick Pay Ordinance will give victims latitude to take potentially life-saving actions, while not losing the income they need to survive free from abuse. If the Court of Appeals does not restore this protection, many victims will lose their jobs, become homeless and return to abusers, continuing the cycle of trauma and violence."

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