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**Milwaukee Sick Pay Ordinance – Request for Temporary Injunction to Stay Enforcement Filed by MMAC**

By: Laura Lindner

On December 22, 2008, the Metropolitan Milwaukee Association of Commerce (“MMAC”), which includes 2,000 member businesses with more than 300,000 employees in the Milwaukee area, filed a legal challenge to the City of Milwaukee’s Paid Sick Leave Ordinance. The lawsuit was filed with the Milwaukee County Circuit Court and is pending before Judge John DiMotto.

As part of the lawsuit, MMAC has requested that the Court enter a temporary injunction, preventing the City from enforcing the ordinance while the Court considers its validity. If the injunction is not granted, employers covered by the ordinance will need to comply with it beginning on February 10, 2009. The motion is set for hearing on January 29, 2009 at 10:30 a.m.

Our firm is cautiously optimistic that the Court will grant the requested injunction, which will stay enforcement of the ordinance until the Circuit Court rules on the MMAC’s request that the ordinance be declared invalid. From a legal standpoint, there are very strong grounds for finding the ordinance invalid. From a political standpoint, Milwaukee’s Mayor, Tom Barrett, has publicly stated that he is not in favor of the ordinance, and the City Attorney, Grant Langley, is not expected to oppose the MMAC’s request for a temporary injunction. In addition, other opposition to the ordinance is building. The Waukesha County Chamber of Commerce, which represents 850 member businesses with 43,000 employees, recently stated that it intends to join the MMAC in aggressively opposing the Milwaukee Sick Pay Ordinance. The Chamber has not announced the specifics of its strategy. 9 to 5, a national advocate of sick leave policies which led the effort to get the ordinance on the November ballot, has stated that it will oppose the injunction.

Assuming the requested injunction is entered, employers covered by the ordinance will *not* need to meet the February 10, 2009 compliance deadline. We will continue to provide updates you on further developments. Please contact us if you have any questions regarding the legal challenge or compliance with the ordinance.

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