



State of Wisconsin
2025 - 2026 LEGISLATURE

LRB-5529/1
MIM/ARG/EKL:skw

2025 BILL

1 **AN ACT** *to amend* 106.11, 109.12 (1) (a), 109.12 (2), 109.12 (3), 111.322 (2m) (a),
2 111.322 (2m) (b) and 893.97; *to create* 109.073 and 125.12 (4) (ag) 10. of the
3 statutes; **relating to:** notice to employees of full-service pharmacies and
4 major grocery stores of permanent business closings and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill requires a business entity that operates a full-service pharmacy or major grocery store to provide notification of a permanent closing of the pharmacy or grocery store in most instances, irrespective of the number of employees the business entity employs in this state or the number of employees who are affected by the closing.

Under current law, subject to certain exceptions and limitations, if an employer that employs 50 or more persons in this state decides to permanently or temporarily close an employment site, operating unit, or facility within a municipality and the closure will 1) affect 25 or more employees; 2) reduce the employer's workforce and affect at least 25 percent of the employer's workforce or 25 employees, whichever is greater; or 3) reduce the employer's workforce and affect at least 500 employees, the employer must provide notification of the closing or mass layoff no later than 60 days before the closing or layoff to certain employees, individuals, and entities. The employer must provide notice to at least all of the following: 1) an employee who may reasonably be expected to lose their job because

BILL

of the closing or layoff and who is not considered a new or low-hour employee (affected employee); 2) any representative of a collective bargaining unit that represents an affected employee; and 3) the highest official in the municipality in which the affected business is located. The Department of Workforce Development must provide a copy of the notice to the Office of the Commissioner of Insurance and cooperate with that agency to provide certain types of assistance to the employer and affected employees and information regarding health insurance options available to affected employees.

Under the bill, “full-service pharmacy” is defined as a retail pharmacy licensed in Wisconsin that dispenses prescription medications to the public and employs a licensed pharmacist on-site, and “major grocery store” is defined as an establishment that is licensed by the Department of Agriculture, Trade and Consumer Protection or a local health department as a retail food establishment, occupies at least 15,000 square feet, and sells a broad line of fresh produce, meats, dairy products, and staple foods.

The bill provides that an employer that operates a full-service pharmacy or major grocery store in this state must always provide notice of a permanent business closing of the pharmacy or grocery store, irrespective of the number of employees the employer employs in this state or the the number of employees that will be affected. In addition to the individuals and entities that must be notified as described above, the bill also requires notification to be provided to every employee that may be affected by a permanent closing of a full-service pharmacy or major grocery store and to the chairperson of the county in which the pharmacy or grocery store that is being closed is located. The only exception under the bill to the notification requirement is for an employer that is moving the full-service pharmacy or major grocery store to a new location within two miles of the site that is being permanently closed and offering employment at the new location to all employees of the location that is being closed.

Also under current law, an employee affected by a business closing or mass layoff may recover pay and the value of any benefits that the employee would have received for the period beginning on the day on which the employer was required to give notice and ending on the day on which the employer actually gave notice or the day on which the business closing or mass layoff occurred, whichever occurs first (recovery period). The bill provides that an affected employee may recover pay at the employee’s regular rate of pay at the time of the business closing and benefits for the recovery period, but not to exceed a period of 60 days.

Current law also allows DWD to assess a business closing surcharge of not more than \$500 per day for each day of the recovery period on an employer that fails to give timely notice to the highest official of the affected municipality. The bill requires DWD to impose a penalty of at least \$1,000 but not more than \$5,000 per day for each day of the recovery period on which an employer that fails to give timely notice to the highest official of the affected municipality and the chairperson of the county board of the county in which the full-service pharmacy or major grocery store that is being closed is located. The bill also allows the Division of Alcohol Beverages to initiate a proceeding to suspend or revoke any alcohol beverage license

BILL**SECTION 1**

issued to the employer. The bill allows DWD to request the Department of Revenue to suspend or revoke a business tax registration certificate or a seller's permit.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 106.11 of the statutes is amended to read:

2 **106.11 Workforce investment programs.** The department shall cooperate
3 with the federal government in carrying out the purposes of the federal Workforce
4 Investment Act of 1998, 29 USC 2801 to 2945. In administering the programs
5 authorized by that act the department shall, in cooperation with other state
6 agencies and with local workforce development boards established under 29 USC
7 2832, establish a statewide workforce investment system to meet the employment,
8 training, and educational needs of persons in this state. If a local workforce
9 development board anticipates that there may be a business closing or mass layoff
10 under s. 109.07 or a permanent business closing under s. 109.073 in the area served
11 by that board, the board may prepare a list of resources available in that area that
12 provide career planning, job search, job skills training, and other support services
13 for affected employees, as defined in ~~s.~~ ss. 109.07 (1) (a) and 109.073 (1) (a),
14 including contact information for those resources, for distribution to those
15 employees under ~~s.~~ ss. 109.07 (1m) (a) and 109.073 (2) (a).

16 **SECTION 2.** 109.073 of the statutes is created to read:

17 **109.073 Permanent closure of full-service pharmacy or major grocery**
18 **store affecting employees; advance notice required.** (1) In this section:

19 (a) "Affected employee" means an employee who loses, or who may reasonably

BILL**SECTION 2**

1 be expected to lose, his or her employment with an employer that is required to give
2 notice under sub. (2) (a) because of the business closing.

3 (b) “Business closing” means a permanent closure of a full-service pharmacy
4 or major grocery store.

5 (c) “Employee benefit plan” means a plan as defined in 29 USC 1002 (3).

6 (d) “Employer” means any business entity that operates a full-service
7 pharmacy or a major grocery store in this state, irrespective of the number of
8 persons the business entity employs.

9 (e) “Full-service pharmacy” means a retail pharmacy that dispenses
10 prescription medications to the public and employs a pharmacist licensed under ch.
11 450 who works on-site.

12 (f) “Highest official” means the mayor of a city, town board chairperson, or
13 village president, except as follows:

14 1. For a city organized under subch. I of ch. 64, “highest official” means both
15 the president of the city council and the city manager.

16 2. For a village organized under subch. I of ch. 64, “highest official” means
17 both the president of the village board of trustees and the village manager.

18 (g) “Major grocery store” means a store that is licensed under s. 97.30 (2) as a
19 retail food establishment, as defined under s. 97.30 (1) (c), that occupies at least
20 15,000 square feet and sells a broad line of fresh produce, meats, dairy products,
21 and staple foods.

22 (h) “Permanent closure” means a cessation of operations of more than 90 days,
23 but excluding temporary closures for public health emergencies or renovations.

24 (2) (a) Notwithstanding s. 109.07, and subject to sub. (6), an employer that

BILL**SECTION 2**

1 has decided upon a business closing in this state shall promptly notify the subunit
2 of the department that administers s. 106.15, any affected employee, any collective
3 bargaining representative of any affected employee, the highest official of any
4 municipality in which the affected full-service pharmacy or major grocery store is
5 located, and the county board chairperson of the county in which the affected
6 pharmacy or grocery store is located in writing of such action no later than 60 days
7 prior to the date on which the business closing takes place. The notice to an
8 affected employee shall also include contact information for the local workforce
9 development board under 29 USC 3122 serving the area in which the full-service
10 pharmacy or major grocery store is located and, if available, the list of resources
11 prepared under s. 106.11. The employer shall provide in writing all information
12 concerning its payroll, affected employees, and the wages and other remuneration
13 owed to those employees as the department may require. The department may in
14 addition require the employer to submit a plan setting forth the manner in which
15 final payment in full shall be made to affected employees.

16 (b) The department shall promptly provide a copy of the notice required under
17 par. (a) to the office of the commissioner of insurance and shall cooperate with the
18 office of the commissioner of insurance in the performance of its responsibilities
19 under s. 601.41 (7).

20 **(3)** (a) If an employer fails to give timely notice to an affected employee as
21 required under sub. (2) (a), the affected employee may recover, as provided under
22 sub. (4), all of the following:

23 1. Pay, for the days during the recovery period described under par. (b) that
24 the employee would have worked if the business closing had not occurred, at the

BILL**SECTION 2**

1 employee's regular rate of pay from the employer at the time of the business closing.

2 The employee may not recover more than 60 days' pay.

3 2. The value of any benefit that the employee would have received under an
4 employee benefit plan during the recovery period described under par. (b), but did
5 not receive because of the business closing, including the cost of medical treatment
6 incurred that would have been covered under the employee benefit plan.

7 (b) The recovery period under par. (a) begins on the day on which the business
8 closing occurs. The recovery period equals the number of days in the period
9 beginning on the day on which an employer is required to give notice under sub. (2)
10 (a) and ending on whichever of the following occurs first:

11 1. The day on which the employer actually gave the notice to the employee.

12 2. The day on which the business closing or mass layoff occurred.

13 (4) (a) An employee whose employer fails to notify timely the employee under
14 sub. (2) (a) may file a claim with the department. If the employee files a claim with
15 the department no later than 300 days after the day on which the business closing
16 occurred, the department shall, in the manner provided in s. 109.09, investigate the
17 claim, determine the number of days that the employer was late in providing notice,
18 and, on behalf of the employee, attempt to recover from the employer the payment
19 under sub. (3).

20 (b) If the department does not recover payment within 180 days after a claim
21 is filed or within 30 days after it notifies the employee of its determination under
22 par. (a), whichever is first, the department shall refer the claim to the department
23 of justice. The department of justice may bring an action in circuit court on behalf
24 of the employee to recover the payment under sub. (3).

BILL**SECTION 2**

1 (c) If the department of justice does not bring an action under par. (b) within
2 120 days after the claim is referred to it, the employee may bring an action in circuit
3 court to recover the payment under sub. (3). If the employee prevails in the action,
4 he or she shall also recover costs under ch. 814 and, notwithstanding s. 814.04 (1),
5 reasonable attorney fees.

6 (d) An action under this section shall be begun within one year after the
7 department refers the claim to the department of justice under par. (b), or be
8 barred.

9 (5) (a) If an employer fails to give timely notice to the highest official of a
10 municipality or to the chairperson of the board of the county as required under sub.
11 (2) (a), the employer shall forfeit not less than \$1,000 nor more than \$5,000 for each
12 day in the period beginning on the day on which the employer was required to give
13 notice to the highest official and chairperson of the county board and ending on the
14 earlier of the day on which the employer actually gave notice to the highest official
15 and chairperson of the county board or the day on which the business closing or
16 mass layoff occurred.

17 (b) In addition to the penalty under par. (a), the employer shall be subject to
18 suspension or revocation of any license issued to the employer under ch. 125. The
19 department may request that the division of alcohol beverages initiate a proceeding
20 under s. 125.12 (4) to suspend or revoke any such license.

21 (c) In addition to the penalties under pars. (a) and (b), the employer shall be
22 subject to suspension or revocation of a certificate issued under s. 73.03 (50) or a
23 sales permit issued under s. 77.52 (7). The department may request that the
24 department of revenue revoke or suspend the certificate or permit. The department

BILL**SECTION 2**

1 and department of revenue shall enter into a memorandum of understanding under
2 this paragraph, and procedures equivalent to those under s. 77.52 (11) shall apply.

3 (6) An employer is not liable under this section for a failure to give notice to
4 any person under sub. (2) (a), if the department determines that the business
5 closing is the result of the relocation of part or all of the full-service pharmacy or
6 major grocery store within 2 miles of the location that is being closed and the
7 employer offers to transfer all of the affected employees with not more than a 6-
8 month break in employment.

9 (7) Each employer shall post, in one or more conspicuous places where notices
10 to employees are customarily posted, a notice in a form approved by the department
11 setting forth employees' rights under this section. Any employer who violates this
12 subsection shall forfeit not more than \$100.

13 (8) Section 111.322 (2m) applies to discharge and other discriminatory acts
14 arising in connection with any proceeding under this section.

15 **SECTION 3.** 109.12 (1) (a) of the statutes is amended to read:

16 109.12 (1) (a) Aid the administration of this chapter, including the
17 enforcement of ss. 109.07, 109.073, and 109.075 and criteria for exceptions under
18 ss. 109.07 (5) and (6) and 109.075 (5) and (6).

19 **SECTION 4.** 109.12 (2) of the statutes is amended to read:

20 109.12 (2) Not later than March 1 annually, submit a written report on its
21 activities in the preceding calendar year related to the enforcement and
22 administration of ss. 109.07, 109.073, and 109.075 to the chief clerk of each house of
23 the legislature for distribution under s. 13.172 (3) to the standing committees with
24 jurisdiction over labor.

BILL**SECTION 5**

1 **SECTION 5.** 109.12 (3) of the statutes is amended to read:

2 109.12 (3) Include, in the report required under sub. (2), the number, type and
3 disposition of all determinations made by the department under ss. 109.07 (5) and
4 (6), 109.073 (6), and 109.075 (5) and (6).

5 **SECTION 6.** 111.322 (2m) (a) of the statutes is amended to read:

6 111.322 (2m) (a) The individual files a complaint or attempts to enforce any
7 right under s. 103.02, 103.10, 103.11, 103.13, 103.28, 103.32, 103.34, 103.455,
8 104.12, 109.03, 109.07, 109.073, 109.075, 146.997, or 995.55, or ss. 101.58 to
9 101.599 or 103.64 to 103.82.

10 **SECTION 7.** 111.322 (2m) (b) of the statutes is amended to read:

11 111.322 (2m) (b) The individual testifies or assists in any action or proceeding
12 held under or to enforce any right under s. 103.02, 103.10, 103.11, 103.13, 103.28,
13 103.32, 103.34, 103.455, 104.12, 109.03, 109.07, 109.073, 109.075, 146.997, or
14 995.55, or ss. 101.58 to 101.599 or 103.64 to 103.82.

15 **SECTION 8.** 125.12 (4) (ag) 10. of the statutes is created to read:

16 125.12 (4) (ag) 10. That the licensee has failed to give timely notice as
17 required under s. 109.073 (5) (a).

18 **SECTION 9.** 893.97 of the statutes is amended to read:

19 **893.97 Business closing notification.** An action arising under s. 109.07 (3)
20 is subject to the limitations under s. 109.07 (4) (d) and an action arising under s.
21 109.073 (3) is subject to the limitations under s. 109.073 (4) (d).

22 **SECTION 10. Initial applicability.**

23 (1) This act first applies to an employee who is covered by a collective
24 bargaining agreement that contains provisions inconsistent with s. 109.073 on the

BILL

SECTION 10

1 day on which the collective bargaining agreement expires or is extended, modified,
2 or renewed, whichever occurs first.

3 (END)