

1999 ASSEMBLY BILL 329

1 AN ACT *to create* 40.05 (4g) of the statutes; **relating to:** payment of health
2 insurance premiums for state employes activated for military duty in the U.S.
3 armed forces.

Analysis by the Legislative Reference Bureau

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

4 SECTION 1. 40.05 (4g) of the statutes is created to read:
5 40.05 (4g) PAYMENT OF HEALTH INSURANCE PREMIUMS FOR STATE EMPLOYES
6 ACTIVATED FOR MILITARY DUTY IN THE U.S. ARMED FORCES. (a) In this subsection, “eligible
7 employe” means a state employe to whom all of the following apply:
8 1. On or after April 15, 1999, is activated to serve on military duty in the U.S.
9 armed forces, other than for training purposes.

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1 2. On the date on which he or she is activated to serve on active duty in the U.S.
2 armed forces, is insured and is receiving employer contributions for health insurance
3 premiums under sub. (4).

4 3. On the date on which he or she is activated, is either a member of the
5 Wisconsin national guard or a member of a reserve component of the U.S. armed
6 forces or is recalled to active military duty from inactive reserve status.

7 4. Has received a military leave of absence under s. 230.32 (3) (a) or 230.35 (3),
8 under a collective bargaining agreement under subch. V of ch. 111 or under rules
9 promulgated by the secretary of employment relations or is eligible for
10 reemployment with the state under s. 45.50 after completion of his or her service in
11 the U.S. armed forces.

12 (b) 1. Notwithstanding sub. (4) and s. 40.51 (2), an eligible employe who is not
13 insured after the date on which he or she is activated to serve on active duty in the
14 U.S. armed forces may have his or her health insurance reinstated during the period
15 in which he or she is serving on active duty in the U.S. armed forces without
16 furnishing evidence of insurability satisfactory to the insurer and may receive
17 employer contributions under par. (c) if the eligible employe or the eligible employe's
18 designated representative makes a written election to have his or her health
19 insurance reinstated and to receive employer contributions under par. (c) and pays
20 any employe contributions that are required to be paid under sub. (4) toward the
21 premium payments.

22 2. Notwithstanding sub. (4), an eligible employe who is insured after the date
23 on which he or she is activated to serve on active duty in the U.S. armed forces may
24 receive employer contributions under par. (c) during the period in which he or she is
25 serving on active duty in the U.S. armed forces if the eligible employe or the eligible

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1 employe's designated representative makes a written election to receive employer
2 contributions under par. (c) and pays any employe contributions that are required
3 to be paid under sub. (4) toward the premium payments.

4 3. An eligible employe or his or her designated representative shall make an
5 election under subd. 1. or 2. on a form provided by his or her employer not later than
6 60 days after the date on which the eligible employe begins to serve on active duty
7 for the U.S. armed forces.

8 4. The group insurance board shall include the period under subd. 3. in any
9 applicable enrollment period under the state health insurance plan for eligible
10 employes who are not insured.

11 (c) Notwithstanding sub. (4) and s. 40.51 (2), the employer of an eligible
12 employe who makes or whose designated representative makes an election under
13 par. (b) shall pay employer contributions toward the premium payments of the
14 eligible employe during the period in which the eligible employe is serving on active
15 duty for the U.S. armed forces as follows:

16 1. The amount of the employer contributions paid toward each premium
17 payment shall be equal to the amount of the employer contributions under sub. (4)
18 that would have been paid toward the premium payment if the eligible employe had
19 continued employment with the employer instead of serving on active duty for the
20 U.S. armed forces.

21 2. If the eligible employe has been insured during the period beginning on the
22 date on which the eligible employe left employment with the employer to serve on
23 active duty for the U.S. armed forces and ending on the date on which the eligible
24 employe or the eligible employe's designated representative makes the election
25 under par. (b) but the eligible employe did not receive employer contributions under

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1 sub. (4) toward any of the premium payments during that period, the employer shall
2 pay to the eligible employe in a lump sum an amount equal to the employer
3 contributions that would have been paid toward those premium payments under
4 sub. (4) if the eligible employe had continued employment with the employer during
5 that period instead of serving on active duty for the U.S. armed forces.

6 (END)