

2011 DRAFTING REQUEST

Senate Substitute Amendment (SSA-SB312)

Received: **01/05/2012**

Received By: **mgallagh**

Wanted: **As time permits**

Companion to LRB:

For: **Lena Taylor (608) 266-5810**

By/Representing: **eric**

May Contact:

Drafter: **mgallagh**

Subject: **Veterans - veterans benefits
Employ Pub - civil service**

Addl. Drafters:

Extra Copies: **MGG; RPN**

Submit via email: **YES**

Requester's email: **Sen.Taylor@legis.wisconsin.gov**

Carbon copy (CC:) to: **michael.gallagher@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Veteran preference points (SB 312)

Instructions:

No specific instructions given

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mgallagh 01/06/2012	csicilia 01/06/2012		_____			
/P1	mgallagh 01/06/2012	wjackson 01/06/2012	phenry 01/06/2012	_____	sbasford 01/06/2012		
/1			jmurphy 01/06/2012	_____	ggodwin 01/06/2012	ggodwin 01/06/2012	

FE Sent For:

<END>

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/?	mgallagh 01/06/2012	csicilia 01/06/2012		_____			
/P1		<i>1WJ/1G</i>	phenry 01/06/2012	_____	sbasford 01/06/2012		

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/?	mgallagh	Pl gjs 1/6 12	gh	PH			

FE Sent For:

<END>

1/5/12 Re: LRB-3545/1 (SB 312)

- Eric J. Vickie

Sen. Fayal

- Vickie

Rep. Jorgensen

- Larry DMA.

- Leg. Council - Pen/Insee

- mlt (LRB)

- Amend: 2 years continuous service in Reserve
or National Guard.

- or -

Finished honorable service / honorable
discharge.

- and -

In good standing.

- companion as well.



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John Solis, Rock
1st Vice President

Vern Lovely, Juneau
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Clifton Sorenson, Eau Claire 2014
Mark Grams, Dodge 2014

COUNTY VETERANS SERVICE OFFICERS ASSOCIATION OF WISCONSIN POSITION PAPER

2011 SENATE BILL 312 relating to: VETERAN'S PREFERENCE POINTS

This Association does not support the bill as currently written. Our Association does support the concept of awarding Veterans preference points to our National Guard and Reserve Component service members. These citizen service members have volunteered to serve their country but have not yet faced a federal activation. They do face significant employment barriers due to the need for employers to accommodate their military commitment. Our association submits the following for consideration.

Discussion:

- When a Reservist/National Guard member first enlists they have an enlistment contract spelling out the nature of their first enlistment. Male members have a mandatory service obligation of eight years (previously six years). Normally that enlistment is broken up into a six year selective reserve and a two year individual ready reserve commitment. In the selective reserve they are required to attend the unit's Inactive Duty Training (IDT) and the Active Duty Training (AT). They are required to complete their Initial Active Duty for Training (IADT) which consists of basic training (general military training every member of that service receives) and their advanced (job specific) training. IADT can be completed all at once or in some cases split with one portion usually completed each summer.
- Once the service member completes IADT they will normally have a discharge under honorable conditions with type of separation: Release from Active Duty for Training. Under this bill it will allow them veteran's preference points.
- Once released from Active Duty for training they are then to return to their unit and complete their contracted enlistment. For many reasons many do not. Some of these reasons are:
 - Unsatisfactory Performance (did not come to IDT drills, could not make weight or physical training requirements).
 - Bad conduct (drug use or other offenses).
 - Loss the right to carry a firearm due to a domestic violence conviction.
- Once the military selective reserve unit has separated them they would still, under this bill be eligible for the veteran's preference.
- Currently Illinois, Arkansas, Kentucky, Alaska, and Montana allow veteran's preference for either all the reserves or just that state's National Guard. Each of these states has qualified the terms of that service to prevent someone who has not met their obligation from receiving the preference.

Recommendation is for the legislature to amend the bill to insure the service member fulfills their contracted obligations. The statute could read similar to the following:

230.03 (14) (e) A person who serves as a member of the Selected Reserve (as defined by 10 USC 10143(a)) or the National Guard (as defined by 32 USC 101 (3)) who have completed Active Duty Training, and who have a six-year obligation in the Selected Reserve or National Guard, and who remain a member in good standing in a Selected Reserve or National Guard unit. In this paragraph, "active duty for training purposes" has the meaning given in 38 USC 101 (22). Or a person who served as a member of the Selected Reserve or National Guard, who have satisfactorily completed six years of honorable service, or are discharged for a service connected disability or hardship.

Gallagher, Michael

From: Peterson, Eric
Sent: Wednesday, January 04, 2012 4:03 PM
To: Shannon, Pam; Queensland, Michael; Gallagher, Michael; Gibson-Glass, Mary; Olson, Larry - DMA (2nd); Johns, Jason E - DVA
Cc: Sweeney, Rebekah
Subject: SB 312 Veterans Preference Point Amendment Drafting Meeting

Importance: High

Attachments: 11-35451 Veterans Preference Points, Civil Service.pdf; CVSOA position paper on SB 312.doc

Colleagues:

Can we all meet tomorrow morning regarding the amendment to SB 312 that was suggested by the CVSO's, which Senator Taylor and Representative Jorgensen have agreed to? The meeting will be to help give the drafters specific instruction on how to word the amendment and our intent. Feel free to join by conference call if you desire and extend invitations to others that I may have missed. Attached is a copy of the bill and the CVSO testimony with their suggested language.

8:45 -- 9:30am

Senator Taylor's Office, Rm 19 South, State Capitol

1-888-273-3658 call in

4479297 access code

Thank you!

Eric M. Peterson

Chief of Staff -- Senator Lena C. Taylor

Ranking Member, Joint Committee on Finance

Ranking Member, Joint Committee for Review of Administrative Rules

608-266-5810 o, 608-267-2353 f



L1-35451 Veterans CVSOA position
Preference P... paper on SB 312...



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-3545/1
RPN:sbb&kjf:ph

2011 BILL

1 AN ACT *to create* 230.03 (14) (e) of the statutes; **relating to:** veteran preference
2 points.

Analysis by the Legislative Reference Bureau

Under the state civil service system, veterans are eligible to receive additional points on civil service examinations to qualify for appointment to state positions. Under current law, in order to qualify for veterans preference points on civil service examinations, a person must have served on active duty under honorable conditions in the U.S. armed forces and must meet one of the following conditions:

1. Received the Armed Forces Expeditionary Medal established by executive order 10977 on December 4, 1961, the Vietnam Service Medal established by executive order 11231 on July 8, 1965, the Navy Expeditionary Medal, or the Marine Corps Expeditionary Medal.

2. Served on active duty under honorable conditions in the U.S. armed forces in a crisis zone.

3. Served in the U.S. armed forces for at least one day during a war period or under section 1 of executive order 10957, dated August 10, 1961.

4. Served on active duty under honorable conditions in the U.S. armed forces for two continuous years or more or the full period of the person's initial service obligation, whichever is less.

A person discharged from the U.S. armed forces for reasons of hardship or a service-connected disability or a person released due to a reduction in the U.S. armed forces prior to the completion of the required period of service is considered a veteran for purposes of veterans preference points regardless of the actual time served.



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
SENATE SUBSTITUTE AMENDMENT,
TO 2011 SENATE BILL 312

js

bullish
x-100
SP

D-Note.

Gen Cat

reserve or national
reserve or national
guard
guard

1 AN ACT ...; relating to: preference points for certain veterans and for members
2 of the reserve force or national guard.

Analysis by the Legislative Reference Bureau

Under the state civil service system, veterans are eligible to receive additional points on civil service examinations to qualify for appointment to state positions. Under current law, in order to qualify for veterans preference points on civil service examinations, a person must have served on active duty under honorable conditions in the U.S. armed forces and must meet one of the following conditions:

1. Received the Armed Forces Expeditionary Medal established by executive order 10977 on December 4, 1961, the Vietnam Service Medal established by executive order 11231 on July 8, 1965, the Navy Expeditionary Medal, or the Marine Corps Expeditionary Medal.
2. Served on active duty under honorable conditions in the U.S. armed forces in a crisis zone.
3. Served in the U.S. armed forces for at least one day during a war period or under section 1 of executive order 10957, dated August 10, 1961.
4. Served on active duty under honorable conditions in the U.S. armed forces for two continuous years or more or the full period of the person's initial service obligation, whichever is less.

A person discharged from the U.S. armed forces for reasons of hardship or a service-connected disability or a person released due to a reduction in the U.S. armed forces prior to the completion of the required period of service is considered a veteran for purposes of veterans preference points regardless of the actual time served.

This substitute amendment extends eligibility for preference points to a person who is a member in good standing of a reserve component of the U. S. armed forces or of the national guard and who has served under honorable conditions for at least two continuous years or to a person who was discharged from a reserve component of the U.S. armed forces or from the national guard, unless that discharge was a dishonorable or bad-conduct discharge.

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

1 **SECTION 1.** 230.03 (14) (intro.) of the statutes is amended to read:

2 230.03 (14) (intro.) Except as provided in s. 230.16 (7) or (7m), veteran means
3 any of the following:

History: 1971 c. 270; 1973 c. 333; 1977 c. 196 ss. 24, 100; 1977 c. 418; 1981 c. 20, 26; 1983 a. 27 ss. 1604, 2200 (15); 1983 a. 409, 453, 538; 1987 a. 32; 1989 a. 31; 1991 a. 101, 147; 1993 a. 16, 254; 1995 a. 27, 255; 1997 a. 27; 1999 a. 65, 87; 2001 a. 16, 103; 2003 a. 33 ss. 2385 to 2387s, 9160; 2005 a. 22, 74, 335, 393; 2007 a. 20, 97; 2009 a. 28; 2011 a. 7, 10, 32; s. 13.92 (2) (i).

4 **SECTION 2.** 230.16 (7) (a) of the statutes is renumbered 230.16 (7) (ar). +

5 **SECTION 3.** 230.16 (7) (ag) of the statutes is created to read: ^

6 230.16 (7) (ag) In this subsection, "veteran" has the meaning given in s. 230.03
7 (14), and also means any of the following:

8 1. A person who is a member in good standing of a reserve component of the U.S.
9 armed forces or of the national guard, as defined in 32 USC 101 (3), and who has
10 served under honorable conditions for at least 2 continuous years as a member of a
11 reserve component of the U.S. armed forces or of the national guard.

12 2. A person who was discharged from a reserve component of the U.S. armed
13 forces or from the national guard, as defined in 32 USC 101 (3), unless that discharge
14 was a dishonorable or bad-conduct discharge.

15 **SECTION 4.** 230.16 (7) (b) of the statutes is amended to read:

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBs0279/?dn

MPG:/.....

g>

- late -

Senator Taylor:

purposes

Please review this preliminary draft of the substitute amendment carefully to ensure that it is consistent with your intent.

It is my understanding that the intent is to remove the "active duty for training purposes" element in the bill, which applies to reservists and national guard members but does not require anything more than that the service member completed the active duty for training service requirement, and replace that element with the following:

1. In order for a current (i.e., not discharged) reservist or national guard member to qualify for preference points, that member must be in good standing with a reserve component of the U.S. armed forces or with the national guard and must have served under honorable conditions for at least two continuous years.
2. In order for a former (i.e., discharged) reservist or national guard member to receive preference points, that person must have been discharged under honorable conditions. The draft only requires that such a person received a discharge that was not a dishonorable or bad-conduct discharge. Is that consistent with your intent?

Please note that the definition referenced in the draft for "national guard" broadly includes the army or air national guard of any state, territory, Puerto Rico, or the District of Columbia, whether active or inactive. See 32 USC 101 (3). Is that consistent with your intent?

Please let me know if you have any questions or require further edits to the substitute amendment.

Thank you.

Michael P. Gallagher
Legislative Attorney
Phone: (608) 267-7511
E-mail: michael.gallagher@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0279/P1dn
MPG:cjs:ph

January 6, 2012

Senator Taylor:

Please review this preliminary draft of the substitute amendment carefully to ensure that it is consistent with your intent.

It is my understanding that the intent is to remove the "active duty for training purposes" element in the bill, which applies to reservists and national guard members but does not require anything more than that the service member completed the active duty for training purposes requirement, and replace that element with the following:

1. In order for a current (i.e., not discharged) reservist or national guard member to qualify for preference points, that member must be in good standing with a reserve component of the U.S. armed forces or with the national guard and must have served under honorable conditions for at least two continuous years.
2. In order for a former (i.e., discharged) reservist or national guard member to receive preference points, that person must have been discharged under honorable conditions. The draft only requires that such a person received a discharge that was not a dishonorable or bad-conduct discharge. Is that consistent with your intent?

Please note that the definition referenced in the draft for "national guard" broadly includes the army or air national guard of any state, territory, Puerto Rico, or the District of Columbia, whether active or inactive. See 32 USC 101 (3). Is that consistent with your intent?

Please let me know if you have any questions or require further edits to the substitute amendment.

Thank you.

Michael P. Gallagher
Legislative Attorney
Phone: (608) 267-7511
E-mail: michael.gallagher@legis.wisconsin.gov

Gallagher, Michael

From: Gallagher, Michael
Sent: Friday, January 06, 2012 3:13 PM
To: Sweeney, Rebekah; Shannon, Pam; Peterson, Eric; Olson, Larry - DMA (2nd)
Subject: RE: Comments on sub to SB 312

On 1 and 3A,

I can delete "in good standing."

In a separate e-mail with Larry, I mentioned that "less than honorable conditions" is not used in the stats and is ambiguous. I think the following formulation is accurate: "honorable discharge or general discharge under honorable conditions." Larry is fine with that formulation. Let me know if I should go ahead with it.

On 2, do reservists and national guard members have the same requirements? I'm wondering if there is a more general way to put this, or if we want to just let the agency define it by rule.

I'll of course wait for final confirmation before I do anything.

Michael P. Gallagher
Legislative Attorney
Legislative Reference Bureau
(608) 267-7511
michael.gallagher@legis.wisconsin.gov

Per Eric P.
- Delete "good standing"
- use recommended discharge language
- "2 years from date of enlistment" or something similar.

From: Sweeney, Rebekah
Sent: Friday, January 06, 2012 3:01 PM
To: Shannon, Pam; Peterson, Eric; Olson, Larry - DMA (2nd); Gallagher, Michael
Subject: RE: Comments on sub to SB 312

Thanks go to all of you for your hard work on this important amendment. Your efforts are sincerely appreciated.

Regarding the questions posed in Pam's message:

1. I wonder if we should simply omit "in good standing" as it seems proof of that is limited, and we do specify their service be under honorable conditions in line 10. As we discussed yesterday, I think the inclusion of both phrases may be redundant.
2. I think a member completing his/her initial training obligation and all required weekend drills for two continuous years should be the qualification for the preference points.
- 3A. The CVSOs have notified me they would be in favor of language provided by Larry which would swap "was under less than honorable conditions" for the current line 14 on page 2. If you believe this will cause problems, we may want to discuss alternative language with them.
- 3B. I think, given that a "traditional" veteran has to serve two years to get preference points, we should keep that standard. If releases occurring prior to two years of service become common, we could revisit that legislatively. I don't think we need to add another documentation component, but Larry may have more insight?
4. See my answer to number one.

That's where I'm at, but I'm certainly open to everyone else's point-of-view.

Thank you, again.

Becky

Rebekah Sweeney
Research Assistant
Office of Rep. Andy Jorgensen
(608) 266-3790

Stick with
"under honorable
conditions"

From: Shannon, Pam

Sent: Friday, January 06, 2012 2:42 PM

To: Peterson, Eric; Sweeney, Rebekah; Olson, Larry - DMA (2nd); Gallagher, Michael

Subject: Comments on sub to SB 312

Hi everyone,

Mike Queensland and I want to share the following comments/questions about the preliminary draft of the sub to SB 312 (LRBs0279/P1):

1. On p. 2, line 8, should the draft specify the manner in which a service member must show evidence that he/she is a member "in good standing" for purposes of receiving preference points?

2. On p. 2, line 10, we probably need to specify what it means to serve "for at least 2 continuous years" in the reserves or guard. For example, if a member completes his/her initial training obligation and all required weekend drills for 2 continuous years, does that qualify the person for the preference points? Should the draft specify that a member must meet whatever contractual obligations the person is required to fulfill for the two continuous years in order to receive the points? Additionally, do we need to specify at what point the two-year period begins? Is it from the date on which the person attends the first training session? Or, when the person signs the contract?

3. On p. 2, lines 12-14:

a. It would be preferable to state the types of discharges that *do* qualify the person for the preference points, rather than specifying the types of discharges that disqualify a person from receiving points. So, for example, if the person must have either an honorable discharge or a general discharge under honorable conditions, those discharges should be specified as qualifying the person for preference points.

b. What type of discharge does a person receive if his/her service is terminated *by* the military through no fault of the service member, for example in a force downsizing? Does the draft need to account for any other type of termination document a person might receive (ie other than a "discharge") that should also qualify the person for the preference points?

4. To answer some of these questions, the draft could direct OSER to promulgate an administrative rule, for example to define what is meant by "2 continuous years" and to specify what documentation must be provided to show that a member is "in good standing". OSER could be directed to consult with the Department of Military Affairs in drafting the rule.

Please hit "reply all" to respond to these comments, so that everyone can see them.

We're standing by for any further discussion this afternoon. We're both here until 5 pm.

Thanks,

Pam Shannon and Mike Queensland

Gallagher, Michael

From: Shannon, Pam
Sent: Friday, January 06, 2012 4:26 PM
To: Sweeney, Rebekah; Gallagher, Michael; Peterson, Eric; Olson, Larry - DMA (2nd)
Cc: Queensland, Michael
Subject: RE: Comments on sub to SB 312

1. From Becky and Larry's latest comments, perhaps the draft could specify that a person must serve for at least two continuous years from the date of the person's enlistment in a National Guard or Reserve unit.
2. Good to go with the discharge language suggested by Larry and Michael.
3. Yes, the issue is addressed.

Michael--hope this gives you what you need to complete the /1.

Thanks, everyone!

From: Sweeney, Rebekah
Sent: Friday, January 06, 2012 4:09 PM
To: Shannon, Pam; Gallagher, Michael; Peterson, Eric; Olson, Larry - DMA (2nd)
Cc: Queensland, Michael
Subject: RE: Comments on sub to SB 312

Eric and I are talking offline about these issues, but my initial thoughts are as follows:

1. I prefer to avoid rule-making, instead being more specific about the requirements of two years of continuous service, if necessary.
2. CVSOs have also signed off on the language suggested by Larry/Michael. From the Jorgensen office perspective, we're ready to move forward on this.
3. Is this issue then addressed by Larry/Michael's new language?

Thanks!

Becky

From: Shannon, Pam
Sent: Friday, January 06, 2012 4:02 PM
To: Gallagher, Michael; Sweeney, Rebekah; Peterson, Eric; Olson, Larry - DMA (2nd)
Cc: Queensland, Michael; Shannon, Pam
Subject: RE: Comments on sub to SB 312

Hi all,

On Becky and Michael's comments:

1. It seems to us that if you delete "in good standing", then you need to clarify how the member will show he or she "has served under honorable conditions" for at least 2 continuous years. One solution would be to rewrite subd. 1. on p. 2 lines 8-11, to read: A person who is a member of a reserve component..., as defined in..., and who has served under honorable conditions for at least 2 continuous years. OSER, in consultation with the Department of Military Affairs, shall define by rule what constitutes serving "under honorable conditions for at

least 2 continuous years". This seems like a good approach to us. However, if the rulemaking option is not acceptable, an alternative would be to specify that "service for at least 2 continuous years" means completion of the member's initial training obligation and all additional required activities for that time period (as Becky was indicating). Maybe Larry can help figure out how to state what that obligation is, for the reserves and for the guard.

Michael--does the rulemaking option necessitate a delayed effective date until the rules are in place?

2. We're fine with the formulation suggested by Larry with regard to the discharge language (as relayed by Michael), as long as no one has a concern about excluding members who have separated from the military through no fault of their own (for example through downsizing), rather than having received a discharge.

3. In response to Becky's comment on our 3b, we would note that a "traditional" veteran doesn't necessarily have to serve 2 continuous years, because current law allows preference points to be given to a person who serves on active duty under honorable conditions for 2 continuous years or more **or the full period of the person's initial service obligation, whichever is less**. Similarly, under the language on p. 2., lines 12-14 (as modified by Larry to refer to an honorable discharge or a general discharge under honorable conditions), a reserve or guard member would *also* be eligible for preference points even if they served for less than two years, if they received either of those two types of discharge.

Hopefully we responded to everything that was raised. We continue to stand by.

Thanks,

Pam and Mike

From: Gallagher, Michael
Sent: Friday, January 06, 2012 3:13 PM
To: Sweeney, Rebekah; Shannon, Pam; Peterson, Eric; Olson, Larry - DMA (2nd)
Subject: RE: Comments on sub to SB 312

On 1 and 3A,

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In a separate e-mail with Larry, I mentioned that "less than honorable conditions" is not used in the stats and is ambiguous. I think the following formulation is accurate: "honorable discharge or general discharge under honorable conditions." Larry is fine with that formulation. Let me know if I should go ahead with it.

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Sent: Friday, January 06, 2012 3:01 PM
To: Shannon, Pam; Peterson, Eric; Olson, Larry - DMA (2nd); Gallagher, Michael

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Regarding the questions posed in Pam's message:

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- 3A. The CVSOs have notified me they would be in favor of language provided by Larry which would swap "was under less than honorable conditions" for the current line 14 on page 2. If you believe this will cause problems, we may want to discuss alternative language with them.
- 3B. I think, given that a "traditional" veteran has to serve two years to get preference points, we should keep that standard. If releases occurring prior to two years of service become common, we could revisit that legislatively. I don't think we need to add another documentation component, but Larry may have more insight?
4. See my answer to number one.

That's where I'm at, but I'm certainly open to everyone else's point-of-view.

Thank you, again.

Becky

Rebekah Sweeney
Research Assistant
Office of Rep. Andy Jorgensen
(608) 266-3790

From: Shannon, Pam
Sent: Friday, January 06, 2012 2:42 PM
To: Peterson, Eric; Sweeney, Rebekah; Olson, Larry - DMA (2nd); Gallagher, Michael
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2. On p. 2, line 10, we probably need to specify what it means to serve "for at least 2 continuous years" in the reserves or guard. For example, if a member completes his/her initial training obligation and all required weekend drills for 2 continuous years, does that qualify the person for the preference points? Should the draft specify that a member must meet whatever contractual obligations the person is required to fulfill for the two continuous years in order to receive the points? Additionally, do we need to specify at what point the two-year period begins? Is it from the date on which the person attends the first training session? Or, when the person signs the contract?
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Thanks,

Pam Shannon and Mike Queensland

Gallagher, Michael

From: Olson, Larry L. Mr NGWI [larry.l.olson@us.army.mil]
Sent: Friday, January 06, 2012 4:16 PM
To: Shannon, Pam; Peterson, Eric; Sweeney, Rebekah; Olson, Larry - DMA (2nd); Gallagher, Michael
Subject: RE: Comments on sub to SB 312 (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: FOUO

My recommendations follow after each listed issue. Everyone, thanks again for all your help. Hopefully I have answered the questions and have not raised others but stand by to respond.

-----Original Message-----

From: Shannon, Pam - LEGIS [mailto:Pam.Shannon@legis.wisconsin.gov]
Sent: Friday, January 06, 2012 2:42 PM
To: Peterson, Eric - LEGIS; Sweeney, Rebekah - LEGIS; Olson, Larry - DMA (2nd); Gallagher, Michael - LEGIS
Subject: Comments on sub to SB 312

Hi everyone,

Mike Queensland and I want to share the following comments/questions about the preliminary draft of the sub to SB 312 (LRBs0279/P1):

1. On p. 2, line 8, should the draft specify the manner in which a service member must show evidence that he/she is a member "in good standing" for purposes of receiving preference points?

Recommendation: Can delete, the type of discharge reflect the service members standing.

2. On p. 2, line 10, we probably need to specify what it means to serve "for at least 2 continuous years" in the reserves or guard. For example, if a member completes his/her initial training obligation and all required weekend drills for 2 continuous years, does that qualify the person for the preference points?

Recommendation: Yes, that is the intent as we know it. Serve for at least 2 years in a Reserve, or National Guard unit. Again if not the service member would be discharged. Being a member is answered below.

Should the draft specify that a member must meet whatever contractual obligations the person is required to fulfill for the two continuous years in order to receive the points?

Recommendation: No. If not the service member would be discharged under one of the 5 types of discharges.

Additionally, do we need to specify at what point the two-year period begins? Is it from the date on which the person attends the first training session? Or, when the person signs the contract?

Recommendation: Date of enlistment which is understood by all services as the date his/her membership starts. All enlistment contracts start with the date of enlistment on the contract. It is referred to in all records and is what we use when accepting transfer from all other states, pay purposes, date of rank, etc. You could join (sign the contract) for delayed entry (juniors in High School) and not have an enlistment date for a year. Your membership starts on the date of enlistment.

3. On p. 2, lines 12-14:

a. It would be preferable to state the types of discharges that do qualify the person for the preference points, rather than specifying the types of discharges that

disqualify a person from receiving points. So, for example, if the person must have either an honorable discharge or a general discharge under honorable conditions, those discharges should be specified as qualifying the person for preference points.

Recommendation: Agree, Honorable or General (Under Honorable Conditions)

b. What type of discharge does a person receive if his/her service is terminated by the military through no fault of the service member, for example in a force downsizing? Does the draft need to account for any other type of termination document a person might receive (ie other than a "discharge") that should also qualify the person for the preference points?

Recommendation: No does not need to account for these types of issues. The service members would receive a discharge based on the character of service. The downsizing of the services always starts with increasing the enlistment qualifications. Downsizing of current members has historically been aimed at service members that have met their service obligation. I cannot see where a service would enlist someone, train them and ask them to leave without any benefit of their investment.

4. To answer some of these questions, the draft could direct OSER to promulgate an administrative rule, for example to define what is meant by "2 continuous years" and to specify what documentation must be provided to show that a member is "in good standing". OSER could be directed to consult with the Department of Military Affairs in drafting the rule.

Please hit "reply all" to respond to these comments, so that everyone can see them.

We're standing by for any further discussion this afternoon. We're both here until 5 pm.

Thanks,

Pam Shannon and Mike Queensland

-----Original Message-----

From: Shannon, Pam - LEGIS [mailto:Pam.Shannon@legis.wisconsin.gov]

Sent: Friday, January 06, 2012 2:42 PM

To: Peterson, Eric - LEGIS; Sweeney, Rebekah - LEGIS; Olson, Larry - DMA (2nd); Gallagher, Michael - LEGIS

Subject: Comments on sub to SB 312

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disqualify a person from receiving points. So, for example, if the person must have either an honorable discharge or a general discharge under honorable conditions, those discharges should be specified as qualifying the person for preference points.

b. What type of discharge does a person receive if his/her service is terminated by the military through no fault of the service member, for example in a force downsizing? Does the draft need to account for any other type of termination document a person might receive (ie other than a "discharge") that should also qualify the person for the preference points?

4. To answer some of these questions, the draft could direct OSER to promulgate an administrative rule, for example to define what is meant by "2 continuous years" and to specify what documentation must be provided to show that a member is "in good standing". OSER could be directed to consult with the Department of Military Affairs in drafting the rule.

Please hit "reply all" to respond to these comments, so that everyone can see them.

We're standing by for any further discussion this afternoon. We're both here until 5 pm.

Thanks,

Pam Shannon and Mike Queensland

Classification: UNCLASSIFIED
Caveats: FOUO

Gallagher, Michael

From: Sweeney, Rebekah
Sent: Friday, January 06, 2012 4:09 PM
To: Shannon, Pam; Gallagher, Michael; Peterson, Eric; Olson, Larry - DMA (2nd)
Cc: Queensland, Michael
Subject: RE: Comments on sub to SB 312

Eric and I are talking offline about these issues, but my initial thoughts are as follows:

1. I prefer to avoid rule-making, instead being more specific about the requirements of two years of continuous service, if necessary.
2. CVSOs have also signed off on the language suggested by Larry/Michael. From the Jorgensen office perspective, we're ready to move forward on this.
3. Is this issue then addressed by Larry/Michael's new language?

Thanks!

Becky

From: Shannon, Pam
Sent: Friday, January 06, 2012 4:02 PM
To: Gallagher, Michael; Sweeney, Rebekah; Peterson, Eric; Olson, Larry - DMA (2nd)
Cc: Queensland, Michael; Shannon, Pam
Subject: RE: Comments on sub to SB 312

Hi all,

On Becky and Michael's comments:

1. It seems to us that if you delete "in good standing", then you need to clarify how the member will show he or she "has served under honorable conditions" for at least 2 continuous years. One solution would be to rewrite subd. 1. on p. 2 lines 8-11, to read: A person who is a member of a reserve component..., as defined in..., and who has served under honorable conditions for at least 2 continuous years. OSER, in consultation with the Department of Military Affairs, shall define by rule what constitutes serving "under honorable conditions for at least 2 continuous years". This seems like a good approach to us. However, if the rulemaking option is not acceptable, an alternative would be to specify that "service for at least 2 continuous years" means completion of the member's initial training obligation and all additional required activities for that time period (as Becky was indicating). Maybe Larry can help figure out how to state what that obligation is, for the reserves and for the guard.

Michael--does the rulemaking option necessitate a delayed effective date until the rules are in place?

2. We're fine with the formulation suggested by Larry with regard to the discharge language (as relayed by Michael), as long as no one has a concern about excluding members who have separated from the military through no fault of their own (for example through downsizing), rather than having received a discharge.

3. In response to Becky's comment on our 3b, we would note that a "traditional" veteran doesn't necessarily have to serve 2 continuous years, because current law allows preference points to be given to a person who serves on active duty under honorable conditions for 2 continuous years or more **or the full period of the person's initial service obligation, whichever is less**. Similarly, under the language on p. 2., lines 12-14 (as modified by Larry to refer to an honorable discharge or a general discharge under honorable conditions), a reserve or guard member would *also* be eligible for preference points even if they served for less than two years, if they received

either of those two types of discharge.

Hopefully we responded to everything that was raised. We continue to stand by.

Thanks,

Pam and Mike

From: Gallagher, Michael
Sent: Friday, January 06, 2012 3:13 PM
To: Sweeney, Rebekah; Shannon, Pam; Peterson, Eric; Olson, Larry - DMA (2nd)
Subject: RE: Comments on sub to SB 312

On 1 and 3A,

I can delete "in good standing."

In a separate e-mail with Larry, I mentioned that "less than honorable conditions" is not used in the stats and is ambiguous. I think the following formulation is accurate: "honorable discharge or general discharge under honorable conditions." Larry is fine with that formulation. Let me know if I should go ahead with it.

On 2, do reservists and national guard members have the same requirements? I'm wondering if there is a more general way to put this, or if we want to just let the agency define it by rule.

I'll of course wait for final confirmation before I do anything.

Michael P. Gallagher
Legislative Attorney
Legislative Reference Bureau
(608) 267-7511
michael.gallagher@legis.wisconsin.gov

From: Sweeney, Rebekah
Sent: Friday, January 06, 2012 3:01 PM
To: Shannon, Pam; Peterson, Eric; Olson, Larry - DMA (2nd); Gallagher, Michael
Subject: RE: Comments on sub to SB 312

Thanks go to all of you for your hard work on this important amendment. Your efforts are sincerely appreciated.

Regarding the questions posed in Pam's message:

1. I wonder if we should simply omit "in good standing" as it seems proof of that is limited, and we do specify their service be under honorable conditions in line 10. As we discussed yesterday, I think the inclusion of both phrases may be redundant.
2. I think a member completing his/her initial training obligation and all required weekend drills for two continuous years should be the qualification for the preference points.
- 3A. The CVSOs have notified me they would be in favor of language provided by Larry which would swap "was under less than honorable conditions" for the current line 14 on page 2. If you believe this will cause problems, we may want to discuss alternative language with them.
- 3B. I think, given that a "traditional" veteran has to serve two years to get preference points, we should keep that standard. If releases occurring prior to two years of service become common, we could revisit that legislatively. I don't think we need to add another documentation component, but Larry may have more insight?
4. See my answer to number one.

That's where I'm at, but I'm certainly open to everyone else's point-of-view.

Thank you, again.

Becky

Rebekah Sweeney
Research Assistant
Office of Rep. Andy Jorgensen
(608) 266-3790

From: Shannon, Pam
Sent: Friday, January 06, 2012 2:42 PM
To: Peterson, Eric; Sweeney, Rebekah; Olson, Larry - DMA (2nd); Gallagher, Michael
Subject: Comments on sub to SB 312

Hi everyone,

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3. On p. 2, lines 12-14:
 - a. It would be preferable to state the types of discharges that *do* qualify the person for the preference points, rather than specifying the types of discharges that disqualify a person from receiving points. So, for example, if the person must have either an honorable discharge or a general discharge under honorable conditions, those discharges should be specified as qualifying the person for preference points.
 - b. What type of discharge does a person receive if his/her service is terminated *by* the military through no fault of the service member, for example in a force downsizing? Does the draft need to account for any other type of termination document a person might receive (ie other than a "discharge") that should also qualify the person for the preference points?
4. To answer some of these questions, the draft could direct OSER to promulgate an administrative rule, for example to define what is meant by "2 continuous years" and to specify what documentation must be provided to show that a member is "in good standing". OSER could be directed to consult with the Department of Military Affairs in drafting the rule.

Please hit "reply all" to respond to these comments, so that everyone can see them.

We're standing by for any further discussion this afternoon. We're both here until 5 pm.

Thanks,

Pam Shannon and Mike Queensland

Gallagher, Michael

From: Olson, Larry L. Mr NGWI [larry.l.olson@us.army.mil]
Sent: Friday, January 06, 2012 2:57 PM
To: Gallagher, Michael
Subject: RE: Draft review: LRB 11s0279/P1 Topic: Veteran preference points (SB 312)
(UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: FOUO

Works for me!

-----Original Message-----

From: Gallagher, Michael [mailto:Michael.Gallagher@legis.wisconsin.gov]
Sent: Friday, January 06, 2012 2:13 PM
To: Olson, Larry L. Mr NGWI
Cc: Peterson, Eric
Subject: RE: Draft review: LRB 11s0279/P1 Topic: Veteran preference points (SB 312)
(UNCLASSIFIED)

Based on this, I think the intended limit can be expressed as follows:

Eligibility would be limited to those who received an "honorable discharge" or a "general discharge under honorable conditions."

That language is used at least a couple of times in the stats. "Less than honorable" isn't used.

Eric: I just got off the phone with Pam and Mike at Leg. Council. They are going to e-mail everyone with a couple of other questions.

Mike

Michael P. Gallagher
Legislative Attorney
Legislative Reference Bureau
(608) 267-7511
michael.gallagher@legis.wisconsin.gov

-----Original Message-----

From: Olson, Larry L. Mr NGWI [mailto:larry.l.olson@us.army.mil]
Sent: Friday, January 06, 2012 1:51 PM
To: Gallagher, Michael
Subject: Draft review: LRB 11s0279/P1 Topic: Veteran preference points (SB 312)
(UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: FOUO

Mike I sent the below email to Eric. Does this work?
Thanks.

-----Original Message-----

From: Olson, Larry L. Mr NGWI
Sent: Friday, January 06, 2012 1:45 PM
To: 'Peterson, Eric - LEGIS'
Subject: RE: Draft review: LRB 11s0279/P1 Topic: Veteran preference points (SB 312)
(UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: FOUO

Eric as we discussed line 14, pg 2 should read "was under less than honorable conditions"

That ensures that only service members with a Honorable or General (Under Honorable Conditions) would receive veterans points with the qualifying

2
years of service.

Additionally I have attached a document that describes the 5 (I stand corrected) types of discharges. The Entry level separation does not apply since that pertains only to the first 180 days of service. I kept the entire document together as it describes the appeals process etc. To summarize the five types of discharges are:

Honorable
General (under honorable conditions)
Under other than honorable conditions
Bad Conduct
Dishonorable

Thanks for all your help!!

Classification: UNCLASSIFIED
Caveats: FOUO

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Gallagher, Michael

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Sent: Friday, January 06, 2012 1:51 PM
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Attachments: TypesDischarges.pdf



TypesDischarges.
pdf (802 KB)

Classification: UNCLASSIFIED

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Dishonorable

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MILITARY DISCHARGE IN THE UNITED STATES

An enlisted member of the United States Armed Forces may be relieved of active or reserve duty through one of three methods: separation, discharge, or entry into a commissioning program. While an enlisted member's military service obligation (MSO) is 8 years, the initial enlistment contract itself normally does not exceed 6 years, with the remainder being served in either the reserve component of the service branch under which he or she enlisted, or in the Individual Ready Reserve (IRR) as an inactive (non-drilling) reservist.

REASONS FOR DISCHARGE

Contrary to the popular belief, the vast majority of those leaving the service after completing an initial enlistment are **separated** rather than **discharged**. The key difference lies in that a discharge completely alleviates the veteran of any unfulfilled military service obligation, whereas a separation (which may be voluntary or involuntary) may leave an additional unfulfilled military service obligation (MSO) to be carried out in the Individual Ready Reserve (IRR). Nonetheless, approximately one in three recruits will fail to complete their first enlistment in the US military.

Below are some of the most common reasons for discharge:

- Expiration of Term of Service (ETS)
- Disability, Dependency, or Hardship
- Pregnancy/Parenthood
- Physical or Mental Conditions that interfere with military service
- Convenience of The Government/Secretarial Authority
- Unsuitability
- Misconduct - Minor Disciplinary Infractions
- Entry-Level Performance and Conduct

If discharged for any of the above reasons, the servicemember will normally receive an honorable or a general (under honorable conditions) discharge.

TYPES OF DISCHARGE

HONORABLE

To receive an honorable discharge, a service member must have received a rating from good to excellent for his or her service. Servicemembers who meet or exceed the required standards of duty performance and personal conduct, and who complete their tours of duty, normally receive honorable discharges, however, one need not complete his or her term of service to receive an honorable discharge, provided the reason for involuntary discharge is not due to misconduct. For instance, a person rendered physically or psychologically incapable of performing his or her assigned duties will normally have his service characterized as honorable, regardless of whether the condition or disability was incurred in the line of duty, provided he or she otherwise exceeded standards.

An honorable discharge can, on rare occasions, be granted to a former servicemember (whose service was characterized as less than honorable) as an act of clemency, should that person display exemplary post-service conduct and show evidence of outstanding post-service achievement in areas such as education and employment.

GENERAL (UNDER HONORABLE CONDITIONS)

General discharges are given to servicemembers whose performance is satisfactory but is marked by a considerable departure in duty performance and conduct expected of military members. Reasons for such a characterization of service vary, but are always preceded by some form of nonjudicial punishment utilized by the unit commander as a means to correct unacceptable behavior prior to initiating discharge action (unless the reason is homosexual conduct or drug abuse, in which case discharge is mandatory). A commander must disclose to the servicemember in writing why he is initiating discharge action, and will further explain the reason he is recommending service be characterized as General (Under Honorable Conditions). The servicemember is normally required to sign a statement acknowledging receipt and understanding of the notification of pending discharge memorandum. He is also advised of his right to seek counsel and present statements on his behalf.

In addition, servicemembers are required to sign documents acknowledging that "substantial prejudice in civilian life" may be encountered under a general discharge. Despite this, some personnel think because the discharge is described as general *under honorable conditions*, it is as good as or the same as an honorable discharge. However, a general discharge may preclude participation in the GI BILL, service on veteran's commissions, and other programs where a fully-honorable discharge is required.

Another common misunderstanding is that a general discharge will be automatically upgraded after 6 months' time. While a veteran is eligible to appeal for an honorable discharge after 6 months, upgrade is neither guaranteed nor automatic. In fact, only a slim percentage of those who appeal a general discharge will have their discharge upgraded to honorable, and many more will never file an appeal for various reasons.

UNDER OTHER THAN HONORABLE CONDITIONS (UOTHC)

An Under Other Than Honorable Conditions (UOTHC, often shortened to "Other Than Honorable" or "OTH") Discharge is the most severe of administrative discharges. This type of discharge represents a serious departure from the conduct and performance expected of all military members. UOTHC discharges are typically given to servicemembers convicted by a civil court in which a sentence of confinement has been adjudged or in which the conduct leading to the conviction brings discredit upon the service; other-than-honorable discharges are often accepted in-lieu of court-martial. Persons facing an UOTHC discharge are guaranteed, by the Uniform Code of Military Justice, the right to be tried by court-martial, however, many choose administrative discharge rather than face the possibility of a court-martial conviction (and thus the stigma of the Bad Conduct Discharge that often follows).

Recipients of UOTHC discharges are barred from reenlisting into any component of the Armed Forces (including the reserves), and are normally barred from joining the Army and Air National Guard, except under rare circumstances which require exception-to-policy waivers. As of September 2006, all 50 states had policies barring the reenlistment of UOTHC discharge recipients.

In addition, the majority of veterans' benefits are not available to individuals who receive an under other than honorable conditions discharge, including the Montgomery GI Bill and (in most cases) VA healthcare benefits.

BAD CONDUCT (BCD)

Bad conduct discharges are given to service members after conviction via general or special court-martial in which a bad conduct discharge is part of the sentence. Bad conduct discharges are often preceded by a period of confinement in a military prison. The discharge itself is not executed until completion of both confinement and the appellate review process. Virtually all veterans' benefits are forfeited by a bad conduct discharge.

DISHONORABLE

Dishonorable discharges are handed down for only the most dishonorable of conduct. This type of discharge may be rendered only by conviction at a general court-martial for serious offenses, such as rape or murder, calling for dishonorable discharge as part of the sentence. With this characterization of service, all veterans' benefits are lost, regardless of past honorable service. This type of discharge carries a heavy stigma, usually making gainful post-service employment extremely difficult.

ENTRY LEVEL SEPARATION (ELS)

Entry level separations, or uncharacterized discharge, are given to individuals who separate prior to completing 180 days of military service, or when discharge action was initiated prior to 180 days of service. This type of discharge does not attempt to characterize service as good or bad; however, punitive and/or administrative discharges may be given to servicemembers within their first 180 days for serious misconduct.

COMMISSIONED OFFICERS

Commissioned officers cannot be reduced in rank by a court-martial, nor can they be given a bad conduct discharge or a dishonorable discharge. If an officer is convicted by a General Court-Martial of an offense and qualifies for a punitive discharge, then the General Court-Martial can sentence the officer to a "dismissal." This is considered to be the same as a dishonorable discharge. The President of the United States can order that a commissioned officer be dismissed from the service, as all commissioned officers "serve at the pleasure of the President." However an officer who is dismissed by order of the President can demand a trial by court-martial to clear his or her name. If a court-martial is not convened, or if the officer is acquitted, then the Service Secretary of the branch that the officer is assigned to must then issue an administrative discharge in lieu of a dismissal.

APPEAL PROCEDURES

After a discharge, the service member (or his next-of-kin, if deceased) can appeal the type of discharge that was given. Most of these requests are not approved.

Any punitive discharge that is adjudged by a Court-Martial is automatically reviewed by a military appellate court for each respective branch. These courts are staffed by appellate military judges and function as an intermediate appellate court and have the power to review de novo both any questions of legal error and the factual basis of the conviction. If either the government or the accused is unsatisfied with the results of this appeal, the conviction or the sentence can be appealed to the Court of Appeals for the Armed Forces. This court has the power of discretionary review, in that it can in some cases deny a petition to grant a review. This court however must hear any death penalty cases or cases certified by the Judge Advocate General of each respective service for appellate review.

Service members who are given a punitive discharge and have completed any adjudged confinement are normally placed on appellate leave pending final review of their case by the appellate courts. This includes members who plead guilty at their court-martial since all cases are automatically reviewed. The member is considered to be on active duty and is subject to the Uniform Code of Military Justice while on appellate leave. While the member is entitled to full health care benefits and other privileges of being on active duty, the member receives no pay or allowances and is not required to perform any military duties.

A service member who was adjudged a punitive discharge at a court martial and then dies before the appellate review process is complete is considered to have died on active duty under honorable conditions. Their next-of-kin is then entitled to any rights and benefits that any other service member's family would be entitled.

Once discharge is finalized, General, Entry-Level/Uncharacterized, and Under Other Than Honorable Conditions (UOTHC or OTH) discharges may be appealed for upgrade through the Discharge Review Board of the respective service, however, the appeal must be filed within 15 years of the date of separation, and it must be shown that the characterization of service was the result of an error or injustice. Bad Conduct Discharges handed down by a Special Court-Martial may be upgraded only as an act of clemency. Discharge Review Boards may also consider appeals for a change to the Narrative Reason for Discharge (contained in Block 28 of the DD 214). The DRB will not consider a request for the change of a Reenlistment Eligibility (RE) or Separation Designator (SPD) Code by itself, however, in the case that a discharge is upgraded, the RE and SPD codes are often changed to correspond with the new characterization of service and/or narrative reason for discharge.

If more than 15 years has passed since discharge, appeals must be directed to the Board For Correction of Military/Naval Records of the respective service. The BCM/NR hears a wide array of appeals and correction requests, and can be utilized by Active Duty, Reserve, National Guard, retired and discharged veterans alike. Normally, an appeal must be filed within 3 years of the occurrence of an error or injustice, however, exceptions are often made.

MILITARY DISCHARGE CERTIFICATE

Every service member who is discharged, or released from active duty, is issued a DD Form 214, a military discharge certificate. A reservist who is called up to active duty is given a DD 214 when they are deactivated and returned to the reserves. Those who are discharged before completing 8 years of active duty or reserve duty in an active drilling status are transferred to the Individual Ready Reserve (IRR) for the remainder of their military service obligation (MSO). The Individual Ready Reserve does not drill or receive pay, however, a member in IRR status can be recalled to active duty during time of war or national emergency until the 8 years have expired. Most members separating with an honorable discharge after completing a single term of service (typically 3-6 years) are transferred to the IRR for the remainder of the 8-year MSO.

The DD 214 is a complete documentation of military service. It contains everything from total time in service, dates of entry and discharge, dates of rank, documentation of foreign service, ribbons, medals and badges awarded, professional military education completed, characterization of service, and reason for discharge (among other things). When applying for many jobs, employers will often request a copy of the DD 214. There are two types of the DD 214, known as the edited and unedited (or "short" and "long") versions. The edited version will omit certain information, including the characterization and reason for discharge, thus many employers will request the unedited version. A servicemember may request the edited, unedited or both versions upon separation.

The Freedom of Information Act has made (limited) records of military service available to the public, upon request. However, information protected by the Privacy Act of 1974 can be released only with the veteran's consent.

RE-ENLISTMENT ELIGIBILITY CODE

Another important aspect is the RE (Re-enlistment Eligibility) Code. This specifies under what conditions the member can reenlist in the armed forces. The definition of each RE Code may vary from Service to Service, as currently it is the responsibility of each branch of the Armed Forces to establish reenlistment eligibility criteria, however as a general rule, a RE Code in the "1" series will allow for reenlistment into any component of the Armed Forces, and RE Code in the "3" series will usually allow the veteran to reenlist with a waiver. RE Codes in the "2" series often place restrictions on reenlistment; this is especially true in the Air Force, which has a policy permanently barring airmen separated from the Air Force with a RE Code 2 from reenlisting in the Air Force (though reenlistment into other components of the Armed Forces may be possible with a waiver.) A RE Code in the "4" series typically bars reenlistment into any component of the Armed Forces, regardless of which Service issued the code. A veteran issued a RE Code in the "4" series will usually require an Exception To Policy waiver to reenlist.

The Department of Veterans Affairs uses different criteria than the Departments of the Air Force, Army and Navy when establishing veteran status. VA benefits can sometimes be enjoyed if the discharge is deemed "Other Than Dishonorable". An example of this would be the VA's home loan program.

ADMINISTRATIVE SEPARATIONS

Military Service Obligation (MSO): Most first term service members have an MSO requiring them to complete 8 years of military service. If the service member has not met the MSO at the time of separation from active service, then the service member could be released (not discharged) and transferred to the Reserve Component to complete the balance of the MSO.

Service Characterization: Service members who do not qualify for reenlistment receive a discharge without regard to their remaining MSO. In both cases, the character of the members service is honorable. The service of members separating at their expiration of term of service (ETS), or voluntarily or involuntarily separating for the convenience of the government, is characterized as honorable. The service of members who are administratively discharged under service component administrative procedures may be characterized as honorable, under honorable conditions (general), or under other than honorable conditions (UOTHC). The service characterization depends upon the reason for discharge and the member's military record in the current enlistment or period of service.

Voluntary Separation: Service members may ask for early separation for the convenience of the government if they meet specific criteria. Pregnancy, conscientious objection, and early release to attend school are three examples for which members may be allowed to separate.

Involuntary Separation: Physical conditions that interfere with duty performance or assignment availability, inability to cope with parental responsibilities or military duty, or insufficient retainability for required retraining are examples for involuntary discharge for the convenience of the government. Defective enlistment (fraudulent or erroneous) is also a basis for discharge.



State of Wisconsin
2011 - 2012 LEGISLATURE



LRBs0279/PT

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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
SENATE SUBSTITUTE AMENDMENT ,
TO 2011 SENATE BILL 312

Regen

1 **AN ACT to renumber** 230.16 (7) (a); **to amend** 230.03 (14) (intro.) and 230.16 (7)
2 (b); and **to create** 230.16 (7) (ag) of the statutes; **relating to:** preference points
3 for certain veterans and for reserve or national guard members.

Analysis by the Legislative Reference Bureau

Under the state civil service system, veterans are eligible to receive additional points on civil service examinations to qualify for appointment to state positions. Under current law, in order to qualify for veterans preference points on civil service examinations, a person must have served on active duty under honorable conditions in the U.S. armed forces and must meet one of the following conditions:

1. Received the Armed Forces Expeditionary Medal established by executive order 10977 on December 4, 1961, the Vietnam Service Medal established by executive order 11231 on July 8, 1965, the Navy Expeditionary Medal, or the Marine Corps Expeditionary Medal.

2. Served on active duty under honorable conditions in the U.S. armed forces in a crisis zone.

3. Served in the U.S. armed forces for at least one day during a war period or under section 1 of executive order 10957, dated August 10, 1961.

4. Served on active duty under honorable conditions in the U.S. armed forces for two continuous years or more or the full period of the person's initial service obligation, whichever is less.

A person discharged from the U.S. armed forces for reasons of hardship or a service-connected disability or a person released due to a reduction in the U.S. armed forces prior to the completion of the required period of service is considered a veteran for purposes of veterans preference points regardless of the actual time served.

This substitute amendment extends eligibility for preference points to a person who is a member in good standing of a reserve component of the U.S. armed forces or of the national guard and who has served under honorable conditions for at least two continuous years or to a person who was discharged from a reserve component of the U.S. armed forces or from the national guard, unless that discharge was a dishonorable or bad-conduct discharge.

from the date of enlistment
an honorable discharge or a general discharge under honorable conditions

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

1 SECTION 1. 230.03 (14) (intro.) of the statutes is amended to read:

2 230.03 (14) (intro.) Except as provided in s. 230.16 (7) or (7m), veteran means
3 any of the following:

4 SECTION 2. 230.16 (7) (a) of the statutes is renumbered 230.16 (7) (ar).

5 SECTION 3. 230.16 (7) (ag) of the statutes is created to read:

6 230.16 (7) (ag) In this subsection, "veteran" has the meaning given in s. 230.03
7 (14), and also means any of the following:

8 1. A person who is a member in good standing of a reserve component of the U.S.
9 armed forces or of the national guard, as defined in 32 USC 101 (3), and who has
10 served under honorable conditions for at least 2 continuous years as a member of a
11 reserve component of the U.S. armed forces or of the national guard.

12 2. A person who was discharged from a reserve component of the U.S. armed
13 forces or from the national guard, as defined in 32 USC 101 (3), unless that discharge
14 was a dishonorable or bad-conduct discharge.

an honorable
or a general discharge under honorable conditions
beginning on the member's date of enlistment

