

No. 500, A.]

[Published June 20, 1949.

CHAPTER 299.

AN ACT to amend 21.70 (1) and (2) and 66.904 (2) (a) of the statutes, relating to the right of certain municipalities to grant prior service credit under the state retirement fund for certain military service.

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

SECTION 1. 21.70 (1) and (2) of the statutes are amended to read:

21.70 (1) Any person who has enlisted or enlists or has been or is inducted or ordered into active service in the land or naval forces of the United States pursuant to the selective training and service act of 1940 or the national guard and reserve officers mobilization act of 1940, and any acts amendatory thereof or supplementary thereto, and any person whose services are requested by the federal government for national defense work as a civilian during a period officially proclaimed to be a national emergency or a limited national emergency, who, in order to perform such training or service, has left or leaves a position, other than a temporary position, in the employ of any political subdivision of the state or in the employ of any private or other employer, shall be restored to such position or to a position of like seniority, status, pay and salary advancement as though such service toward seniority, pay or salary advancement had not been interrupted by such military service; provided that (a) he presents a certificate or other evidence that he has satisfactorily completed his period of training or service, (b) he is still qualified to perform the duties of such position, (c) he makes application for reemployment within 90 days

after he is relieved from such training or services, and (d) the employer's circumstances have not so changed as to make it impossible or unreasonable to so restore such person, and upon the employe's request made at any time before 6 months after completion of the employe's service in the armed forces of the United States, or absence * * * *due to hospitalization or receipt of medical or surgical treatment* because of injuries or sickness resulting from such war or emergency service the employe upon presentation of proof of his honorable discharge or release from such active service, * * * hospitalization, or the receipt of such medical or surgical treatment shall be returned to his former position. * * * In the event of any dispute arising under this subsection the matter shall be referred to the industrial commission for arbitration except as such matters pertain to any classified employe of the state of Wisconsin, in which case the matter shall be referred to the bureau of personnel.

(2) The service of any person who is or was restored to a position in accordance with subsection (1) hereof shall be deemed not to be interrupted by such leave, except for the receipt of pay or other compensation for the period of such absence and he shall be entitled to participate in insurance, pensions, or other benefits offered by the employer pursuant to established rules and practices relating to employes on furlough or leave of absence in effect with the employer at the time such person entered or was enlisted, inducted or ordered into such forces and service, and shall not be discharged from such position without cause within one year after such restoration; and such discharge is subject to all federal or state law affecting any municipal or private employment; and subject to the provisions of contracts that may exist between employer and employe. Each county, town, city or village shall contribute or pay from September 16, 1940 all contributions of the employer to the applicable and existent pension, annuity or retirement system as though the service of any such employe had not been interrupted by such military service, provided that in the case of teachers such payment shall be made as provided in section 38.24, 71.14 (8) and (9) and chapter 42.

SECTION 2. 66.904 (2) (a) of the statutes is amended to read:

66.904 (2) (a) Prior service credits pursuant to subsection (1) (a) 1. shall be granted for periods of service in the armed forces of the United States during World War II, which shall include such service subsequent to September 16, 1940, to any person who was an employe on the effective date of participation by such municipality and who left the service of such municipality to enter such armed forces. Such credit shall be granted as of the date the employe resumes or resumed employment with the municipality pursuant to section 16.276 or 21.70 prior to January 1, 1948. Credit shall also be granted for service during World War I to any person who was employed by the municipality at the time of his entrance into the armed forces of the United States, if such employment was resumed within 90 days after discharge from the armed forces and continued until the effective date of participation of the municipality with total interruptions thereafter of not to exceed 2 years.

Approved June 16, 1949.
