

No. 714, A.]

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CHAPTER 660

AN ACT to amend 16.276 (1) (intro. par.) and (a), 38.24 (12) (L), 42.45 (2), (3) and (4), 45.45, 45.50 (1), 45.51 (1), 45.53 (1) (a), 63.06 and 176.05 (22); and to create 45.22 of the statutes, relating to certain rights and privileges of persons called to active duty with the armed forces under P.L. 87-117.

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

SECTION 1. 16.276 (1) (intro. par.) and (a) of the statutes are amended to read:

16.276 (1) (intro. par.) Any classified employe of the state of Wisconsin who has enlisted or enlists or has been or is inducted or ordered into active service in the armed forces of the United States pursuant to the selective training and service act of 1940 or the national guard and reserve officer mobilization act of 1940, the selective service act of 1948 and any acts amendatory thereof or supplementary thereto *or P.L. 87-117*, and any such employe whose services are specifically 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 emer-

gency, who, in order to perform such training or service, has left or leaves a position, other than a temporary position, as a classified employe of the state of Wisconsin shall be restored to such a position or to a position of like seniority, status, pay, salary advancement and pension rights under ss. 42.60 to 42.70 [Stats. 1945] as though such services toward seniority, status, pay, salary advancement and pension rights under ss. 42.60 to 42.70 had not been interrupted by such designated service, provided that (a) he presents to the employing agency 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 re-employment within 90 days after he is released from such training or services, and (d) the circumstances of the employing agency have not changed as to make it impossible or unreasonable to so restore such employe and upon the employe's request made at any time before 6 months after he is relieved from such training or services, or absence during federal hospitalization because of injuries or sickness resulting from such war or emergency service the employe, upon presentation of proof of discharge other than dishonorable or other than (a) by reason of the sentence of a general court martial, (b) on the ground that he was a conscientious objector who refused to perform military duty or refused to wear the uniform or otherwise to comply with lawful orders of competent military authorities, (c) as a deserter or (d) of an officer by the acceptance of his resignation for the good of the service, release from such active service or federal hospitalization shall be restored as hereinafter provided:

(a) Any classified employe who had attained permanency under s. 16.22 and the rules of the personnel board pursuant thereto when he left state service shall, under * * * this section, be restored to a position of like seniority, status, pay, salary advancement, group insurance and pension rights under s. 23.14. The service of any employe who is or was so restored shall be deemed not to be or have been interrupted by such leave, except for the receipt of pay or other compensation, accumulation of sick leave, and vacation for the period of such absence, and he shall be given all the benefits of seniority, status, pay, salary advancement and pension rights under s. 23.14 as though his state employment had not been so interrupted. *Any permanent employe who leaves the service by reason of being called to active duty in the armed forces under P. L. 87-117 and who has used his yearly vacation in anticipation of a full year's employment is presumed not to have interrupted his employment as far as vacation pay is concerned, and any portion of his vacation for which he was paid which is unearned at the time of being called to active duty may be made up when he returns to work. If such employe does not return to the state service, he shall within 2 years repay the state the amount he had not earned. The application of this provision shall be retroactive to all state employes called to active duty under P. L. 87-117.*

SECTION 2. 38.24 (12) (L) of the statutes is amended to read:

38.24 (12) (L) In determining the teaching service record and computing the amount of annuity payable under this section the board of trustees shall credit each applicant for annuity with time absent on leave from teaching duty while serving in the military or naval forces of the United States, or in any auxiliary branch thereof, or in the merchant marine, or in overseas service of the American Red Cross or in the overseas service of any United Service Organization, during any war, or during a period officially proclaimed to be a national emergency or limited national emergency or under P.L. 87-117; and said board of trustees shall credit each applicant for annuity, serving as aforesaid, with a sum equivalent to the total amount which would have been reserved from and after September 16, 1940 from the salary of such applicant for payment into the an-

nunity and retirement fund if such applicant's teaching duties had not been interrupted by such service, upon proof of such service being furnished to the board.

SECTION 3. 42.45 (2), (3) and (4) of the statutes are amended to read:

42.45 (2) In computing the state deposit, a member who left the teaching profession to serve, and who served, the United States or any of its allies in World War I or in World War II in or with the army, including the WAACS, in or with the navy, including the WAVES, in or with the marines, including the U. S. marine corps women's reserve, in or with the coast guard, including the SPARS, or in the American field service, *or who is called to active duty in the armed forces under P.L. 87-117* shall be credited with teaching experience for the time so served upon proof of such service and honorable discharge therefrom being furnished to the state teachers retirement board, or having been furnished to its predecessor. In computing the state deposit, any member who left the teaching profession under agreement with the federal government to take training to teach, and who taught, persons in any of the aforesaid main or auxiliary branches of the United States military service during World War II shall be given like credit for the time spent in such training as well as in such teaching upon proof of such training and teaching being furnished to said board.

(3) Any member who left the teaching profession in Wisconsin from a position in which he was making or in which he had been compelled to make required deposits or in which he would have been compelled to make required deposits if he had been a senior teacher to serve, and who served, the United States or any of its allies in World War I, in World War II, or after June 25, 1950 and during a period of national emergency *or under P.L. 87-117*, in or with the army, including the WAACS, and WACS, in or with the navy, including the WAVES, in or with the marines, including the U. S. marine corps women's reserve, in or with the coast guard, including the SPARS, or in the American field service who teaches in Wisconsin after August 4, 1951, in a position in which such member is compelled to make required deposits or in which he would have been compelled to make required deposits if he had been a senior teacher, shall be credited with teaching experience for the time so served, of which not to exceed 4 years shall be credited as teaching experience in the public schools, the state colleges or the university in this state, upon proof of such service and honorable discharge therefrom being furnished to the state teachers retirement board, or having been furnished to its predecessor. Any member who left the teaching profession in Wisconsin from a position in which he was making or in which he had been compelled to make required deposits under agreement with the federal government to take training to teach, and who taught persons in any of the aforesaid main or auxiliary branches of the United States military service during World War II, or after June 25, 1950 and during a period of national emergency, and who teaches in Wisconsin after August 4, 1951, in a position in which such member is compelled to make required deposits, shall be given like credit for the time spent in such training as well as in such teaching upon proof of such training and teaching being furnished, or having been furnished to said board. This amendment (1957) is retroactive to August 4, 1951, with respect to members who have retired since that date. The annuities of such members shall be recomputed in accordance with this amendment (1957) and each such member shall be paid the difference between the amounts received and the amounts which would have been paid if this amendment (1957) had taken effect August 4, 1951. Payment for such retroactive period shall be made to members only and not to the beneficiaries, heirs, assigns or estate of any member who has died before August 31, 1957.

(4) Any member who * * * *receives* credit as teaching experience for military or teaching service as provided in sub. (3), who * * * *so elects* may make deposits for the period for which he received such credit as teaching experience, and as of the following June 30, such member shall be credited with corresponding state deposits calculated according to the state deposit formula in effect on June 30, 1947 *or on the date he entered on active duty with the armed forces if such date was after August 1, 1961.* The deposits which may be made by the member pursuant to such election shall be equal to the required deposits which should have been made by such member for such portion of the period covered by such election during which he would have been a senior teacher had he remained in teaching, computed on the basis of the monthly salary received during the first fiscal year after such period in which said member returned to teaching in a position in which said member was compelled to make required deposits. Any state deposits which * * * *are* made pursuant to this subsection shall be forfeited by the member for whom they were made unless he * * * *has* had at least 4 years of teaching experience under the state teachers retirement system after completion of any of the military service or training and teaching described in sub. (3), except that such state deposits shall not be forfeited if the member * * * *has* taught for a period at least equal to 50 per cent of the time, not exceeding 8 years, between the date of completion of such military service or training and teaching and the date of his death.

SECTION 4. 45.22 of the statutes is created to read:

45.22 SUSPENSION OF LICENSE REQUIREMENTS DURING SERVICE. (1) The statutory provisions imposing the requirements of a license or registration certificate or permit by the state in order to engage in the practice of any profession, trade, occupation or business in the state, and prescribing requirements of residence, examination, registration or application, payment of fees or renewals, expiration, revocation or suspension thereof or prescribing time limitations or increased fees for issuance of licenses or permits after the expiration thereof, shall be suspended for such period of time as the holder of the license, certificate or permit is in the active service of the armed forces of the United States under P.L. 87-117. The holder of such license, certificate or permit shall apply for reinstatement or make application for renewal thereof, as the case may be, within 6 months from the date of his discharge from the armed forces, and proper evidence of such discharge shall be presented with such application. If a proper application is not presented within such 6-month period, then the license, certificate or permit shall lapse or terminate as otherwise provided by law. The provisions contained in s. 158.12 (2), relating to the licensing of barbers, shall not apply to persons who are required under rules and regulations of the federal government to engage in work other than that for which the license was issued, providing they return to their usual occupation within 6 months from the date they are released from such other work. Nothing contained in this section shall apply to or in any way affect the provisions of any statute relating to liquor licenses, or relating to licenses for nonintoxicating beverages, or relating to licenses for fermented malt beverages.

(2) This section shall be in effect from October 1, 1961 to September 30, 1963.

SECTION 5. 45.45 of the statutes is amended to read:

45.45 When a veteran or a member of his family makes application for deferment of payment of monthly instalments and waiver of interest charges on veterans' loans made under this chapter, showing that the ability of such veteran to make payment is materially and adversely affected by reason of military service, the department may, with the approval of

the board, defer payment of monthly instalments and waive interest charges on veterans' loans made under this chapter for the duration of any period of service in the armed forces of the United States during a national emergency or in time of war *or under P.L. 87-117* and 6 months from date of discharge or separation and the time for payment may be extended for a like period.

SECTION 6. 45.50 (1) of the statutes is amended to read:

45.50 (1) Any person who has enlisted or enlists in or who has been or is inducted or ordered into active service in the armed 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, the selective service act of 1948 and any acts amendatory thereof or supplementary thereto *or P.L. 87-117*, 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 his service toward seniority, status, pay or salary advancement has not been interrupted by such absence; provided that (a) he presents to the employer evidence that he has satisfactorily completed his period of training or civilian service, or that he has been discharged from the armed forces under conditions other than dishonorable, (b) he is still qualified to perform the duties of such position, (c) he makes application for reemployment and resumes work within 90 days after he completed such training or services, military or civilian, or was so discharged from the armed forces, or within 6 months after release from hospitalization for service-connected injury or disease, (d) the employer's circumstances have not so changed as to make it impossible or unreasonable to so restore such person, and (e) the military service was not for more than 4 years unless extended by law. In the event of any dispute arising under this subsection the matter shall be referred to the industrial commission for determination except as such matters pertain to any classified employe of the state, in which case the matter shall be referred to the bureau of personnel. Orders and determinations of the industrial commission under this section may be reviewed in the manner provided in ch. 227.

SECTION 7. 45.51 (1) of the statutes is amended to read:

45.51 (1) The governing body of any county, town, city, village or school district may grant a leave of absence to any employe or officer who is inducted or who enlists into the armed forces or the nurses corps of the federal government at a time when the United States is engaged in a war *or who is called to active duty under P.L. 87-117*. No salary or compensation of such employe or officer shall be paid, nor claim therefor exist during such leave of absence.

SECTION 8. 45.53 (1) (a) of the statutes is amended to read:

45.53 (1) (a) "Persons in military service" * * * *means* any man or woman who is or was in the military service of the United States in World War II *or by reason of P.L. 87-117*.

SECTION 9. 63.06 of the statutes is amended to read:

63.06 Any person in the classified service in any such county who is now or hereafter becomes an active member of the military or naval forces of the United States during a period officially proclaimed to be a national

emergency or limited national emergency *or under P.L. 87-117*, shall be granted leave of absence, such leave to be continuous for the duration of the existing emergency *or duty*, plus 90 days. Service toward seniority or salary advancement shall be deemed not to be interrupted by such military service, provided that persons occupying a probationary status upon commencing such military leave shall revert to such status upon reinstatement. Application for reinstatement shall be made within 90 days from honorable discharge from the military service. Evidence of honorable discharge shall be presented to the civil service commission with such application. The position of the person so on leave shall not be filled except by appointment through the certification of the persons next eligible. Upon application of the person so on leave and presentation of evidence of such honorable discharge and of such evidence of physical fitness to perform the duties of the position formerly occupied as shall be satisfactory to the civil service commission he shall be reinstated in the position formerly occupied by him or in a position having similar character and standards of duties and compensation, if such military service was not for more than 4 years unless extended by law. The person appointed to fill such position during the absence of the person so on military leave shall, upon the latter's reinstatement, be transferred to a similar position if one is available, or if not, his name shall be placed on the appropriate reinstatement list in accordance with the rules of the civil service commission.

SECTION 10. 176.05 (22) of the statutes is amended to read:

176.05 (22) No governing body of any city, town, or village shall issue any retail "Class B" intoxicating liquor license to any other person * * *, in place of any license surrendered, for the reason indorsed thereon and signed by the licensee named therein, that the licensee has discontinued business by reason of entry into the armed forces of the United States to serve in World War II *or by reason of P.L. 87-117*, unless said licensee * * * *surrenders and releases* in writing all his right, title and interest in and to said license. Notwithstanding any provision of sub. (21), or of this subsection, the governing body to which such license was surrendered may grant a retail "Class B" intoxicating liquor license to any licensee who surrendered such license for the foregoing reason without written release of his right, title and interest therein, upon application therefor made at any time within 6 months after the applicant's discharge from the armed forces, provided the applicant is qualified under subs. (9) and (10). This subsection shall apply only in cases where the licensee is the owner in fee simple of the premises for which the surrendered license is issued and where the premises are not to be used for any other business purpose in the licensee's absence.

Approved January 31, 1962.
