

No. 693, A.]

[Published July 3, 1943.]

CHAPTER 429.

AN ACT appropriating a sum therein named to the legislature for contingent expenses.

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

In addition to the appropriation made by section 20.01 (10) of the statutes, there is appropriated from the general fund to the legislature, for the fiscal year ending June 30, 1943, \$1,500 for contingent expenses of the assembly and \$500 for contingent expenses of the senate, subject to the conditions provided in section 20.01 (10) (a), (b) and (c) of the statutes.

Approved June 30, 1943.

No. 118, S.]

[Published July 3, 1943.]

CHAPTER 430.

AN ACT to amend 21.70 (1), (2) and (3) and to create 21.70 (4) of the statutes, relating to re-entry into municipal or private employment after service in the land or naval forces or service in defense industry.

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

SECTION 1. 21.70 (1), (2) and (3) 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 the state of Wisconsin or any political subdivision thereof, 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 40 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 position. *Within 90 days after completion of the employe's service in the armed forces of the United States, or absence during federal hospitalization 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 or federal hospitalization shall be returned to his former position. The findings of the medical examiner entered on the discharge or release papers of the employe shall be deemed sufficient proof of the employe's physical fitness to resume his former position.*

(2) The service of any person who is 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 state, 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 sections 38.24, 71.26 and chapter 42.*

(3) In case any employer fails or refuses to comply with the

provisions of subsections (1) and (2) hereof, any court of record, *whether created by general or special act* in the proper county having jurisdiction of an action on contract for an amount exceeding \$500 shall have power, upon the filing of a motion, petition or other appropriate pleading and on reasonable notice, which shall not be less than 10 days, to such employer by the person entitled to the benefits of such provisions, to specifically require such employer to comply with such provisions, and, as an incident thereto, to compensate such person for any loss of wages or benefits suffered by reason of such employer's unlawful action. The court shall order a speedy hearing in any such case and shall advance it on the calendar. No fees or court costs shall be taxed against the person so applying for such benefits. The place of the commencement of the action or proceeding hereunder against a private employer, and the trial or hearing thereof, shall be in any county in which *the employment took place or in which* such private employer maintains a place of business, and in all other cases shall be as provided in section 261.01. No person who is appointed in the service of any *county*, city or village to fill the place of a person so entering the federal armed forces shall acquire permanent tenure during such period of replacement service.

SECTION 2. 21.70 (4) of the statutes is created to read:

21.70 (4) Any individual or employer aggrieved by the decision of the court provided in subsection (3) may appeal in accordance with the provisions of appealable orders referred to in chapter 274; and the employe need not file an appeal bond for the security for costs on said appeal.

SECTION 3. If any section or a part of any section of this act is declared to be unconstitutional the remainder of this act shall not be invalidated. All provisions of the law inconsistent with the provisions of this act are hereby repealed to the extent of such inconsistency.

Approved July 1, 1943.