

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0865/2dn
RAC:wlj&jlg:km

December 1, 1998

Representative Black:

Per your request, this version of the draft amends the definition of "U.S. armed forces" under s. 40.02 (57m) to include service in the federal public health service. Please note that there are provisions of the creditable military service program that do not refer specifically to service in the "U.S. armed forces" but instead refer to "military service". For that reason, I also created a definition of "military service" under s. 40.02 (40r) to mean service in the U.S. armed forces. With these two changes, I believe that service in the federal public health service will be treated the same under the Wisconsin retirement system (WRS) as service in the military.

I should point out, however, that there are substantive differences between this version of the draft and the first version of the draft. In the first version, I provided a funding mechanism to pay for the granting of creditable service to those participants who served in the federal public health service. The cost of granting such creditable service was to be added to the employer's unfunded prior service liability and paid for over the remainder of the 40-year amortization period that commenced in 1990 for employers in the WRS. This version of the draft provides no such funding mechanism. You may wish to speak with the department of employe funds as to how the granting of such creditable service will therefore be funded.

Also, I should point out that simply amending the definition of "U.S. armed forces" under s. 40.02 (57m) to include those participants who served in the federal public health service does not result in an entirely perfect fit under the creditable military service program. For example, one of the conditions for creditable military service under s. 40.02 (15) (a) 1. is that the "participant enlisted or was ordered or inducted into active service in the U.S. armed services." I am uncertain if someone *enlists* or is *ordered* or *inducted* into the federal public health service. Also, under s. 40.02 (15) (a) 3., the statutory requirement provides that the person must return to WRS covered employment "within 180 days of release or discharge from the armed forces". Again, I am uncertain if a person is *released* or *discharged* from the federal public health service.

Finally, because neither the phrase "U.S. armed forces" nor "military service" is used in s. 40.02 (40), I am uncertain if the definition of "leave of absence" would cover service in the federal public health service.

I hope that this information is useful. If I can be of any further assistance, please call me.

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