

2001 ASSEMBLY BILL 572

1 **AN ACT** *to create* 21.80, 106.54 (7), 111.91 (2) (gm), 230.32 (7) and 230.45 (1) (m)
2 of the statutes; **relating to:** reemployment rights after national guard or state
3 defense force service, providing an exemption from emergency rule-making
4 procedures, and granting rule-making authority.

Analysis by the Legislative Reference Bureau

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

5 **SECTION 1.** 21.80 of the statutes is created to read:

6 **21.80 Reemployment rights after national guard or state defense force**
7 **service. (1) DEFINITIONS.** In this section:

8 (a) “Active service” means active service in the national guard or the state
9 defense force under an order of the governor issued under this chapter or active
10 service in the national guard under 32 USC 502 (f) that is not considered to be service
11 in the uniformed services.

ASSEMBLY BILL 572**SECTION 1**

1 (b) “Employer” means a person engaging in any activity, enterprise, or business
2 in this state employing one or more persons on a permanent basis. “Employer”
3 includes the state and any office, department, independent agency, authority,
4 institution, association, society, or other body in state government created or
5 authorized to be created by the constitution or any law, including the legislature and
6 the courts. “Employer” also includes a successor-in-interest of a person employing
7 an individual who has provided notice to that person under sub. (3) (a).

8 (c) “Health benefit plan” has the meaning given in s. 632.745 (11).

9 (d) “Qualified” means having the ability to perform the essential tasks of an
10 employment position.

11 (e) “Reasonable efforts” means, with respect to an action required by an
12 employer under sub. (4) (a) 1., 2., 3., or 4., an action that does not place an undue
13 hardship on the employer.

14 (f) “Service in the uniformed services” has the meaning given in 38 USC 4303
15 (13).

16 (g) “Undue hardship” means, with respect to an action required by an employer
17 under sub. (4) (a) 1., 2., 3., or 4., significant difficulty or expense, when considered
18 in light of all of the following:

19 1. The nature and cost of the action.

20 2. The overall financial resources of the facility involved in providing the action,
21 the number of persons employed at the facility, the effect of providing the action on
22 the resources and finances of the facility, and any other impact of the action on the
23 operation of the facility.

ASSEMBLY BILL 572

1 3. The overall financial resources of the employer, the number of persons
2 employed by the employer, and the number, type, and location of the employer's
3 facilities.

4 4. The type of operation of the employer, including the composition, structure,
5 and functions of the employer's workforce, the geographic separateness from the
6 employer of the facility involved in providing the action, and the administrative and
7 financial relationship of the facility to the employer.

8 **(2) MORE GENEROUS RIGHTS PERMITTED.** Nothing in this section prohibits an
9 employer from providing employees who are called into active service with
10 reemployment rights and benefits that are more generous to the employee than the
11 rights and benefits provided under this section.

12 **(3) REEMPLOYMENT RIGHTS.** (a) *Prerequisites.* Subject to par. (d), any person who
13 is absent from a position of employment because of active service is entitled to the
14 reemployment rights and benefits specified in this section if all of the following apply:

15 1. Except as provided in par. (b), the person or an appropriate officer in the
16 national guard or the state defense force has given advanced notice of the active
17 service to the person's employer.

18 2. Except as provided in par. (c), the cumulative length of the absence from the
19 position of employment and of all previous absences from a position of employment
20 with the employer by reason of active service or service in the uniformed services
21 does not exceed 5 years.

22 3. Except as provided in par. (f), the person reports to the employer or submits
23 an application for reemployment to the employer as required under par. (e).

24 4. The person's service in the national guard or the state defense force has not
25 been terminated under other than honorable conditions.

ASSEMBLY BILL 572**SECTION 1**

1 (b) *Notice not required.* No notice is required under par. (a) 1. if the giving of
2 that notice is precluded by military necessity or is otherwise impossible or
3 unreasonable. A determination of military necessity for purposes of this paragraph
4 shall be made according to rules and regulations promulgated by the adjutant
5 general or the federal secretary of defense and is not subject to judicial review.

6 (c) *Length of absence limit.* The periods of service in the uniformed services
7 described in 38 USC 4312 (c) (1) to (4) and all of the following periods of active service
8 are not included in calculating the 5-year period specified in par. (a) 2.:

9 1. Any period of active service beyond that 5-year period that is required to
10 complete an initial period of obligated active service.

11 2. Any period of active service for which the person, through no fault of the
12 person's own, was unable to obtain orders releasing the person from a period of active
13 service before the expiration of the 5-year period.

14 3. Any period of active service that was performed to fulfill any additional
15 training requirements determined and certified in writing by the federal secretary
16 of the army, the federal secretary of the air force, or the adjutant general to be
17 necessary for professional development or for completion of skill training or
18 retraining.

19 4. Any period of active service that was performed by a person who was ordered
20 to, or retained in, active service, other than for training, because of a state emergency
21 declared by the governor, because of a war or national emergency declared by the
22 president of the United States or Congress, because of insurrection, rebellion, riot,
23 invasion, or resistance to the execution of the laws of this state or of the United
24 States, or in support of an operational mission, a critical mission, or any other
25 requirement of the uniformed services.

ASSEMBLY BILL 572**SECTION 1**

1 (d) *Exceptions.* An employer is not required to reemploy a person under this
2 section if the employer shows that any of the following apply:

3 1. The employer's circumstances have so changed as to make reemployment of
4 the person impossible or unreasonable.

5 2. The position of employment that the person left to perform active service was
6 for a brief, nonrecurrent period and there was no reasonable expectation that the
7 position of employment would continue indefinitely or for a significant period of time.

8 3. In the case of a person who is entitled to reemployment under sub. (4) (a) 3.
9 or 4., the accommodations, training, or effort required under sub. (4) (a) 3. or 4. would
10 pose an undue hardship on the employer.

11 (e) *Return procedures.* 1. Subject to subs. 4. and 5., if a person who has been
12 absent from a position of employment because of active service that lasted for less
13 than 31 days, who has been absent from a position of employment for any period of
14 time for the purpose of an examination to determine the person's fitness to perform
15 active service, or who has been absent from a position of employment because the
16 person was hospitalized for or was convalescing from an illness or injury that was
17 incurred in or aggravated during the performance of that active service wishes to
18 receive the reemployment rights and benefits specified in this section, the person
19 must notify the person's employer of the person's intent to return to the position of
20 employment by reporting to the employer by no later than the beginning of the first
21 full regularly-scheduled work period on the first full calendar day following the
22 completion of the active service, examination, or period of hospitalization or
23 convalescence, a period of time that allows for the safe transportation of the person
24 from the place of active service, examination, hospitalization, or convalescence to the
25 person's residence, and a rest period of 8 hours following that transportation period

ASSEMBLY BILL 572**SECTION 1**

1 or, if through no fault of the person's own reporting to the employer within that time
2 is impossible or unreasonable, by reporting to the employer as soon as possible after
3 that 8-hour rest period.

4 2. Subject to subds. 4. and 5., if a person who has been absent from a position
5 of employment because of active service that lasted for more than 30 days, but less
6 than 181 days, or who has been absent from a position of employment because the
7 person was hospitalized for or was convalescing from an illness or injury that was
8 incurred in or aggravated during the performance of that active service wishes to
9 receive the reemployment rights and benefits specified in this section, the person
10 must notify the person's employer of the person's intent to return to the position of
11 employment by submitting to the employer an application for reemployment by no
12 later than 14 days after the completion of the active service, hospitalization, or
13 convalescence or, if through no fault of the person's own submitting the application
14 within that time is impossible or unreasonable, by submitting to the employer an
15 application for reemployment by no later than the first full calendar day on which
16 submission of the application becomes possible.

17 3. Subject to subds. 4. and 5., if a person who has been absent from a position
18 of employment because of active service that lasted for more than 180 days or who
19 has been absent from a position of employment because the person was hospitalized
20 for or was convalescing from an illness or injury that was incurred in or aggravated
21 during the performance of that active service wishes to receive the reemployment
22 rights and benefits specified in this section, the person must notify the person's
23 employer of the person's intent to return to the position of employment by submitting
24 to the employer an application for reemployment by no later than 90 days after the
25 completion of the active service, hospitalization, or convalescence or, if through no

ASSEMBLY BILL 572

1 fault of the person's own submitting the application within that time is impossible
2 or unreasonable, by submitting to the employer an application for reemployment by
3 no later than the first full calendar day on which submission of the application
4 becomes possible.

5 4. The period of hospitalization or convalescence specified in subds. 1., 2., and
6 3. may not exceed 2 years, except that if through no fault of the person's own it is
7 impossible or unreasonable for the person to report to the employer within the time
8 specified in subd. 1. or to apply for reemployment within the time specified in subd.
9 2. or 3., that 2-year period shall be extended by the minimum period of time required
10 to accommodate the circumstances that made it impossible or unreasonable for the
11 person to report or apply as so required.

12 5. A person who fails to report to the person's employer within the time specified
13 in subd. 1. or who fails to apply for reemployment within the time specified in subd.
14 2. or 3. does not automatically forfeit the reemployment rights and benefits specified
15 in this section. Instead, the person shall be subject to the rules, policies, and
16 practices of the person's employer pertaining to discipline for unexcused absences
17 from work.

18 (f) *Documentation.* 1. A person who submits an application for reemployment
19 under par. (e) 2. or 3. must, on the request of the person's employer, provide to the
20 employer documentation to establish that the application was submitted within the
21 time limits specified in par. (e) 2. or 3., that the person's cumulative length of all
22 absences from employment with the employer because of active service or service in
23 the uniformed services does not, except as permitted under par. (c), exceed 5 years,
24 and that the person's service was not terminated under other than honorable
25 conditions.

ASSEMBLY BILL 572**SECTION 1**

1 2. An employer may not refuse to reemploy a person who fails to provide any
2 of the documentation specified in subd. 1. because that documentation does not exist
3 or is not readily available at the time the employer requests that documentation. If
4 after the person is reemployed documentation becomes available that establishes
5 that the person does not meet a requirement specified in subd. 1., the employer may
6 terminate the person's employment and the provision of any rights and benefits
7 afforded to the person under this section.

8 3. An employer may not delay or attempt to defeat a reemployment right that
9 the employer is obligated to provide under this section by demanding documentation
10 that does not exist or is not readily available at the time of the demand.

11 (g) *Veterans preferences.* The right of a person to reemployment under this
12 subsection does not entitle the person to retention, preference, or displacement
13 rights over any person who has a superior claim under s. 45.35 (4), 62.13 (4) (d), 63.08
14 (1) (f), 63.37, 63.39 (2m), 66.0509 (1), 230.15 (2m), 230.16 (7) or (7m), 230.21 (1m),
15 230.25, or 230.275.

16 (h) *Prohibited bases for denial of reemployment.* In determining a person's
17 right to reemployment and other benefits under this section, an employer may not
18 deny reemployment or any other benefits based on the timing, frequency, duration,
19 or nature of the person's active service or service in the uniformed services so long
20 as the requirements under par. (a) are met.

21 **(4) REEMPLOYMENT POSITIONS.** (a) *Prompt reemployment required.* 1. Subject
22 to subds. 3. and 4. and par. (b), an employer shall reemploy a person who is entitled
23 to reemployment under sub. (3) and whose period of active service was for less than
24 91 days promptly on completion of that period of active service in the position of
25 employment in which the person would have been employed if the continuous

ASSEMBLY BILL 572

1 employment of the person with the employer had not been interrupted by that active
2 service so long as the person is qualified to perform the duties of that position or, if
3 after reasonable efforts by the employer to qualify the person to perform those duties
4 the person is not qualified to perform those duties, in the position of employment in
5 which the person was employed on the date on which the person's period of active
6 service began.

7 2. Subject to subds. 3. and 4. and par. (b), an employer shall reemploy a person
8 who is entitled to reemployment under sub. (3) and whose period of active service was
9 for more than 90 days promptly on completion of that period of active service in the
10 position of employment in which the person would have been employed if the
11 continuous employment of the person with the employer had not been interrupted
12 by that active service or in a position of employment of like seniority, status, and pay
13 so long as the person is qualified to perform the duties of that position or, if after
14 reasonable efforts by the employer to qualify the person to perform those duties the
15 person is not qualified to perform those duties, in the position of employment in
16 which the person was employed on the date on which the person's period of active
17 service began or in a position of employment of like seniority, status, and pay.

18 3. Subject to par. (b), in the case of a person who has a disability that was
19 incurred in or aggravated during a period of active service and who, after reasonable
20 efforts by the employer to accommodate the disability, is not qualified due to the
21 disability to perform the duties of the position of employment in which the person
22 would have been employed if the continuous employment of the person with the
23 employer had not been interrupted by the active service, the employer shall reemploy
24 the person promptly on completion of that period of active service in any other
25 position that is equivalent to that position in seniority, status, and pay, the duties of

ASSEMBLY BILL 572**SECTION 1**

1 which the person is qualified to perform or would become qualified to perform with
2 reasonable efforts by the employer, or, if there is no other position of employment
3 available that is equivalent to that position in seniority, status, and pay, in a position
4 that is the nearest approximation to that equivalent position in terms of seniority,
5 status, and pay, consistent with the person's circumstances.

6 4. Subject to par. (b), in the case of a person who is not qualified to be employed
7 in the position of employment in which the person would have been employed if the
8 continuous employment of the person with the employer had not been interrupted
9 by the person's active service or in the position of employment in which the person
10 was employed on the date on which the person's period of active service began for any
11 reason other than disability incurred in or aggravated during a period of active
12 service and who cannot become qualified to be so employed with reasonable efforts
13 by the employer, the employer shall reemploy the person promptly on completion of
14 that period of active service in any other position that the person is qualified to
15 perform and that is the nearest approximation to the position of employment in
16 which the person would have been employed if the continuous employment of the
17 person with the employer had not been interrupted by that active service, with full
18 seniority, or if no position of employment that is the nearest approximation to that
19 position is available, in a position of employment that the person is qualified to
20 perform and that is the nearest approximation to the position of employment in
21 which the person was employed on the date on which the person's period of active
22 service began, with full seniority.

23 (b) *Multiple returning employees.* 1. If 2 or more persons who are entitled to
24 reemployment under sub. (3) in the same position of employment have reported to

ASSEMBLY BILL 572

1 the employer or applied for reemployment in that position, the person who left
2 employment first shall have the prior right to reemployment in that position.

3 2. A person who is entitled to reemployment under sub. (3), but who is not
4 reemployed because of subd. 1., shall be entitled to reemployment as provided in par.
5 (a) 1., 2., 3., or 4., whichever is applicable, in a position of employment that provides
6 for similar status and pay as the position described in subd. 1., consistent with the
7 person's circumstances, with full seniority.

8 **(5) RIGHTS, BENEFITS, AND OBLIGATIONS.** (a) *Seniority.* A person who is
9 reemployed under this section is entitled to the seniority and other rights and
10 benefits determined by seniority that the person had on the last day of employment
11 before the person's active service began, plus all seniority and other rights and
12 benefits determined by seniority that the person would have had if the continuous
13 employment of the person with the employer had not been interrupted by that active
14 service.

15 (b) *Continuation of benefits.* 1. Subject to subds. 2. to 5., a person who is absent
16 from employment because of active service is considered to be on furlough or leave
17 of absence while performing the active service and is entitled to receive all rights and
18 benefits not determined by seniority that are generally provided by the employer to
19 employees having similar seniority, status, and pay who are on furlough or leave of
20 absence under a contract, agreement, policy, practice, or plan that is in effect on the
21 day on which the active service began or that is established while the person is
22 performing the active service.

23 2. If an employer shows that a person who is absent from a position of
24 employment because of active service has knowingly provided written notice of the
25 person's intent not to return to a position of employment with the employer after that

ASSEMBLY BILL 572**SECTION 1**

1 active service and, in doing so, was aware of the specific rights and benefits under
2 subd. 1. that the person would lose while absent from the position of employment,
3 the person is not entitled to the rights and benefits specified in subd. 1. while absent
4 from employment.

5 3. A person who is considered to be on furlough or leave of absence under subd.
6 1. while performing active service is not entitled to any benefit to which the person
7 would not otherwise be entitled if the person had remained continuously employed.

8 4. An employer may require a person who is considered to be on furlough or
9 leave of absence under subd. 1. while performing active service to pay the employee
10 cost, if any, of any benefit that is continued under subd. 1. to the same extent that
11 other employees who are on furlough or leave of absence are so required.

12 5. A person who is absent from a position of employment because of active
13 service is entitled to receive coverage under a health benefit plan during the absence
14 and on reemployment as provided in sub. (6).

15 (c) *Protection from discharge.* An employer that reemploys under this section
16 a person whose period of active service lasted for more than 30 days, but less than
17 181 days, may not discharge the person within 180 days after the date of
18 reemployment except for cause. An employer that reemploys under this section a
19 person whose period of active service lasted for more than 180 days may not
20 discharge the person within one year after the date of reemployment except for
21 cause.

22 **(6) CONTINUATION OF HEALTH CARE COVERAGE.** (a) *Option to continue coverage.*
23 Notwithstanding s. 632.897, if a person who has coverage under a health benefit plan
24 in connection with the person's employment is absent from a position of employment
25 because of active service, the insurer that issued the health benefit plan shall permit

ASSEMBLY BILL 572

1 the person, and the person's dependents, to continue coverage under the health
2 benefit plan until the first to occur of the following:

3 1. Eighteen months have elapsed since the person's absence from the position
4 of employment began.

5 2. The day after the date on which the person is required under sub. (3) (e) to
6 report to the employer or apply for reemployment.

7 (b) *Payment of premiums.* A person who elects to continue coverage under par.
8 (a) and who is absent from a position of employment for 30 days or less may not be
9 required to pay more than the employee share, if any, of the cost of the coverage. A
10 person who elects to continue coverage under par. (a) and who is absent from a
11 position of employment for more than 30 days may be required to pay up to 102% of
12 the full premium for that coverage for the period of continued coverage that exceeds
13 30 days.

14 (c) *Reinstatement on reemployment.* If a person's coverage under a health
15 benefit plan in connection with his or her employment was terminated because of the
16 person's active service and if after returning from that active service the person is
17 reemployed under sub. (3), coverage under the health benefit plan shall be reinstated
18 for the person and the person's dependents immediately upon reemployment. With
19 respect to the reinstated coverage, no exclusion or waiting period may be imposed
20 that would not have been imposed had the coverage not been terminated because of
21 the active service.

22 (7) ENFORCEMENT. (a) *Complaint.* Any person who believes that his or her
23 employer has failed or refused, or is about to fail or refuse, to provide to the person
24 any reemployment right or benefit to which the person is entitled under this section
25 may file a complaint with the adjutant general, in such form as the adjutant general

ASSEMBLY BILL 572**SECTION 1**

1 may prescribe by rule, summarizing the allegations that form the basis of the
2 complaint. The adjutant general shall investigate the complaint and, if the adjutant
3 general is reasonably satisfied that the person is entitled to the rights or benefits
4 sought, the adjutant general shall endeavor to resolve the complaint by conference,
5 conciliation, or persuasion. If the adjutant general is not reasonably satisfied that
6 the person is entitled to the rights or benefits sought, the adjutant general may
7 refuse to endeavor to resolve the complaint and shall notify the person who filed the
8 complaint that the person may proceed under par. (b) 2. to enforce the person's rights
9 under this section. If the adjutant general is not able to resolve the complaint, the
10 adjutant general shall notify the person who filed the complaint that the person may
11 proceed under par. (b) 1. or 2. to enforce the person's rights under this section.

12 (b) *Enforcement procedures.* 1. A person who receives notification under par.
13 (a) that the adjutant general was unable to resolve the person's complaint may
14 request the adjutant general to refer the complaint to counsel, which may include the
15 attorney general, appointed by the governor on the recommendation of the adjutant
16 general for the purpose of prosecuting complaints under this subdivision who shall
17 file a complaint for appropriate relief with the department of workforce development
18 or, if the person is an employee of a state agency, as defined in s. 111.32 (6) (a), the
19 personnel commission.

20 2. Subdivision 1. does not preclude a person who has chosen not to file a
21 complaint with the adjutant general under par. (a), whose complaint the adjutant
22 general has refused to endeavor to resolve under par. (a), or who has chosen not to
23 request the adjutant general to refer his or her complaint to counsel under subd. 1.
24 from filing a complaint for appropriate relief with the department of workforce

ASSEMBLY BILL 572

1 development or, if the person is an employee of a state agency, with the personnel
2 commission.

3 3. The department of workforce development or the personnel commission shall
4 process a complaint filed under subd. 1. or 2. in the same manner that employment
5 discrimination complaints are processed under s. 111.39.

6 (c) *Retaliation prohibited.* An employer may not discharge or otherwise
7 discriminate against any person for filing a complaint or attempting to enforce a
8 right provided under this section or for testifying or assisting in any action or
9 proceeding to enforce a right provided under this section.

10 (d) *Remedies.* If the department of workforce development or the personnel
11 commission finds that an employer has failed or refused, or is about to fail or refuse,
12 to provide any reemployment right or benefit to which a person is entitled under this
13 section or has discharged or otherwise discriminated against any person in violation
14 of par. (c), the department of workforce development or the personnel commission
15 may order the employer to do any one or more of the following:

16 1. Take such action as will fully vindicate the rights and benefits of the person
17 under this section.

18 2. Compensate the person for any loss of wages, salary, or other benefits
19 suffered because of the failure or refusal to provide reemployment rights or benefits
20 under this section or the discharge or other discrimination.

21 3. Pay the person, as liquidated damages, an amount that is equal to the
22 amount ordered under subd. 2. if the department of workforce development or the
23 personnel commission finds that the failure or refusal to provide reemployment
24 rights or benefits under this section or the discharge or other discrimination was
25 willful.

ASSEMBLY BILL 572**SECTION 1**

1 4. Pay the person costs and reasonable actual attorney fees, if the person is not
2 represented by counsel appointed under par. (b) 1.

3 **(8) RULES.** The department of military affairs shall promulgate rules
4 implementing this section.

5 **SECTION 2.** 106.54 (7) of the statutes is created to read:

6 106.54 (7) The division shall receive complaints under s. 21.80 (7) (b) 1. or 2.
7 and shall process the complaints in the same manner that employment
8 discrimination complaints are processed under s. 111.39.

9 **SECTION 3.** 111.91 (2) (gm) of the statutes is created to read:

10 111.91 (2) (gm) Reemployment rights of employees under s. 230.32 (7).

11 **SECTION 4.** 230.32 (7) of the statutes is created to read:

12 230.32 (7) Any employee who is absent from state service because the employee
13 is in active service, as defined in s. 21.80 (1) (a), is entitled to all reemployment rights
14 and benefits provided under s. 21.80.

15 **SECTION 5.** 230.45 (1) (m) of the statutes is created to read:

16 230.45 (1) (m) Receive complaints under s. 21.80 (7) (b) 1. or 2. and, except as
17 provided in sub. (1m), process the complaints in the same manner that employment
18 discrimination complaints are processed under s. 111.39.

19 **SECTION 6. Nonstatutory provisions.**

20 (1) **EMERGENCY RULES.** Using the procedure under section 227.24 of the statutes,
21 the department of military affairs shall promulgate the rules required under section
22 21.80 (8) of the statutes, as created by this act, for the period before the effective date
23 of the permanent rules promulgated under section 21.80 (8) of the statutes, as
24 created by this act, but not to exceed the period authorized under section 227.24 (1)
25 (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of

ASSEMBLY BILL 572

1 the statutes, the department of military affairs is not required to provide evidence
2 that promulgating a rule under this subsection as an emergency rule is necessary for
3 the preservation of the public peace, health, safety, or welfare and is not required to
4 provide a finding of emergency for a rule promulgated under this subsection.

5 (2) TRANSITIONAL PROVISIONS; PERSONS IN ACTIVE SERVICE ON EFFECTIVE DATE.

6 (a) *Reemployment.* A person who is performing active service, as defined in
7 section 21.80 (1) (a) of the statutes, as created by this act, on the effective date of this
8 paragraph is entitled to the reemployment rights and benefits provided in section
9 21.80 of the statutes, as created by this act, if, subject to section 21.80 (3) (d) of the
10 statutes, as created by this act, all of the following apply:

11 1. The person or an appropriate officer in the national guard or the state
12 defense force has given advanced notice of the active service to the person's employer,
13 unless the giving of that notice was precluded by military necessity or was otherwise
14 impossible or unreasonable as described in section 21.80 (3) (b) of the statutes, as
15 created by this act.

16 2. The cumulative length of all absences from a position of employment with
17 the employer by reason of active service or service in the uniformed services, as
18 defined in 38 USC 4303 (13), whether before or after the effective date of this
19 subdivision, does not exceed 5 years, except as provided in section 21.80 (3) (c) of the
20 statutes, as created by this act.

21 3. The person reports to the employer as required under section 21.80 (3) (e)
22 1. of the statutes, as created by this act, or applies for reemployment under section
23 21.80 (3) (e) 2. or 3. of the statutes, as created by this act, whichever is applicable, on
24 or after the effective date of this subdivision.

