

2003 SENATE BILL 164

May 14, 2003 – Introduced by Senators CHVALA, HANSEN, DECKER and ROBSON, cosponsored by Representatives BOYLE, SUDER, CULLEN, SINICKI, J. LEHMAN, BERCEAU, BALOW and BIES. Referred to Committee on Homeland Security, Veterans and Military Affairs and Government Reform.

1 **AN ACT** *to amend* 45.50 (1) (a) (intro.); and *to create* 45.505 of the statutes;
2 **relating to:** health insurance and vacation benefits for national guard
3 members or reservists called into active service.

Analysis by the Legislative Reference Bureau

Under current law, a person who enlists or who is ordered into active service in the U.S. armed forces and leaves a permanent position in the employ of a political subdivision of the state or of a private employer as a result of that enlistment or order has the right to be restored to his or her position after the active service ends. The restoration includes, under current law, the right to a position of like seniority, status, pay, and salary advancement as if there had been no interruption in the person's employment. This bill adds accrued vacation to the benefits that must be restored as if the person had not interrupted his or her employment.

In addition, this bill provides that, if a member of the Wisconsin national guard or a member of a reserve unit of the U.S. armed forces who has health benefit coverage from a political subdivision of the state or from a private employer is called into active service, the insurer is required to allow the service member to continue coverage under the health benefit plan. The bill limits the insurer's responsibility to allow the continued coverage to the earliest of 36 months after the service member's absence from employment began, the day after the date on which he or she is required to apply for reemployment after the active service ends, or the day after he or she notifies the insurer that he or she has elected to discontinue the health benefit coverage.

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For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 45.50 (1) (a) (intro.) of the statutes is amended to read:

2 45.50 **(1)** (a) (intro.) Any person who has enlisted or enlists in or who has been
3 or is inducted or ordered into active service in the U.S. armed forces pursuant to the
4 selective training and service act of 1940 or the national guard and reserve officers
5 mobilization act of 1940, the selective service act of 1948 and any acts amendatory
6 thereof or supplementary thereto or P.L. 87-117, and any person whose services are
7 requested by the federal government for national defense work as a civilian during
8 a period officially proclaimed to be a national emergency or a limited national
9 emergency, who, in order to perform the training or service, has left or leaves a
10 position, other than a temporary position, in the employ of any political subdivision
11 of the state or in the employ of any private or other employer, shall be restored to such
12 position or to a position of like seniority, status, accrued vacation, pay, and salary
13 advancement as though service toward seniority, status, accrued vacation, pay, or
14 salary advancement had not been interrupted by the absence; if:

15 **SECTION 2.** 45.505 of the statutes is created to read:

16 **45.505 Continuation of health care coverage. (1)** In this section, “service
17 member” means a member of a reserve unit of the U.S. armed services or a member
18 of the Wisconsin national guard.

19 **(2)** (a) Notwithstanding s. 632.897, if a service member who has coverage under
20 a health benefit plan in connection with the service member’s employment by any
21 political subdivision of the state or by any private employer is absent from a position

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1 of employment because he or she was called into active service in the U.S. armed
2 forces, other than for training purposes, the insurer that issued the health benefit
3 plan shall permit the service member, and the service member's dependents, to elect
4 to continue coverage under the health benefit plan until the first to occur of the
5 following:

6 1. Thirty-six months have elapsed since the service member's absence from the
7 position of employment began.

8 2. The day after the date on which the service member is required under s. 45.50
9 (1) (a) 3. to apply for reemployment and resume work.

10 3. The day after the date on which the service member notifies the insurer that
11 issued the health benefit plan that he or she has elected to discontinue coverage.

12 (b) A service member who elects to continue coverage under par. (a) may not
13 be required to pay more than the employee share, if any, of the cost of the coverage.

14 (END)