

2003 DRAFTING REQUEST

Bill

Received: **03/12/2003**

Received By: **rnelson2**

Wanted: **As time permits**

Identical to LRB:

For: **Charles Chvala (608) 266-9170**

By/Representing: **Maribeth**

This file may be shown to any legislator: **NO**

Drafter: **rnelson2**

May Contact:

Addl. Drafters: **pkahler**

Subject: **Veterans - veterans benefits
Insurance - health**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Chvala@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Continuation of private insurance and vacation for reservists

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							Local
/P1	rnelson2 03/31/2003	jdyer 04/02/2003	pgreensl 04/02/2003		amentkow 04/02/2003		Local
		jdyer 04/02/2003					

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	rnelson2 04/07/2003	jdye 04/08/2003	jfrantze 04/09/2003	_____	sbasford 04/09/2003	lemery 04/17/2003	
		jdye 04/09/2003		_____			

FE Sent For: *At intro*

<END>

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		jdyer 04/02/2003 <i>1 4/8 jcd</i>	<i>204/9</i>	<i>Self</i> <i>4/9</i>			

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<END>

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Insurance - health

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Pre Topic:

No specific pre topic given

Topic:


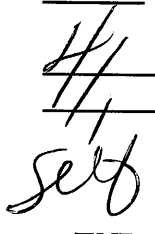
Continuation of private insurance and vacation for reservists

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/?	rnelson2						
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FE Sent For:

<END>

CHUALA

See 45.50
45.53
21.80

Maribeth

- Milwaukee Journal Sentinel
and off

- Recent calls are called up continue

to have health insurance panel & health ins paid

Vacation time accrues

vacation time accrues

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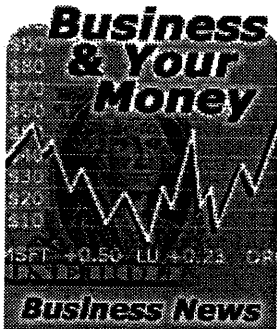
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On duty, but often without benefits

Firms' support of reservists mixed

By JOEL DRESANG
jdresang@journalsentinel.com

Last Updated: March 10, 2003

With more than 175,000 American military reservists already on active duty and thousands more called up each week, a new survey shows mixed support from employers - beyond the requirement that they grant leaves for workers who are deployed.

In Wisconsin, where about 3,800 men and women have been activated so far, 71% of employers say they offer no pay to white-collar employees away on military duty.

The survey, by MRA-The Management Association Inc., also shows that 42% of companies discontinue health insurance premiums for supervisors, managers and professional employees on active duty; 47% suspend accrual of vacation benefits to those workers.

Generally, the larger the employer, the more likely it will extend benefits to workers in the military.

"The survey results reflect the reality that employers are not required by law to offer full or supplemental pay to any employee called up for active military service," said Jane Berg, director of employee relations services at MRA, a non-profit employers

Survey

Of 525 Wisconsin companies surveyed:

42% don't continue paying health insurance premiums of supervisors, managers and professional employees on active military duty

47% suspend accrual of vacation benefits

71% don't pay supplements to military income for white-collar employees

Employer responsibilities to employees called up to military duty:

- Grant leave of absence
- Reinstate employee upon return (with training, if

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association based in Pewaukee.

needed) with no loss of status, seniority or benefits

"As the probability for a military action in Iraq increases, it is important for organizations to understand employees' rights and job protections, and to have in place appropriate policies to address them," she said.

Sources: MRA-The Management Association Inc., Employer Support of the Guard and Reserve

Jim Rebholz, who heads up employer outreach in Wisconsin for the federal group Employer Support of the Guard and Reserve, or ESGR, said employer interest in doing more for duty-bound employees surged after the terrorist attacks.

"Right after September 11, there was a rush of patriotism, and we had a lot of employers stepping up to the plate," said Rebholz, who runs an insurance agency in Brookfield. But since then, good intentions have been dampened by the harsh economy and the uncertainty of how many - and how long - reservists will be deployed.

"I haven't seen a reduction (in employer generosity)," Rebholz said, "but the increase hasn't been as much as we had hoped."

The military pay for reservists on active duty varies widely and sometimes even exceeds their civilian pay, Berg said. According to the survey, 22% of Wisconsin companies supplement employees' military pay so their incomes don't suffer.

A growing concern is for family health benefits, Rebholz said. Those on active duty are covered by the military, and their families are eligible for the federal TRICARE plan, which includes limited providers and fewer facilities. The survey says 26% of Wisconsin employers continue insurance premiums up to one month after an employee is called up, 14% offered up to six months, 9% up to 12 months, 8% up to 18 months.

Families also are eligible to continue the policies by picking up the employer's share of the premium. Rebholz said that can run from \$500 to \$800 a month.

"It's basically up to the companies to determine what they're going to do to support those military members who are mobilized," said Lt. Col. Kevin Greenwood, executive director of Wisconsin's ESGR in Madison.

A national survey by the Employers' Association Group found results similar to those in Wisconsin. One exception was that Wisconsin employers were more likely to let vacation benefits continue to accrue for employees on military leave (53%) than were their counterparts nationwide (45%).

MRA has scheduled a training seminar March 18 for employers to learn more about employees' rights during military leaves. For more information, call (800) 488-4845.

On the Web, go to www.esgr.org

A version of this story appeared in the Milwaukee Journal Sentinel on March 11, 2003.

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State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-2287/P1

RPN: ^:....

D - Note

Jld

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Gen

1 AN ACT ...; relating to: health insurance and vacation benefits for national guard
2 members or reservists called into active service.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version.
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:

3 SECTION 1. 45.50 (1) (a) (intro.)[✓] of the statutes is amended to read:
4 45.50 (1) (a) (intro.) Any person who has enlisted or enlists in or who has been
5 or is inducted or ordered into active service in the U.S. armed forces pursuant to the
6 ~~selective training and service act of 1940 or the national guard and reserve officers~~
7 ~~mobilization act of 1940, the selective service act of 1948 and any acts amendatory~~
8 ~~thereof or supplementary thereto or P.L. 87-117, and any person whose services are~~
9 requested by the federal government for national defense work as a civilian during

1 a period officially proclaimed to be a national emergency or a limited national
 2 emergency, who, in order to perform the training or service, has left or leaves a
 3 position, other than a temporary position, in the employ of any political subdivision
 4 of the state or in the employ of any private or other employer, shall be restored to such
 5 position or to a position of like seniority, status, accrued vacation, pay, and salary
 6 advancement as though service toward seniority, status, accrued vacation, pay, or
 7 salary advancement had not been interrupted by the absence; if:

History: 1971 c. 270 s. 104; Sup. Ct. Order, 67 Wis. 2d 585, 773 (1975); 1977 c. 187 s. 135; 1977 c. 196 s. 131; 1981 c. 96; 1989 a. 56; 1993 a. 246; 1995 a. 27 s. 9130 (4); 1997 a. 3.

8 SECTION 2. 45.505[✓] of the statutes is created to read:

9 **45.505 Continuation of health care coverage.** (1) In this [✓]section, “service
 10 member” means a member of a reserve unit of the U.S. [✓]armed services or a member
 11 of the Wisconsin national guard. [✓]

12 (2) ^(a) [✓]Notwithstanding s. 632.897, if a service member who has coverage under
 13 a health benefit plan in connection with the service member’s employment by any
 14 political subdivision of the state or by any private ~~or other~~ employer is absent from
 15 a position of employment because he or she was called into active service in the U.S.
 16 armed forces, the insurer that issued the health benefit plan [✓]shall permit the service
 17 member, and the service member’s dependents, to elect to continue coverage under
 18 the health benefit plan until the first to occur of the following:

19 1. Eighteen months [✓]have elapsed since the service member’s absence from the
 20 position of employment began.

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

23 3. The day after the date on which the service member notifies the insurer that
 24 issued the health benefit plan [✓]that he or she has elected to discontinue coverage.

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

History: 1971 c. 270 s. 104; Sup. Ct. Order, 67 Wis. 2d 585, 773 (1975); 1977 c. 187 s. 135; 1977 c. 196 s. 131; 1981 c. 96; 1989 a. 56; 1993 a. 246; 1995 a. 27 s. 9130 (4); 1997 a. 3.

3

(END)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2287/P1dn

RPN:*

JLD

Please review this draft carefully to ensure that it is consistent with your intent.

Robert P. Nelson
Senior Legislative Attorney
Phone: (608) 267-7511
E-mail: robert.nelson@legis.state.wi.us

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2287/P1dn
RPN:jld:pg

April 2, 2003

Please review this draft carefully to ensure that it is consistent with your intent.

Robert P. Nelson
Senior Legislative Attorney
Phone: (608) 267-7511
E-mail: robert.nelson@legis.state.wi.us

Nelson, Robert P.

From: Witzel-Behl, Maribeth
Sent: Friday, April 04, 2003 2:39 PM
To: Nelson, Robert P.
Subject: LRB 2287/P1

Robert -

In LRB 2287/P1, Senator Chvala would like to change "eighteen months" in line 20 of page 2 to "thirty-six months." Everything else looks fine.

Thank you!

- Maribeth
Senator Chvala's Office



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-2287/1
RPN:jld:pg

OTHER

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Regen

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

Insert an C

This is a preliminary draft. An analysis will be provided in a later version.
For further information see the *local* fiscal estimate, which will be printed as
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The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

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7 selective training and service act of 1940 or the national guard and reserve officers
8 mobilization act of 1940, the selective service act of 1948 and any acts amendatory
9 thereof or supplementary thereto or P.L. 87-117, and any person whose services are

1 requested by the federal government for national defense work as a civilian during
2 a period officially proclaimed to be a national emergency or a limited national
3 emergency, who, in order to perform the training or service, has left or leaves a
4 position, other than a temporary position, in the employ of any political subdivision
5 of the state or in the employ of any private or other employer, shall be restored to such
6 position or to a position of like seniority, status, accrued vacation, pay, and salary
7 advancement as though service toward seniority, status, accrued vacation, pay, or
8 salary advancement had not been interrupted by the absence; if:

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

10 **45.505 Continuation of health care coverage.** (1) In this section, “service
11 member” means a member of a reserve unit of the U.S. armed services or a member
12 of the Wisconsin national guard.

13 (2) (a) Notwithstanding s. 632.897, if a service member who has coverage under
14 a health benefit plan in connection with the service member’s employment by any
15 political subdivision of the state or by any private employer is absent from a position
16 of employment because he or she was called into active service in the U.S. armed
17 forces, ^{other than for training purposes, ✓} the insurer that issued the health benefit plan shall permit the service
18 member, and the service member’s dependents, to elect to continue coverage under
19 the health benefit plan until the first to occur of the following:

20 1. ^{Thirty-six} ~~Eighteen~~ months have elapsed since the service member’s absence from the
21 position of employment began.

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

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

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

3 (END)

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2287/lins
RPN:jld:pg

insert anl:

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 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.

's

on which

Nelson, Robert P.

From: Witzel-Behl, Maribeth
Sent: Thursday, April 17, 2003 9:25 AM
To: Nelson, Robert P.
Subject: LRB 2287/1

Please jacket LRB 2287/1 (health insurance vacation benefits for national guard members or reservists called into active service). Thank you!

- Maribeth
Senator Chvala's Office