

**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 2003 ASSEMBLY BILL 418**

**AN ACT** *to amend* 230.32 (1) (intro.); and *to create* 230.315 of the statutes;  
**relating to:** differential pay and accumulation of sick leave and annual leave  
for state employees activated into service in the U.S. armed forces or the U.S.  
public health service.

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

1           **SECTION 1.** 230.315 of the statutes is created to read:  
2           **230.315 Differential pay, sick leave, and annual leave for state**  
3           **employees activated into certain federal service. (1)** Subject to sub. (3), a state  
4           employee who is activated to serve on military duty in the U.S. armed forces shall  
5           be paid his or her state salary, less any military pay and housing allowances that he  
6           or she receives, during the period in which the employee is on military duty in the  
7           U.S. armed forces, unless the military pay and housing allowances equal or exceed

1 his or her state salary, and shall accumulate sick leave and paid annual leave of  
2 absence as though no interruption in service has occurred if all of the following apply:

3 (a) On or after January 1, 2003, the employee is activated to serve, or is serving,  
4 on military duty in the U.S. armed forces, other than for training purposes.

5 (b) On the date on which he or she is activated, the employee is either a member  
6 of the Wisconsin national guard or a member of a reserve component of the U.S.  
7 armed forces or is recalled to active military duty from inactive reserve status.

8 (c) The employee has received a military leave of absence under s. 230.32 (3)  
9 (a) or 230.35 (3), under a collective bargaining agreement under subch. V of ch. 111,  
10 or under rules promulgated by the office of employment relations or is eligible for  
11 reemployment with the state under s. 45.50 after completion of his or her service in  
12 the U.S. armed forces.

13 **(2)** Subject to sub. (3), on or after January 1, 2003, a state employee who is  
14 required to serve, or who is serving, in the U.S. public health service and who is on  
15 detail with any of the U.S. armed forces shall be paid his or her state salary, less any  
16 federal pay and housing allowances that he or she receives, during the period in  
17 which the employee is detailed for duty with any of the U.S. armed forces, unless the  
18 federal pay and housing allowances equal or exceed his or her state salary, and shall  
19 accumulate sick leave and paid annual leave of absence as though no interruption  
20 in service has occurred.

21 **(3)** (a) Except as provided in par. (b), beginning on the day in which a state  
22 employee is activated to serve on military duty in the U.S. armed forces or to serve  
23 in the U.S. public health service, the employee shall receive the pay and benefits  
24 authorized under sub. (1) or (2) for a period of not more than 179 days. If a state  
25 employee is eligible to receive pay and benefits for military service under s. 230.35

1 (3) (a) or a collective bargaining agreement under subch. V of ch. 111, the state  
2 employee shall become eligible to receive the pay and benefits authorized under sub.  
3 (1) or (2) only after receiving the pay and benefits for military service under s. 230.35  
4 (3) (a) or a collective bargaining agreement under subch. V of ch. 111.

5 (b) The governor, by executive order, may extend the period that an employee  
6 receives the pay and benefits under par. (a) up to a period of 2 years from the date  
7 on which the person is activated to serve on military duty in the U.S. armed forces  
8 or to serve in the U.S. public health service. Any extension granted by the governor  
9 under this paragraph may apply to an individual employee or to a group of  
10 employees, as determined by the governor.

11 (c) No employee who is eligible to receive the pay and benefits under sub. (1)  
12 or (2) may receive the pay or benefits for any service in the U.S. armed forces or the  
13 U.S. public health service for any such service before January 1, 2003.

14 (4) An appointing authority shall permit a state employee who is eligible to  
15 receive the pay and benefits authorized under sub. (1) or (2) and who has completed  
16 his or her duty with the U.S. armed forces or the U.S. public health service to use up  
17 to 160 hours of accumulated paid leave before the employee resumes employment  
18 with the state. Any accumulated paid leave that is used under this subsection must  
19 be used no later than 30 days after the employee has completed his or her duty with  
20 the U.S. armed forces or the U.S. public health service. If, after using any such  
21 accumulated paid leave, an employee has any accumulated paid leave remaining  
22 that was accumulated while on duty with the U.S. armed forces or the U.S. public  
23 health service, the appointing authority shall permit the employe to carry over the  
24 leave into the next year for use in that year.

25 **SECTION 2.** 230.32 (1) (intro.) of the statutes is amended to read:

1           230.32 (1) (intro.) Any classified employee of this state, except a limited term  
2 employee, who enlists, is ordered or is inducted into active service in the armed forces  
3 of the United States or who is requested to work for the federal government during  
4 a national emergency or a limited national emergency, shall be restored to the same  
5 or similar position in the classified service and his or her employment shall be  
6 deemed not to have been interrupted by such leave except for the receipt of pay or  
7 other compensation, and accumulation of sick leave and accumulation of vacation for  
8 the period of such absence, unless the employee qualifies to receive pay and benefits  
9 under s. 230.315, and the employee shall be given all the other benefits of seniority,  
10 status, pay, pay advancement, performance awards and pension rights under ch. 40  
11 as though the state employment was continuous, if:

12           **SECTION 3. Nonstatutory provisions.**

13           (1) COVERAGE.

14           (a) Except as provided in paragraph (b) and notwithstanding sections 111.84  
15 (1) and (2), 111.91 (1) and (2), and 111.93 (3) of the statutes, section 230.315 of the  
16 statutes, as created by this act, applies to state employees and the state before July  
17 1, 2005, regardless of whether the employees are nonrepresented or represented by  
18 a labor organization, as defined in section 111.81 (12) of the statutes.

19           (b) Beginning on July 1, 2003, for any state employee represented by a labor  
20 organization, as defined in section 111.81 (12) of the statutes, section 230.315 of the  
21 statutes, as created by this act, applies until the day before the effective date of any  
22 act ratifying the collective bargaining agreement for the 2003–05 fiscal biennium  
23 that covers that employee. Beginning on the effective date of any such act, section  
24 230.315 of the statutes, as created by this act, applies only if provided by the terms  
25 of the collective bargaining agreement.

