

2003 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB418)

Received: 08/25/2003

Received By: rchampag

Wanted: Soon

Identical to LRB:

For: Terry Musser (608) 266-7461

By/Representing: Marlene

This file may be shown to any legislator: NO

Drafter: rchampag

May Contact:

Addl. Drafters:

Subject: **Employ Pub - civil service**

Extra Copies:

Submit via email: YES

Requester's email: **Rep.Musser@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Differentail pay for state employees activated for military service

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>
/?	rchampag 08/25/2003	kgilfoy 08/25/2003		_____			
/1			pgreensl 08/25/2003	_____	sbasford 08/25/2003	sbasford 08/25/2003	
/2	rchampag	kgilfoy	chaskett	_____	sbasford	sbasford	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	08/26/2003	08/26/2003	08/26/2003	_____	08/26/2003	08/26/2003	
/3	rchampag 09/02/2003	kgilfoy 09/02/2003	pgreensl 09/03/2003	_____	sbasford 09/03/2003	sbasford 09/03/2003	

FE Sent For:

<END>

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/?	rchampag 08/25/2003	kgilfoy 08/25/2003					
/1			pgreensl 08/25/2003	9/3	sbasford 08/25/2003	sbasford 08/25/2003	
/2	rchampag	kgilfoy 13-9/2 KMG	chaskett 9/3 PS	PS/GR	sbasford	sbasford	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	08/26/2003	08/26/2003	08/26/2003 _____		08/26/2003	08/26/2003	

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Received: **08/25/2003**

Received By: **rchampag**

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For: **Terry Musser (608) 266-7461**

By/Representing: **Marlene**

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Extra Copies:

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Pre Topic:

No specific pre topic given

Topic:

Differential pay for state employees activated for military service

Instructions:

Change "nonharm" to harm, per Marlene 8/25.

See Attached

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/?	rchampag 08/25/2003	kgilfoy 08/25/2003	<i>12 8/26 CPH</i>	<i>self 8/26</i>			
/1		<i>12-8/26 KMG</i>	pgreensl 08/25/2003		sbasford 08/25/2003	sbasford 08/25/2003	

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2003 DRAFTING REQUEST

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By/Representing: **Marlene**

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/?	rchampag	11-8/25 King					

FE Sent For:

<END>

Champagne, Rick

From: Reineking, Marlene
Sent: Monday, August 25, 2003 9:38 AM
To: Nelson, Robert P.; Champagne,
Subject: AB 418 DIFFERENTIAL PAY SUB

BOB & RICK

This is the report from the Governor on what will be acceptable for the substitute amendment for AB 418 - differential pay

SUMMARY:

acceptable Amendment 1 to AB 418 - using 80 hours of accumulated pay
acceptable..... Amendment 2 to AB 418 - pay benefit will begin on 31st day

- ✓ 1. Retroactivity .. Jan 1 '03 no changesame in the bill
- ✓ 2. Extending period.. 179 days with the option of up to 2 years.. Does the bill say that the Governor has to issue and order for each employee.. any other way to say.. draft... this so the Governor does not have to do so many??
- ✓ 3. Allowances.. Exclude all except for housing (include)

Hope this makes senseMarlene @ Mussers 6-7461

see change to S. 230.315(3)(a)



(D-Note)
State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-2467/7
JTK/RAC/RPN:kg&cjs:jf

5000

ASA +0

LRB 50152 11

2003 ASSEMBLY BILL 418

RAC & RPN:kg

June 24, 2003 - Introduced by Representatives MUSSER, TOWNSEND, BOYLE, LOEFFELHOLZ, MILLER, NASS, TRAVIS, SUDER, CULLEN, VAN AKKEREN, OTT, KREIBICH, LEMAHIEU, KRAWCZYK, TURNER, FREESE, HAHN, HINES, OWENS, J. FITZGERALD and GUNDERSON, cosponsored by Senators ZIEN, WIRCH, BRESKE, ROESSLER, CHVALA, HANSEN, ERPENBACH and RISSER, by request of Governor James E. Doyle. Referred to Committee on Veterans and Military Affairs.

→ Check auto ref.

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

Analysis by the Legislative Reference Bureau

This bill provides that certain state employees who are activated to serve on military duty in the U.S. armed forces shall be paid their state salaries, less any military pay and allowances that they receive, during the period in which the employees are on military duty in the U.S. armed forces, unless the military pay and allowances equal or exceed an employee's state salary, and shall continue to accumulate sick leave and vacation as though no interruption in service has occurred. Under the bill, in order to qualify for the payment, an employee must: 1) on or after January 1, 2003, be activated to serve on military duty in the U.S. armed forces, other than for training purposes; 2) on the date on which he or she is activated, be either a member of the Wisconsin national guard or a member of a reserve component of the U.S. armed forces or be recalled to active military duty from inactive reserve status; and 3) be on an authorized military leave of absence.

In addition, the bill provides that state employees who are required to serve in the U.S. public health service and who are on detail with any of the U.S. armed forces shall be paid their state salaries, less any federal pay and allowances that the employees receive during the period in which the employees are detailed for duty

ASSEMBLY BILL 418

with any of the U.S. armed forces, unless the federal pay and allowances equal or exceed an employee's state salary.

Under the bill, an employee receives pay and benefits for not more than 179 days, except that the governor may extend that period to not more than one year. The bill applies retroactively to leaves that begin on or after January 1, 2003.

Currently, classified state employees who are inducted into active service in the U.S. armed forces or who are requested to work for the federal government during a national emergency or limited national emergency have restoration rights and certain other benefits but do not receive their state salaries and do not accumulate sick leave and vacation while on leave for federal service.

For further information see the *state* 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. 230.315 of the statutes is created to read:

2 **230.315 Differential pay, sick leave^v and annual leave for ~~certain~~ 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 ^{now housing} allowances that he or she
6 receives, during the period in which the employee is on military duty in the U.S.
7 armed forces, unless the military pay and allowances^x equal or exceed his or her state
8 salary, and shall accumulate sick leave and paid annual leave of absence as though
9 no interruption in service has occurred if all of the following apply:

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

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

ASSEMBLY BILL 418

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

6 (2) Subject to sub. (3), a state employee who is required on or after January 1,
 7 2003, to serve in the U.S. public health service and who is on detail with any of the
 8 U.S. armed forces shall be paid his or her state salary, less any federal pay and
 9 allowances that he or she receives, during the period in which the employee is
 10 detailed for duty with any of the U.S. armed forces, unless the federal pay and
 11 allowances equal or exceed his or her state salary, and shall accumulate sick leave
 12 and paid annual leave of absence as though no interruption in service has occurred.

13 (3) (a) Except as provided in par. (b), beginning on the 30th day ^{in which} a state
 14 employee is activated to serve on military duty in the U.S. armed forces or to serve
 15 in the U.S. public health service, the employee shall receive the pay and benefits
 16 authorized under sub. (1) or (2) for a period of not more than 179 days. ↗

17 (b) The governor, by executive order, may extend the period that an employee
 18 receives the pay and benefits under par. (a) up to a period of ^{2 years} ~~one year~~ from the date
 19 on which the person is activated to serve on military duty in the U.S. armed forces
 20 or to serve in the U.S. public health service. ↗

21 (4) An appointing authority shall permit a state employee who is eligible to
 22 receive the pay and benefits authorized under sub. (1) or (2) and who has completed
 23 his or her duty with the U.S. armed forces or the U.S. public health service to use up
 24 to 80 hours of accumulated paid leave before the employee resumes employment with
 25 the state. ↗

Insert 3-16

Insert 3-20

Insert 3-25

ASSEMBLY BILL 418**SECTION 2**

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

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

13 **SECTION 3. Nonstatutory provisions.**

14 (1) COVERAGE.

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

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

ASSEMBLY BILL 418

1 230.315 of the statutes, as created by this act, applies only if provided by the terms
2 of the collective bargaining agreement.

3 (2) RETROACTIVE RECEIPT OF PAY AND BENEFITS. If a state employee who is eligible
4 to receive the pay and benefits authorized under section 230.315 of the statutes, as
5 created by this act, was activated to serve on military duty in the U.S. armed forces
6 or in the U.S. public health service during the period that begins on January 1, 2003,
7 and ends on the day before the effective date of this subsection, the employee shall
8 receive the pay and benefits authorized under section 230.315 (1) or (2) of the
9 statutes, as created by this act, for any service on military duty in the U.S. armed
10 forces or in the U.S. public health service during that period.

11

(END)

3-16 ✓

No. 88

If a state employee is eligible to receive pay and benefits under s. 230.35(3)(a), the state employee shall become eligible to receive the pay and benefits authorized under sub. (1) or (2) only after receiving the pay and benefits under s. 230.35(3)(a).

3-20 ✓

⑤

Any extension granted by the governor under this paragraph may apply to an individual employee or to a group of employees, as determined by the governor.



State of Wisconsin
2003 - 2004 LEGISLATURE

LRBa0783/1
RAC:jld:jf

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

July 23, 2003 - Offered by Representative MUSSER.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 3, line 25: after "state." insert "Any accumulated paid leave that is
3 used under this subsection must be used no later than 14 days after the employee has
4 completed his or her duty with the U.S. armed forces or the U.S. public health
5 service".

6

(END)

3-25

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0152/1dn

RAC: King

Representative Musser:

This substitute amendment contains the revisions requested in Marlene Reineking's August 25, 2003, e-mail.

Section 230.315 (1) (intro.) specifies that non^ohousing allowances are to be deducted from the differential pay. As a result, any housing allowances received by the employees while on military duty will not reduce their differential pay benefits.

Section 230.315 (3) (a) specifies that a state employee may receive the pay and benefits under s. 230.315 (1) or (2) only after exhausting his or her eligibility under s. 230.35 (3). This change is in lieu of AA² to AB^v-418 and was made pursuant to discussions with DER that AA² may not fully address the situation of unclassified state employees activated into military service and certain classified state employees who may have used some of the pay and benefit provisions of s. 230.35 (3) for training purposes earlier in the calendar year.

Section 230.315 (3) (b) authorizes the governor to extend the period^{for} up to 2 years and specifies that the governor may apply the extension to an individual employee or to a group of employees.

Finally, s. 230.315 (4) contains the changes in AA^v1 to AB^v-418.

Rick A. Champagne
Senior Legislative Attorney
Phone: (608) 266-9930
E-mail: rick.champagne@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0152/1dn
RAC:kmg:pg

August 25, 2003

Representative Musser:

This substitute amendment contains the revisions requested in Marlene Reineking's August 25, 2003, e-mail.

Section 230.315 (1) (intro.) specifies that nonhousing allowances are to be deducted from the differential pay. As a result, any housing allowances received by the employees while on military duty will not reduce their differential pay benefits.

Section 230.315 (3) (a) specifies that a state employee may receive the pay and benefits under s. 230.315 (1) or (2) only after exhausting his or her eligibility under s. 230.35 (3). This change is in lieu of AA2 to AB-418 and was made pursuant to discussions with DER that AA2 may not fully address the situation of unclassified state employees activated into military service and certain classified state employees who may have used some of the pay and benefit provisions of s. 230.35 (3) for training purposes earlier in the calendar year.

Section 230.315 (3) (b) authorizes the governor to extend the period up to 2 years and specifies that the governor may apply the extension to an individual employee or to a group of employees.

Finally, s. 230.315 (4) contains the changes in AA1 to AB-418.

Rick A. Champagne
Senior Legislative Attorney
Phone: (608) 266-9930
E-mail: rick.champagne@legis.state.wi.us



State of Wisconsin
2003 - 2004 LEGISLATURE

LRBs0152/1
RAC&RPN:kg:pg

Today

LRB50152/2

ASSEMBLY SUBSTITUTE AMENDMENT, RAC+RPN:Kg:
TO 2003 ASSEMBLY BILL 418

RMR

add comma
↓
)

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

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

5 SECTION 1. 230.315 of the statutes is created to read:

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

housing

1 state salary, and shall accumulate sick leave and paid annual leave of absence as
2 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 on military
4 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 secretary of employment relations or is eligible
11 for reemployment with the state under s. 45.50 after completion of his or her service
12 in the U.S. armed forces.

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

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

1 employee shall become eligible to receive the pay and benefits authorized under sub.
2 (1) or (2) only after receiving the pay and benefits under s. 230.35 (3) (a).

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

9 (4) An appointing authority shall permit a state employee who is eligible to
10 receive the pay and benefits authorized under sub. (1) or (2) and who has completed
11 his or her duty with the U.S. armed forces or the U.S. public health service to use up
12 to 80 hours of accumulated paid leave before the employee resumes employment with
13 the state. Any accumulated paid leave that is used under this subsection must be
14 used no later than 14 days after the employee has completed his or her duty with the
15 U.S. armed forces or the U.S. public health service.

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

17 230.32 (1) (intro.) Any classified employee of this state, except a limited term
18 employee, who enlists, is ordered or is inducted into active service in the armed forces
19 of the United States or who is requested to work for the federal government during
20 a national emergency or a limited national emergency, shall be restored to the same
21 or similar position in the classified service and his or her employment shall be
22 deemed not to have been interrupted by such leave except for the receipt of pay or
23 other compensation, and accumulation of sick leave and ~~accumulation of~~ vacation for
24 the period of such absence, unless the employee qualifies to receive pay and benefits
25 under s. 230.315, and the employee shall be given all the other benefits of seniority,

1 status, pay, pay advancement, performance awards and pension rights under ch. 40
2 as though the state employment was continuous, if:

3 **SECTION 3. Nonstatutory provisions.**

4 (1) COVERAGE.

5 (a) Except as provided in paragraph (b) and notwithstanding sections 111.84
6 (1) and (2), 111.91 (1) and (2), and 111.93 (3) of the statutes, section 230.315 of the
7 statutes, as created by this act, applies to state employees and the state before July
8 1, 2005, regardless of whether the employees are nonrepresented or represented by
9 a labor organization, as defined in section 111.81 (12) of the statutes.

10 (b) Beginning on July 1, 2003, for any state employee represented by a labor
11 organization, as defined in section 111.81 (12) of the statutes, section 230.315 of the
12 statutes, as created by this act, applies until the day before the effective date of any
13 act ratifying the collective bargaining agreement for the 2003–05 fiscal biennium
14 that covers that employee. Beginning on the effective date of any such act, section
15 230.315 of the statutes, as created by this act, applies only if provided by the terms
16 of the collective bargaining agreement.

17 (2) RETROACTIVE RECEIPT OF PAY AND BENEFITS. If a state employee who is eligible
18 to receive the pay and benefits authorized under section 230.315 of the statutes, as
19 created by this act, was activated to serve on military duty in the U.S. armed forces
20 or in the U.S. public health service during the period that begins on January 1, 2003,
21 and ends on the day before the effective date of this subsection, the employee shall
22 receive the pay and benefits authorized under section 230.315 (1) or (2) of the
23 statutes, as created by this act, for any service on military duty in the U.S. armed
24 forces or in the U.S. public health service during that period.

25 (END)



State of Wisconsin
2003 - 2004 LEGISLATURE

LRBs0152/3
RAC&RPN:kg:pg

WED

RMR

ASSEMBLY SUBSTITUTE AMENDMENT,
TO 2003 ASSEMBLY BILL 418

Gen. Cat.

1 AN ACT *to amend* 230.32 (1) (intro.); and *to create* 230.315 of the statutes;
2 relating to: differential pay and accumulation of sick leave and annual leave
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4 public health service.

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

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6 230.315 Differential pay, sick leave, and annual leave for state
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8 employee who is activated to serve on military duty in the U.S. armed forces shall
9 be paid his or her state salary, less any military pay and housing allowances that he
10 or she receives, during the period in which the employee is on military duty in the
11 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 on military
4 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 ~~secretary~~^{office} of employment relations or is eligible
11 for reemployment with the state under s. 45.50 after completion of his or her service
12 in the U.S. armed forces.

13 (2) Subject to sub. (3), a state employee who is required on or after January 1,
14 2003, to serve in the U.S. public health service and who is on detail with any of the
15 U.S. armed forces shall be paid his or her state salary, less any federal pay and
16 housing allowances that he or she receives, during the period in which the employee
17 is detailed for duty with any of the U.S. armed forces, unless the federal pay and
18 housing allowances equal or exceed his or her state salary, and shall accumulate sick
19 leave and paid annual leave of absence as though no interruption in service has
20 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 under s. 230.35 (3) (a), the state

for military
service

or a collective
bargaining agreement
under subch. V
of ch. 111

or a collective bargaining agreement under subch. V of ch. III

1 employee shall become eligible to receive the pay and benefits authorized under sub.

2 (1) or (2) only after receiving the pay and benefits ^{for military service} under s. 230.35 (3) (a).

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

9 (4) An appointing authority shall permit a state employee who is eligible to
10 receive the pay and benefits authorized under sub. (1) or (2) and who has completed
11 his or her duty with the U.S. armed forces or the U.S. public health service to use up
12 to 80 hours of accumulated paid leave before the employee resumes employment with
13 the state. Any accumulated paid leave that is used under this subsection must be
14 used no later than 14 days after the employee has completed his or her duty with the
15 U.S. armed forces or the U.S. public health service.

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

17 230.32 (1) (intro.) Any classified employee of this state, except a limited term
18 employee, who enlists, is ordered or is inducted into active service in the armed forces
19 of the United States or who is requested to work for the federal government during
20 a national emergency or a limited national emergency, shall be restored to the same
21 or similar position in the classified service and his or her employment shall be
22 deemed not to have been interrupted by such leave except for the receipt of pay or
23 other compensation, and accumulation of sick leave and ~~accumulation of vacation~~ for
24 the period of such absence, unless the employee qualifies to receive pay and benefits
25 under s. 230.315, and the employee shall be given all the other benefits of seniority,

1 status, pay, pay advancement, performance awards and pension rights under ch. 40
2 as though the state employment was continuous, if:

3 **SECTION 3. Nonstatutory provisions.**

4 (1) COVERAGE.

5 (a) Except as provided in paragraph (b) and notwithstanding sections 111.84
6 (1) and (2), 111.91 (1) and (2), and 111.93 (3) of the statutes, section 230.315 of the
7 statutes, as created by this act, applies to state employees and the state before July
8 1, 2005, regardless of whether the employees are nonrepresented or represented by
9 a labor organization, as defined in section 111.81 (12) of the statutes.

10 (b) Beginning on July 1, 2003, for any state employee represented by a labor
11 organization, as defined in section 111.81 (12) of the statutes, section 230.315 of the
12 statutes, as created by this act, applies until the day before the effective date of any
13 act ratifying the collective bargaining agreement for the 2003–05 fiscal biennium
14 that covers that employee. Beginning on the effective date of any such act, section
15 230.315 of the statutes, as created by this act, applies only if provided by the terms
16 of the collective bargaining agreement.

17 (2) RETROACTIVE RECEIPT OF PAY AND BENEFITS. If a state employee who is eligible
18 to receive the pay and benefits authorized under section 230.315 of the statutes, as
19 created by this act, was activated to serve on military duty in the U.S. armed forces
20 or in the U.S. public health service during the period that begins on January 1, 2003,
21 and ends on the day before the effective date of this subsection, the employee shall
22 receive the pay and benefits authorized under section 230.315 (1) or (2) of the
23 statutes, as created by this act, for any service on military duty in the U.S. armed
24 forces or in the U.S. public health service during that period.

25 (END)