

or before April 1 of each year, the board shall render an account to the board of such county system charging to and collecting from such county system the aggregate amount by which benefits paid from the city system in the preceding calendar year have been increased by reason of taking into account prior service credits, time of active service and contributions under such county system pursuant to this subsection and crediting and paying to the board of such county system the aggregate amount by which benefits paid from such county system in the preceding calendar year have been increased by reason of taking into account prior service, time of active service and contributions under the city system. The liability of the city system for such credits and payment because of former members of the city system who shall have become members of a county system shall be taken into account by the board in its valuations and determinations of contributions to be made to the funds of the city system.

SECTION 3. The benefit contract of each member of a retirement system established pursuant either to chapters 201 or 396, laws of 1937, shall be amended by the provisions of this act by making the provisions hereof which are applicable to the system of which he is a member a part of his contract as of the effective date of this act unless within a period of 30 days thereafter, he files with the board administering the system a written notice electing that this act shall not apply to him.

Approved July 7, 1945.

No. 379, S.]

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CHAPTER 433.

AN ACT to repeal 16.275 (3); to amend 21.70 (1) and (2); and to create 16.276 and 21.70 (5) of the statutes, relating to re-employment in state service after completion of military service.

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

SECTION 1. 16.275 (3) of the statutes is repealed.

SECTION 2. 16.276 of the statutes is created to read:

16.276 RESTORATION OF EMPLOYMENT. (1) Any classified

employe of the state of Wisconsin who has enlisted or enlists or has been or is inducted or ordered into active service in the armed forces of the United States pursuant to the selective training and service act of 1940 or the national guard and reserve officers mobilization act of 1940 and any acts amendatory thereof or supplementary thereto, and any such employe whose services are specifically requested by the federal government for national defense work as a civilian during a period officially proclaimed to be a national emergency or a limited national emergency, who, in order to perform such training or service, has left or leaves a position, other than a temporary position, as a classified employe of the state of Wisconsin shall be restored to such a position or to a position of like seniority, status, pay, salary advancement and pension rights under sections 42.60 to 42.70 as though such services toward seniority, status, pay, salary advancement and pension rights under sections 42.60 to 42.70 had not been interrupted by such designated service, provided that (a) he presents to the employing agency a certificate or other evidence that he has satisfactorily completed his period of training or service, (b) he is still qualified to perform the duties of such position, (c) he makes application for reemployment within 60 days after he is released from such training or services, and (d) the circumstances of the employing agency have not changed as to make it impossible or unreasonable to so restore such employe. Within 90 days after he is relieved from such training or services, or absence during federal hospitalization because of injuries or sickness resulting from such war or emergency service the employe, upon presentation of proof of discharge other than dishonorable or other than (a) by reason of the sentence of a general court martial, (b) on the ground that he was a conscientious objector who refused to perform military duty or refused to wear the uniform or otherwise to comply with lawful orders of competent military authorities, (c) as a deserter or (d) of an officer by the acceptance of his resignation for the good of the service, release from such active service or federal hospitalization shall be restored, as hereinafter provided:

(a) Any classified employe who had attained permanency under section 16.22 and the rules of the personnel board pursuant thereto when he left state service shall, under the provisions of this section, be restored to a position of like seniority,

status, pay, salary advancement and pension rights under sections 42.60 to 42.70. The service of any employe who is so restored shall be deemed not to be interrupted by such leave, except for the receipt of pay or other compensation, accumulation of sick leave, and vacation for the period of such absence, and he shall be given all the benefits of seniority, status, pay, salary advancement and pension rights under sections 42.60 to 42.70, as though his state employment had not been so interrupted.

(b) Any classified employe who was serving his probationary period, except in the capacity of a substitute, under section 16.22 and the rules of the personnel board pursuant thereto when he left state service shall, under the provisions of this section, be restored to that point of service in his probationary period as though his state employment had not been so interrupted.

(c) Any classified employe who had attained reinstatement rights as a seasonal employe under section 16.22, and the rules of the personnel board pursuant thereto, when he left state service shall, under the provisions of this section, be restored to such seasonal position or eligibility as though his service or eligibility had not been so interrupted.

(2) (a) Any classified employe who leaves state service and enters the armed forces of the United States shall, under the provisions of this section, be given written military leave of absence by the employing agency. Notice of such severance from state service shall be made in writing by the employing agency to the director of personnel for purposes of record.

(b) Any classified employe who leaves state service for civilian employment in response to specific request or order of the federal government or any of its agencies in connection with manpower redistribution and utilization shall, under the provisions of this section, make written application to the employing agency for civilian leave of absence presenting such specific request or order of the federal government as supporting evidence. Such civilian leave shall be allowed by the employing agency and its terms, which shall conform to the rules of the personnel board, shall be in writing. Notice of such severance from state service shall be made in writing by the employing agency to the director of personnel for purposes of record.

(c) All such military or civilian leaves of absence as heretofore may have been granted are validated and shall be deemed

to be sufficient and effective hereunder; such leaves shall be recorded with the director of personnel.

(3) Any person appointed to fill the position of an employe on such military or civilian leave shall be designated as a substitute or replacement employe and upon the return and reemployment of the original employe the substitute employe shall be transferred to a similar position with the same employing agency if one is available, or if not, his name shall be placed upon an appropriate reemployment register in accordance with the rules of the personnel board. The status of any person who is appointed to fill the place of an employe on military or civilian leave under the provisions of this section shall be governed by the rules of the personnel board pursuant thereto.

SECTION 3. 21.70 (1) and (2) of the statutes are amended to read:

21.70 (1). Any person who has enlisted or enlists or has been or is inducted or ordered into active service in the land or naval forces of the United States pursuant to the selective training and service act of 1940 or the national guard and reserve officers mobilization act of 1940, and any acts amendatory thereof or supplementary thereto, and any person whose services are requested by the federal government for national defense work as a civilian during a period officially proclaimed to be a national emergency or a limited national emergency, who, in order to perform such training or service, has left or leaves a position, other than a temporary position, in the employ of * * * any political subdivision * * * of the state, or in the employ of any private or other employer, shall be restored to such position or to a position of like seniority, status, pay, and salary advancement as though such service toward seniority, pay or salary advancement had not been interrupted by such military service; provided that (a) he presents a certificate or other evidence that he has satisfactorily completed his period of training or service, (b) he is still qualified to perform the duties of such position, (c) he makes application for reemployment within 40 days after he is relieved from such training or services, and (d) the employer's circumstances have not so changed as to make it impossible or unreasonable to so restore such person. Within 90 days after completion of the employe's service in the armed forces of the United States, or absence during federal hospitalization because of injuries or

sickness resulting from such war or emergency service the employe upon presentation of proof of his honorable discharge or release from such active service or federal hospitalization shall be returned to his former position. The findings of the medical examiner entered on the discharge or release papers of the employe shall be deemed sufficient proof of the employe's physical fitness to resume his former position.

(2) The service of any person who is restored to a position in accordance with subsection (1) hereof shall be deemed not to be interrupted by such leave, except for the receipt of pay or other compensation for the period of such absence and he shall be entitled to participate in insurance, pensions, or other benefits offered by the employer pursuant to established rules and practices relating to employes on furlough or leave of absence in effect with the employer at the time such person entered or was enlisted, inducted or ordered into such forces and service, and shall not be discharged from such position without cause within one year after such restoration; and such discharge is subject to all federal or state law affecting any * * * municipal or private employment; and subject to the provisions of contracts that may exist between employer and employe. Each county, town, city or village shall contribute or pay from September 16, 1940 all contributions of the employer to the applicable and existent pension, annuity or retirement system as though the service of any such employe had not been interrupted by such military service, provided that in the case of teachers such payment shall be made as provided in sections 38.24, 71.26 and chapter 42.

SECTION 4. 21.70 (5) of the statutes is created to read:

21.70 (5) The restoration of employes of the state shall be governed by the provisions of section 16.276.

Approved July 7, 1945.