

1991 Senate Bill 150

Date of enactment: **May 31, 1991**
Date of publication*: **June 14, 1991**

1991 WISCONSIN ACT 24

AN ACT relating to extending eligibility and employer contributions toward premium payments for health insurance coverage under the state health insurance plan for certain state employees who are participating in Operation Desert Shield or Operation Desert Storm.

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

SECTION 1. Nonstatutory provisions; group health insurance coverage of certain state employees participating in Operation Desert Shield or Operation Desert Storm. (1) In this section:

(a) "Eligible employe" means an employe of this state to whom all of the following apply:

1. On or after August 1, 1990, is activated to perform service for the operation.

2. On the date on which he or she is activated to perform service for the operation, is insured and is receiving employer contributions under section 40.05 (4) of the statutes.

3. On the date on which he or she is activated to perform service for the operation, is either a member of the Wisconsin national guard; a member of a reserve component of the U.S. armed forces, as defined in section 40.02 (57m) of the statutes; or an individual who is recalled to active military duty from inactive reserve status and had been either discharged from active duty, discharged from a unit of the Wisconsin national guard or a reserve component of the U.S. armed forces, as defined in section 40.02 (57m) of the statutes, or retired from active military service.

4. Has received a military leave of absence under section 230.32 (3) (a) or 230.35 (3) of the statutes, under a collective bargaining agreement under subchapter V of chapter 111 of the statutes or under rules promulgated by the secretary of employment relations as a result of being

activated to perform service for the operation, or is eligible for reemployment under section 45.50 of the statutes after completion of his or her service for the operation.

(b) "Employer" means the state agency, as defined in section 40.02 (54) of the statutes, by whom an eligible employe was employed on the date on which the eligible employe was activated to perform service for the operation.

(c) "Employer contributions" means contributions paid toward the premium payments of an eligible employe by the employer of the eligible employe.

(d) "Insured" means eligible for coverage under and properly enrolled in the state plan.

(e) "Operation" means Operation Desert Shield or Operation Desert Storm or an operation that is a successor to Operation Desert Shield or Operation Desert Storm.

(f) "Premium" means the health insurance premium under the state plan.

(g) "Service for the operation" means federal military duty as a participant in or in support of the operation.

(h) "State plan" means the state group health insurance plan provided under subchapter IV of chapter 40 of the statutes.

(2) (a) Notwithstanding sections 40.05 (4) and 40.51 (2) of the statutes, an eligible employe who is not insured may have his or her insurance under the state plan reinstated without furnishing evidence of insurability satisfactory to the insurer and may receive employer contributions under subsection (4) if the employe or the employe's designated representative makes a written

election to have his or her insurance under the state plan reinstated and to receive employer contributions under subsection (4) and pays the amount of any employee contributions that are required to be paid under section 40.05 (4) of the statutes toward the premium payments.

(b) Notwithstanding section 40.05 (4) of the statutes, an eligible employe who is insured may receive employer contributions under subsection (4) if the employe or the employe's designated representative makes a written election to receive the employer contributions under subsection (4) and pays the amount of any employee contributions that are required to be paid under section 40.05 (4) of the statutes toward the premium payments.

(c) An eligible employe or his or her designated representative shall make an election under paragraph (a) or (b) on a form provided by his or her employer not later than 60 days after the date on which the eligible employe begins to perform service for the operation or 60 days after the effective date of this paragraph, whichever is later.

(d) The group insurance board shall take any action necessary to include the period under paragraph (c) in the enrollment period under the state plan for eligible employes who are not insured.

(3) Not later than 30 days after the effective date of this subsection, the employer of an eligible employe shall mail to the eligible employe or to the eligible employe's designated representative a written notification of the eligible employe's rights under this SECTION, along with the form required under subsection (2) (c).

(4) Notwithstanding sections 40.05 (4) and 40.51 (2) of the statutes, the employer of an eligible employe who makes or whose designated representative makes an election under subsection (2) shall pay employer contributions toward the premium payments of the eligible employe during the period in which the eligible employe is performing service for the operation as follows:

(a) The amount of the employer contributions paid toward each premium payment shall be equal to the amount of the employer contributions under section 40.05 (4) of the statutes that would have been paid toward the premium payment if the eligible employe had contin-

ued employment with the employer instead of performing service for the operation.

(b) If the eligible employe has been insured during the period beginning on the date on which the eligible employe left employment with the employer to perform service for the operation and ending on the date on which the eligible employe or the eligible employe's designated representative makes the election under subsection (2) but the eligible employe did not receive employer contributions under section 40.05 (4) of the statutes toward one or more of the premium payments during that period, the employer shall pay to the eligible employe in a lump sum an amount equal to the employer contributions that would have been paid toward those premium payments under section 40.05 (4) of the statutes if the eligible employe had continued employment with the employer during that period instead of performing service for the operation.

(c) The number of months for which the eligible employe receives employer contributions under paragraphs (a) and (b), when added to the number of months for which the eligible employe received employer contributions under section 40.05 (4) of the statutes during the period beginning on the date on which the eligible employe left employment with the employer to perform service for the operation and ending on the date on which the eligible employe ceases to perform service for the operation, may not exceed a total of 12 months.

(d) No employer contributions may be paid under this subsection after the last day of the 24th month beginning after the effective date of this paragraph.

(5) Notwithstanding sections 111.84 (1) and (2), 111.91 (1) and (2) and 111.93 (3) of the statutes, this SECTION applies to an eligible employe and to the employer regardless of whether the eligible employe is unrepresented or represented by a labor organization, as defined in section 111.81 (12) of the statutes.

SECTION 2. Effective dates. This act takes effect on the first day of the first month beginning after publication, except as follows:

(1) SECTION 1 (3) of this act takes effect on the day after publication.