

of any railroad company, proceedings for the construction of which shall be as provided for in section 88.39.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 18, 1941.

No. 29, S.]

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### CHAPTER 238.

AN ACT to create 21.70 of the statutes, relating to re-employment in civil employment after completion of military service.

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

SECTION 1. Section 21.70 of the statutes is created to read:

21.70 RE-EMPLOYMENT IN CIVIL EMPLOYMENT AFTER COMPLETION OF MILITARY SERVICE. (1) Any person 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 the state of Wisconsin or any political subdivision thereof, 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; 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 re-employment 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.

(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 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 inducted or ordered into such forces and service, and shall not be discharged from such position without cause within one year after such restoration.

(3) In case any employer fails or refuses to comply with the provisions of subsections (1) and (2) hereof, any court of record in the proper county having jurisdiction of an action on contract for an amount exceeding \$500 shall have power, upon the filing of a motion, petition, or other appropriate pleading and on reasonable notice, which shall not be less than 10 days, to such employer by the person entitled to the benefits of such provisions, to specifically require such employer to comply with such provisions, and, as an incident thereto, to compensate such person for any loss of wages or benefits suffered by reason of such employer's unlawful action. The court shall order a speedy hearing in any such case and shall advance it on the calendar. No fees or court costs shall be taxed against the person so applying for such benefits. The place of the commencement of the action or proceeding hereunder against a private employer, and the trial or hearing thereof, shall be in any county in which such private employer maintains a place of business, and in all other cases shall be as provided in section 261.01. No person who is appointed in the service of any city or village to fill the place of a person so entering the federal armed forces shall acquire permanent tenure during such period of replacement service.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 18, 1941.