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## WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

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<b>2003 Wisconsin Act 162</b> [2003 Assembly Bill 418]	<b>Differential Pay for Activated State Employees</b>
2003 Acts: <a href="http://www.legis.state.wi.us/2003/data/acts/">www.legis.state.wi.us/2003/data/acts/</a>	Act Memos: <a href="http://www.legis.state.wi.us/lc/act_memo/act_memo.htm">www.legis.state.wi.us/lc/act_memo/act_memo.htm</a>

2003 Wisconsin Act 162 requires that all state employees who are activated to military duty be paid their state salaries while on military duty, minus any military pay and housing allowances they receive, unless the military pay and housing allowances equal or exceed the person's state salary. An activated employee may also accumulate sick leave and paid annual leave as though no interruption in state service occurred.

To qualify for the payment, an employee must: (1) on or after January 1, 2003, be activated to serve or be serving on military duty in the U.S. armed forces other than for training purposes; (2) on the date of activation, be a member of either the Wisconsin National Guard or a member of a reserve component of the U.S. armed forces, or recalled to active duty from inactive reserve status; and (3) be on an authorized military leave of absence.

The differential pay and benefits also apply to state employees who are activated to serve in the U.S. public health service and detailed to duty with the U.S. armed forces.

Act 162 provides that an employee may receive the differential pay and benefits beginning on the date of activation, for a period of not more than 179 days. The Governor may extend that period to up to two years from the date of activation, for an individual employee or a group of employees. The Act also permits an employee to use up to 160 hours of accumulated paid leave within 30 days after completion of duty before resuming employment with the state, and to carry over to the next year any remaining paid leave accumulated while on duty.

The differential pay benefit is retroactive to January 1, 2003. Employees who were activated prior to that date may receive differential pay retroactively to January 1, 2003, but not for service before that date.

**Effective Date:** The Act takes effect on March 31, 2004.

**Prepared by:** Pam Shannon, Senior Staff Attorney

March 24, 2004

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents.