

WI Dept. of Military Affairs: Gov. Walker signs bills to protect Guard members, families

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By Capt. Joe Trovato

MADISON, Wis. — Gov. Scott Walker today signed a bill into law that will protect Soldiers and Airmen in the Wisconsin National Guard as well as their families when they are mobilized to state active duty.

Walker signed Assembly Bill 943, which provides for reemployment rights, death benefits and continuation pay benefits for National Guard members on state active duty.

“Wisconsin continues to lead the nation in ensuring that our service members have the protections they need and deserve for serving our state and nation,” Walker said. “This legislation is another way we are striving to help those who protect our freedom. I encourage other states to follow suit in ensuring individual states match or exceed the protections afforded to service members by the federal government.”

Maj. Gen. Don Dunbar, Wisconsin’s adjutant general, agreed and thanked Walker and the legislature for making a commitment to protect Wisconsin National Guard members serving on state active duty.

“I’m grateful to Gov. Walker and the state legislature for taking this much needed step to ensure our service members are afforded the same protections on state active duty as they are when mobilized into federal service,” Maj. Gen. Don Dunbar, Wisconsin’s adjutant general said. “These measures provide protection for the

10,000 Soldiers and Airmen of the Wisconsin National Guard and their families.”

The bill requires the Wisconsin Department of Military Affairs to grant continuation pay to National Guard members injured while performing their duties while on state active duty. It also requires the department to pay a \$100,000 death gratuity to a beneficiary designated by the service member in the event of their death while serving on active duty. In addition, the bill extends eligibility for reemployment rights of Guardsmen returning from active state service to non-state residents serving in the Wisconsin National Guard whose active state service occurred in a U.S. state or territory.

The new law positions Wisconsin as a leader in efforts to create parity between federal protections for National Guard and Reserve service members and those provided by individual states. The federal government provides a \$100,000 death gratuity to beneficiaries when service members die while serving in their federal capacity, but states are under no obligation to do the same when National Guard members or other state defense forces die while serving in a state active duty status. Service members injured while serving in a federal capacity receive continuation pay, but there were previously no such protections for service members injured on state active duty.

Similarly, the Uniformed Services Employment and Reemployment Rights Act provides federal reemployment protections to service members called to federal service, and current Wisconsin law protects National Guard members from Wisconsin called to state active duty. But no provision previously existed for members of the Wisconsin National Guard who reside in other states.

Such protections are critical for National Guard members who fulfill a unique dual-role as both the state's first military responder in times of emergency and as the primary combat reserve for the Army and Air Force.

The bill passed both the Wisconsin State Assembly and the Wisconsin State Senate unanimously before Gov. Walker signed it into law Monday.