



SB 707 Defining a Veteran in State Employment Relations

Testimony of Senator Steve Nass
Senate Committee on Labor & Regulatory Reform
February 8, 2022 • 300 Southeast, State Capitol

Thank you Chairman and committee members for allowing me to provide testimony in support of SB 707. This bill expands the definition of veteran in Wisconsin to include a person who was discharged solely on the basis that the person chose not to receive the COVID-19 vaccine.

On August 24, 2021, U.S. Secretary of Defense Lloyd Austin announced the mandatory COVID-19 vaccination of all U.S. Armed Service members in a memo titled, *Mandatory Coronavirus Disease 2019 Vaccination of Department of Defense Service Members*. This has led to many otherwise upstanding, highly-qualified service members who have objections to the COVID-19 vaccine to either leave the military, or potentially to be discharged.

Wisconsin law currently provides a preference hiring system for veterans under the state's civil service system (Chapter 230). If a veteran is included on a certification list and meets the minimum qualifications, skills, and knowledge requirements for a state civil service job, and is equal to other applicants, the appointing authority must give a preference to the veteran for the position.

Chapter 230 defines the criteria for who is considered a veteran for purposes of state employment relations and the veterans hiring preference system. One of the requirements for eligibility is that the veteran was honorably discharged from the U.S. armed forces.

SB 707 expands the definition of a veteran to include a person who would otherwise qualify under existing law, but who was discharged under other than honorable conditions solely on the basis that the person chose not to receive the COVID-19 vaccine. This change would ensure that veterans who served our country honorably and faithfully are not punished and disqualified from this program based on politically driven decisions by the current administration.

“In God We Trust”

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Publically available information on reprimands and punishment for failure to receive the COVID-19 vaccine varies by branch and leadership level, however it is clear that action has already been taken against some service members who have chosen to not get the vaccine.

Some examples include:

- In December 2021 the Marine Corps announced they had already discharged 169 members for failure to be vaccinated, and that up to 8,000 Marines could be dismissed over refusal to receive the COVID-19 vaccine. Of the more than 3,000 requests for religious exemptions, zero had been granted. (*Newsweek*, December 23, 2021).
- On December 16, 2021, the Army announced it had relieved six leaders, including two commanding officers, for failure to be vaccinated. They ranged in rank from sergeant to lieutenant colonel and join Navy Commander Lucian Kins, the executive officer of the destroyer USS Winston S. Churchill, who was relieved of duty in December. The same day, the Army announced it had already issued 2,767 reprimands to soldiers refusing the vaccine. Those reprimands are seen as a block to any future promotion, effectively killing a career. (*Politico*, December 16, 2021).
- The Air Force was the first service to announce separations based on refusal to follow the vaccine mandate, when they discharged 40 recruits for refusing the COVID-19 vaccine in October 2021. (*Military News, Military.Com*, October 29, 2021).

Thank you for the opportunity to provide testimony in support of SB 707. I am happy to answer further questions of committee members on this legislation.



NANCY VANDERMEER

STATE REPRESENTATIVE • 70TH ASSEMBLY DISTRICT

TO: Honorable Members of the Senate Committee on Labor and Regulatory Reform

FROM: State Representative Nancy VanderMeer

DATE: February 8, 2022

SUBJECT: Testimony in Support of Senate Bill 707

Thank you for the opportunity to be here today and the chance for a hearing on this proposal. In Chapter 230 of current Wisconsin statutes, related to State Employment relations, a number of definitions are laid out specifying the criteria for who is considered a veteran for the purposes of state employment relations and the veteran preference hiring system. If a veteran is included on a certification list and if the minimum qualifications and skills, abilities, competencies, and knowledge of the veteran and any other applicant are equal, the appointing authority must give a preference to the veteran for the position. (s. 230.25 (1g), (1m), and (2) (am)). The system was established by 2015 Wisconsin Act 150, which revised certain aspects of the state civil service laws for classified employees, including the elimination of a points-based system. This bill expands the definition of a veteran to include a person who would otherwise qualify under existing law, but who was discharged under other than honorable conditions solely on the basis that the person chose not to receive the COVID-19 vaccine, and makes these veterans eligible for the existing veteran preferential hiring system.

The idea for this bill was initially prompted for me when I heard from enlisted service members in my legislative district with a desire to not have to take the COVID-19 vaccine. On August 24th, 2021, Secretary of Defense Lloyd Austin III issued a memo titled, "Mandatory Coronavirus Disease 2019 Vaccination of Department of Defense Service Members." That memo stated, in part: *To defend this Nation, we need a healthy and ready force. After careful consultation with medical experts and military leadership, and with the support of the President, I have determined that mandatory vaccination against coronavirus disease 2019 (COVID-19) is necessary to protect the Force and defend the American people.*

According to publicly available data provided by the service branches, most mandatory deadlines for vaccination have come and passed, with the exception of the Army National Guard, which has a deadline of June 30th this year. Also, based on publicly available information and guidance, reprimands and punishment for not receiving COVID-19 vaccination varies by branch and leadership level, however, as a result of the COVID-19 vaccination requirement, service members from Wisconsin that choose to not receive a COVID-19 vaccine may be subject to termination of their service as a result of this vaccination requirement. Some have and will electively terminate their military service as a result and in either instance, these individuals may be dishonorably discharged from military service.

In the interest of not losing out on talented individuals that have honorably served their country and state based on politically driven decisions from the Biden Administration and a number of federal agencies, SB 707 expands the definition of a veteran to include a person who would otherwise qualify under existing law, but who was discharged under other than honorable conditions solely on the basis that the person chose not to receive the COVID-19 vaccine, and makes these veterans eligible for the existing veteran preferential hiring system. I respectfully ask for your support in moving this legislation forward.