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State of Minnesota

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HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 697

- 02/01/2017 Authored by Sundin, Swedzinski, O'Driscoll and West
The bill was read for the first time and referred to the Committee on Government Operations and Elections Policy
- 02/09/2017 Adoption of Report: Placed on the General Register as Amended
Read for the Second Time
- 05/22/2017 Pursuant to Rule 4.20, returned to the Committee on Government Operations and Elections Policy

1.1 A bill for an act

1.2 relating to state and local government; allowing Indian tribal officials to take a

1.3 leave of absence when elected to public office; amending Minnesota Statutes 2016,

1.4 section 3.088, subdivisions 1, 2, 3.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2016, section 3.088, subdivision 1, is amended to read:

1.7 Subdivision 1. **Leave of absence without pay.** Subject to this section, any appointed

1.8 officer or employee of a political subdivision, municipal corporation, or school district of

1.9 the state or an institution of learning maintained by the state who serves as a legislator or

1.10 is elected to a full-time city or county office or to an Indian tribal council in Minnesota is

1.11 entitled to a leave of absence from the public office or to employment without pay when

1.12 on the business of the office, with right of reinstatement as provided in this section.

1.13 Sec. 2. Minnesota Statutes 2016, section 3.088, subdivision 2, is amended to read:

1.14 Subd. 2. **Reinstatement.** Except as provided in this section, upon the completion of the

1.15 last legislative day in each calendar year, or, in the case of an elected city or county, or

1.16 tribal council official, on the completion of the final day of the term to which the official

1.17 was elected, the officer or employee shall be reinstated in the public position held at the

1.18 time of entry into the legislature or taking city or county, or tribal council office, or be

1.19 placed in a public position of like seniority, status, and pay if it is available at the same

1.20 salary which would have been received if the leave had not been taken, upon the following

1.21 conditions:

1.22 (1) that the position has not been abolished or that its term, if limited, has not expired;

2.1 (2) that the legislator makes a written application for reinstatement to the appointing
2.2 authority within 30 days after the last legislative day in a calendar year or, in the case of an
2.3 elected city ~~or~~ county, or tribal council official, within 30 days after the expiration of the
2.4 elected term; and

2.5 (3) that the request for reinstatement is made not later than ten years after the granting
2.6 of the leave.

2.7 Upon reinstatement, the officer or employee shall have the same rights with respect to
2.8 accrued and future seniority status, efficiency rating, vacation, insurance benefits, sick leave,
2.9 and other benefits as if actually employed during the time of the leave. No public employer
2.10 is required to compensate a reinstated employee or officer for time spent by that employee
2.11 or officer away from work for the employer and on the business of the state legislature
2.12 during the period between the first and last legislative day in each calendar year or on the
2.13 business of an elected city ~~or~~ county, or tribal council office. No officer or employee
2.14 reinstated shall be removed or discharged within one year after reinstatement except for
2.15 cause and after notice and hearing, but this does not extend a term of service limited by law.

2.16 Sec. 3. Minnesota Statutes 2016, section 3.088, subdivision 3, is amended to read:

2.17 Subd. 3. **Pension and retirement rights.** A public officer or employee who receives
2.18 leave of absence under this section or is elected as a state constitutional officer and has
2.19 rights in a state, municipal, or other public pension, retirement, or relief system shall retain
2.20 all the rights accrued up to the time of taking leave. Time spent by the employee as a member
2.21 of the legislature or as an elected city ~~or~~ county, or tribal council official or state
2.22 constitutional officer shall be calculated in the same manner as if the employee had spent
2.23 that time in the service of the public employer for the purpose of determining vesting of the
2.24 employee's rights in the employer's pension, retirement, or relief system. Under no
2.25 circumstances shall two governmental units pay the employee's share of pension contributions
2.26 when the employee is on leave of absence to serve in the legislature or as an elected city
2.27 ~~or~~ county, or tribal council official.