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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 4628

05/04/2020 Authored by Runbeck
The bill was read for the first time and referred to the Committee on Government Operations

1.1 A bill for an act
1.2 relating to employment; requiring temporary periods of furlough for public
1.3 employees.

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

1.5 Section 1. FURLOUGH OF PUBLIC EMPLOYEES.

1.6 (a) Notwithstanding any law, collective bargaining agreement, or compensation plan to
1.7 the contrary, each public employee, as defined in paragraph (b), shall be subject to one week
1.8 of mandatory, unpaid leave once per calendar month until December 31, 2020, or until the
1.9 date determined in paragraph (d), whichever is earlier. A public employee's employer, as
1.10 defined in paragraph (c), shall determine and schedule the employee's week of unpaid leave
1.11 each calendar month consistent with the need to continue efficient operations, and with
1.12 consideration of an employee's preference when possible. The one-week period of unpaid
1.13 leave shall not exceed 40 hours per calendar month for a full-time employee, or for a
1.14 part-time or temporary employee working fewer than 40 hours, the average number of hours
1.15 the employee would otherwise be normally scheduled to work during a one-week period in
1.16 that calendar month. An employee may elect to use accrued vacation leave, personal leave,
1.17 or medical or sick leave during a period of unpaid leave if available.

1.18 (b) For the purposes of this section only, a public employee includes a person employed
1.19 for one day or more by the state; by a county, city, town, statutory or home rule charter city,
1.20 school district, special service district, or municipality; or by any other political subdivision
1.21 or governmental instrumentality of the state. A public employee specifically includes an
1.22 employee of the Minnesota State Colleges and Universities system, the Metropolitan Council,

2.1 and the governor's office. The University of Minnesota system is encouraged to fulfill the
2.2 directives of this section for its employees.

2.3 (c) For the purposes of this section only, an employer of a public employee is:

2.4 (1) the commissioner of management and budget for a state employee;

2.5 (2) the governing entity of a county, city, town, statutory or home rule charter city,
2.6 school district, special service district, municipality, or any other political subdivision or
2.7 governmental instrumentality of the state, for an employee thereof; or

2.8 (3) the governing entity of the Minnesota State Colleges and Universities system, the
2.9 Metropolitan Council, or the governor's office, for an employee thereof.

2.10 (d) An employer, as defined in paragraph (c), may in its discretion cancel any remaining
2.11 periods of leave required under this section prior to December 31, 2020, if appropriate based
2.12 on the state of the economy.

2.13 (e) A public employee subject to unpaid leave under this section shall be allowed to
2.14 continue accruing vacation and sick leave, be eligible for insurance and retirement benefits,
2.15 accrue seniority, and accrue service credit and credited salary in retirement plans as if the
2.16 employee had actually been working during any period of leave. An employee covered by
2.17 a retirement plan may voluntarily make the employee contributions to the retirement plan
2.18 during a period of leave under this section. If the employee makes these contributions, the
2.19 applicable employer under the employee's retirement plan must continue to make the
2.20 employer contribution. To receive eligible service credit and credited salary in a defined
2.21 benefit plan, the employee member shall pay an amount equal to the applicable employee
2.22 contribution rates. If an employee pays the employee contribution for a period of the leave
2.23 under this section, the applicable employer of the employee under the defined benefit plan
2.24 must continue to pay the employer contribution. Contributions must be made in a time and
2.25 manner prescribed by the executive director of the applicable retirement system.

2.26 (f) Any period of leave required under this section is unpaid and is an involuntary leave
2.27 of absence for the purposes of Minnesota Statutes, section 268.085.

2.28 (g) Following a period of leave under this section, an employer shall make reasonable
2.29 efforts to restore or reassign the employee to the same position, or to an equivalent position,
2.30 based on the position the employee held when a period of leave commenced, with equivalent
2.31 employment benefits, pay, and terms and conditions of employment.

2.32 **EFFECTIVE DATE.** This section is effective the day following final enactment.