## 352.029 COVERAGE FOR EMPLOYEES OF LABOR ORGANIZATIONS.

Subdivision 1. **Qualifications.** (a) Unless specifically included under section 352.01, subdivision 2a, or unless specifically excluded under section 352.01, subdivision 2b, a state employee covered by the general state employees retirement plan who is on leave of absence without pay to provide service as an employee or officer of a labor organization that is an exclusive bargaining agent representing state employees may elect under subdivision 2 to be covered by the general state employees retirement plan for service with the labor organization, subject to the limitations set forth in subdivisions 2a and 2b.

(b) Unless specifically included under section 352.01, subdivision 2a, or unless specifically excluded under section 352.01, subdivision 2b, a state employee covered by the correctional employees retirement plan who is on leave of absence without pay to provide service as an employee or officer of a labor organization that is an exclusive bargaining agent representing state employees may elect under subdivision 2 to be covered by the correctional employees retirement plan for service with the labor organization, subject to the limitations set forth in subdivisions 2a and 2b.

Subd. 2. **Election.** A person described in subdivision 1 is covered by the general employees retirement plan under subdivision 1, paragraph (a), or the correctional employees retirement plan under subdivision 1, paragraph (b), if the person delivers a written election to be covered to the executive director within 90 days of being employed by the labor organization or within 90 days of starting the first leave of absence to provide service as an employee or officer of a labor organization, whichever is later.

Subd. 2a. **Limitations on salary for benefits and contributions.** (a) The covered salary for a labor organization employee who is a member under section 352.01, subdivision 2a, paragraph (a), or who qualifies for membership under this section is limited to the lesser of:

(1) the employee's salary as defined under section 352.01, subdivision 13; or

(2) 75 percent of the salary of the governor as set under section 15A.082.

(b) The limited covered salary determined under this subdivision must be used in determining employee, employer, and supplemental employer contributions under sections 352.04, subdivisions 2 and 3, and 352.92 and in determining retirement annuities and other benefits under this chapter and chapter 356.

Subd. 2b. **Earning restrictions apply.** A retirement annuity is only payable, if the person has met any other applicable requirements, upon the termination of employment by the labor organization by the person who is a member under section 352.01, subdivision 2a, paragraph (a), or who elected coverage under subdivision 1. The reemployed annuitant earnings limitation set forth in section 352.115, subdivision 10, applies in the event that the person who is a member under section 352.01, subdivision 2a, paragraph (a), or who elected coverage under subdivision 1 retires and is subsequently reemployed while an annuitant by the labor organization or by any other entity employing persons who are covered by the Minnesota State Retirement System by virtue of that employment.

Subd. 3. **Contributions.** (a) The employee and employer contributions required by section 352.04 for employees covered by the general state employees retirement plan or by section 352.92 for employees covered by the correctional employees retirement plan are the obligation of the employee who chooses coverage under this section. However, the employing labor organization may pay the employer contributions to the general state employees retirement fund as required by section 352.04 for employees covered by the general state employees retirement plan or to the correctional employees retirement fund as required by section 352.92 for employees covered by the correctional employees retirement plan.

(b) Contributions made by the employee must be made by salary deduction.

Subd. 4. [Repealed, 1992 c 432 art 1 s 11]

Subd. 5. **Board membership excluded.** Employees of a labor organization who become members of the system under section 352.01, subdivision 2a, paragraph (a), or under this section are not eligible for election to the board of directors.

**History:** *1977 c 429 s 13; 1981 c 224 s 45; 1Sp1985 c 7 s 5; 1987 c 229 art 6 s 1; 1990 c 570 art 10 s 3; 1992 c 432 art 1 s 2,3; 1994 c 528 art 4 s 1-3; 2013 c 111 art 7 s 2-6; 2015 c 68 art 13 s 6; 2025 c 37 art 5 s 2; 2026 c 106 art 1 s 2-5*