

HOUSE RESEARCH

Bill Summary

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Overview

This legislation would require the replacement by any state agency or other state employer of the net amount of compensation lost by any state governmental employee, who is also a National Guard member or other military reservist, as a result of that persons's call-up to active military service on or after September 11, 2001. The bill also authorizes local units of government to take similar action, at their discretion. The section dealing with state employees is repealed June 30, 2006.

Section

- 1 **State employees.** This section is modeled (generally) after a 1991 enactment that was repealed in 1997, which applied to the activation of reservists for the Persian Gulf War. It applies to certain *state* employees.
 - a) Requires that the employing agency continue the pay of an eligible person at a rate equal to the difference between the person's basic active duty military salary and the salary the person would be paid as an active state employee, provided that the military salary is less than the state salary (i.e., as compensation for any loss of pay upon call to active duty). Such payments must be at the regular intervals and may not extend beyond four years. Also requires payment of any benefit to which the employee was entitled immediately before being ordered to active service.
 - b) Defines "eligible member" as a U.S. Armed Forces reservist or National Guard member who was a state employee when ordered to active military service on or after September 11, 2001.
 - c) Defines "employee of the state" as an employee of the executive, judicial or legislative branch of state government, or an employee of the MSRS, PERA or TRA retirement

associations.

d)

Defines "active service" to include "state active service," "federally funded state active service," and "federal active service." However, it specifically excludes service performed exclusively for training purposes, whether initial or periodic, as well as any call up for service in the full-time administration of the Department of Military Affairs.

Requires the commissioners of employee relations and finance to adopt procedures, procedures, which are exempt from rulemaking.

This section is repealed June 30, 2006.2006.

- 2 **Political subdivisions.** This section amends existing statute that was also enacted in 1991 in response to the Persian Gulf War but which, unlike the provision for *state* employees, has not since been repealed.

This section applies to employees of *political subdivisions* who are called to active military service on or after September 11, 2001. Under current law, political subdivisions *may, at their discretion*, pay a salary differential to compensate an employee who is an eligible member of the U.S. Armed Forces who is a reservist or National Guard member who was called to active service for the Persian Gulf War and related operations. The bill also permits payment of any benefits to which the member was entitled immediately before being called to active service.

The amendments in this second section of the bill are aimed at insuring consistency with the provisions in subdivision 1 of the bill dealing with state employees.

- 3 **Effective Date.** The day following enactment, retroactive to September 11, 2001.