

# HOUSE RESEARCH

## Bill Summary

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### Overview

This bill clarifies that a statute enacted in 1941 must be interpreted in accordance with both its plain language and a longstanding ruling of the Attorney General (1945) interpreting the statute to mean that a state or local public employee who is ordered into active military service accrues vacation and sick leave at the same rate *as if the person had actually been employed during the time of such leave*, and does so without regard to any otherwise applicable limits on accrued vacation or sick leave time. The statute states that the accrued leave must be awarded to the employee *upon the person's reinstatement* in the position of the public employment.

The state (in DOER personnel bulletin 1375 discussing the language of this statute) has concluded that it is clear that state employees continue to accrue vacation and sick leave hours during their absence when on military leave.

The bill also clarifies that a more recent statute (2003) authorizing political subdivisions to provide a salary differential to employees ordered into active military service does not supercede the earlier statute. The later enactment gives political subdivisions complete discretion over *the continuation of benefits* during the person's military leave, whereas the earlier statute provides for the awarding of vacation and sick leave *upon the reinstatement* of the returning soldier into that person's former position of public employment. A former employee on military leave is not entitled to the vacation and sick leave accrued while in the military, unless the person returns to *and is reinstated in* the person's former public position of employment or office.

Thus, the full impact of this bill is *to clarify current law*, rather than to change it in any material way.

The effective date of the bill is immediate and applies to any public officer or employee serving in active military service since 9/11. Since the bill merely clarifies existing statute in effect since 1941, the reference to 9/11 does not preclude application to any qualified person serving in active military service since its enactment, but rather merely clarifies that those serving since that date are eligible.