

HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. 1416

04/11/2011 Authored by Gruenhagen and Dettmer
The bill was read for the first time and referred to the Veterans Services Division
02/08/2012 Adoption of Report: Pass as Amended and re-referred to the Committee on Commerce and Regulatory Reform
03/08/2012 Adoption of Report: Pass as Amended and Read Second Time
03/29/2012 Calendar for the Day, Amended
Continued on the Calendar as Amended

1.1 A bill for an act
1.2 relating to military affairs; extending reemployment rights protections to certain
1.3 nonpublic employees; amending Minnesota Statutes 2010, section 192.261,
1.4 subdivisions 1, 6.

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

1.6 Section 1. Minnesota Statutes 2010, section 192.261, subdivision 1, is amended to read:

1.7 Subdivision 1. **Leave of absence without pay.** Subject to the conditions hereinafter
1.8 prescribed, any officer or employee of the state or of any political subdivision, municipal
1.9 corporation, or other public agency of the state:

1.10 (1) who engages in active service in time of war or other emergency declared by
1.11 proper authority in any of the military or naval forces of the state or of the United States
1.12 for which leave is not otherwise allowed by law; or

1.13 (2) during convalescence for an injury or disease incurred during active service, as
1.14 documented by a line-of-duty determination form signed by proper military authority, and
1.15 any other documentation as reasonably requested by the employer;

1.16 shall be entitled to leave of absence from the officer's or employee's public office or
1.17 employment without pay during such service or convalescence, with right of reinstatement
1.18 as hereinafter provided. Such leave of absence without pay, whether heretofore or
1.19 hereafter, shall not extend beyond four years plus such additional time in each case as
1.20 such an officer or employee may be required to serve pursuant to law. This shall not be
1.21 construed to preclude the allowance of leave with pay for such service to any person
1.22 entitled thereto under section 43A.183, 192.26, or 471.975. Nothing in this section
1.23 contained shall affect any of the provisions or application of section 352.27 nor of section
1.24 192.26 to 192.264, or any laws amendatory thereof, insofar as such sections pertain to the

2.1 state employees retirement association or its members. "Active service" has the meaning
2.2 given in section 190.05, subdivision 5.

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

2.4 Sec. 2. Minnesota Statutes 2010, section 192.261, subdivision 6, is amended to read:

2.5 Subd. 6. **State emergencies; reemployment rights of nonpublic employees.** A
2.6 person who engages in active service in the military forces in time of emergency declared
2.7 by the proper authority of ~~the~~ any state who is not an officer or employee of ~~the~~ this state or
2.8 of any political subdivision, municipal corporation, or other public agency of ~~the~~ this state
2.9 is entitled to leave from and reinstatement in the person's civilian position of employment
2.10 within Minnesota in the same manner and to the same extent as granted to officers and
2.11 employees of ~~the~~ this state or of any political subdivision, municipal corporation, or other
2.12 public agency of ~~the~~ this state by subdivisions 1 to 4. The provisions of this subdivision
2.13 shall not entitle a person given leave and reinstatement rights by this subdivision to any
2.14 pay during such service as provided by section 192.26. The provisions of this subdivision
2.15 do not apply to situations in which the person's reemployment rights are protected by
2.16 ~~United States Code Annotated, appendix 50, section~~ the Uniformed Services Employment
2.17 and Reemployment Rights Act, United States Code, title 38, sections 4301 to 4335 459(g)
2.18 ~~of the Selective Service Act of 1967.~~

2.19 **EFFECTIVE DATE.** This section is effective July 1, 2012, and applies to persons
2.20 servicing in state active service on or after that date.