

Subject Nonlicensed school employees

Authors Olson, L. and others

Analyst Cristina Parra

Date February 14, 2022

Overview

This bill contains several provisions relating to nonlicensed school personnel wages, benefits, and training. It requires paid leave for qualifying events, and provides certain protections for employees taking the paid leave. It requires districts to pay school staff and student support positions their full wages, hours, and benefits during an e-learning period. The bill also requires schools to participate in employee health care cost sharing. It requires training for paraprofessionals and appropriates funding for the training, as well as to increase the minimum starting salary for nonlicensed school personnel.

Summary

Section	Description
---------	-------------

1	Eligibility
---	--------------------

Subd. 1. Applicant. Defines “eligible employee.” Qualifies an employee who has a serious health condition, has a qualifying exigency, is taking safety leave, is providing family care, is bonding, or is pregnant and satisfies the conditions of this section for paid leave.

Subd. 2. Seven-day qualifying event. Requires the event qualifying the employee for leave to be at least seven nonconsecutive days long.

Subd. 3. Certification by health care provider. Requires the application for benefits to be certified in writing by a health care professional, with exceptions.

Effective date: This section is effective for bargaining agreements entered into or modified following the date of final enactment.

2	Benefits
---	-----------------

Subd. 1. Benefit. Provides an employee experiencing a qualifying event with a weekly benefit equivalent to the employee’s average weekly wage.

Section	Description
---------	-------------

Subd. 2. Timing of payment. Requires benefits to be paid on the employer's regular payroll unless otherwise provided.

Subd. 3. Maximum length of benefits. Allows employees the following benefits in a 52-week period:

- up to 12 weeks of benefits for the applicant's serious health condition or pregnancy, and for bonding or family care
- up to 26 weeks of benefits for family care of an armed service member or for one or more qualifying exigencies

Subd. 4. Minimum period for which benefits payable. Requires a claim for benefits to be based on a single-qualifying benefit period of at least seven days; after seven days, benefits may be paid for a minimum increment of one day.

Subd. 5. Withholding of federal tax. Requires the commissioner to deduct and withhold federal taxes if the IRS determines the benefits are taxable and the employee elects to have federal income tax deducted and withheld from the employee's benefits.

Effective date: This section is effective January 1, 2022, and for bargaining agreements entered into or modified following the date of final enactment.

3 **Employment protections.**

Subd. 1. Retaliation prohibited. Prohibits an employer from retaliating against an employee for requesting or obtaining benefits or exercising rights under sections 122A.401 to 122A.404.

Subd. 2. Interference prohibited. Prohibits an employer from obstructing or impeding a request for benefits under sections 122A.401 to 122A.404.

Subd. 3. Waiver of rights void. Provides that rights under sections 122A.401 to 122A.404 cannot be waived.

Subd. 4. No assignment of benefits. Voids an assignment, pledge, or encumbrance of benefits. Exempts benefits from levy, execution, attachment, or other remedy for collecting debt. Voids a waiver of this subdivision.

Subd. 5. Continued insurance. Requires an employer to maintain insurance coverage for an employee and dependents as if the employee were not on leave as long as the employee continues to pay the employee share of the cost of benefits.

Section	Description
---------	-------------

Subd. 6. Reinstatement after leave. Requires an employer to restore an employee to the position the employee held before the leave, or to a position with equivalent seniority, status, employment benefits, pay, and other terms and conditions of employment.

Subd. 7. Remedies. Allows an employee to sue for violation of this section, and recover damages, costs and disbursements, reasonable attorney fees, and receive other injunctive and equitable relief.

Effective date: This section is effective for bargaining agreements entered into or modified following the date of final enactment.

4 **Bonding leave.**

Requires bonding leave to begin when the employee requests; and to begin within 12 months of the birth, adoption, or placement of a foster child, or within 12 months after a child leaves the hospital if the child had to remain there longer than the mother.

Effective date: This section is effective for bargaining agreements entered into or modified following the date of final enactment.

5 **Individualized education programs.**

Requires a paraprofessional to be given paid time to review a student's individualized education program (IEP) and paid time to collaborate with a student's teacher regarding the IEP.

Requires a paraprofessional, Title I aide, and other instructional support staff to be given at least 20 hours of paid orientation or professional development annually. Requires a school administrator to annually certify compliance with this requirement.

6 **School employees; between terms denial. [Eligibility requirements; payments that affect benefits]**

Allows unlicensed school employees to obtain unemployment benefits in between school terms. Currently, school employees cannot access benefits when there is a reasonable assurance that the employee will work for a school the following academic year.

7 **Premium costs for school employees. [Group benefits for officers, employees, retirees]**

Requires school districts, intermediate school districts, cooperatives, and charter schools to participate in employee health care cost sharing at specified levels. Provides employers financial assistance to fund the cost sharing, and grants school

Section	Description
---------	-------------

districts authority to levy for an amount equal to the financial assistance provided by the commissioner of education.

Effective date: This section is effective for bargaining agreements entered into or modified following the date of final enactment.

8 School personnel pay during e-learning.

Requires a school that implements e-learning days during the 2022-2023 school year to continue to pay the full wages, hours, and benefits of school staff and support personnel during the e-learning period. Requires school personnel to be allowed to work from home when available, be assigned to work in an alternative location, or be retained on an on-call basis for any potential need during the e-learning period.

Effective date: This section is effective the day following final enactment.

9 Appropriation.

Appropriates an unspecified amount to raise the minimum starting salary for nonlicensed school personnel to \$25 per hour.

10 Appropriation.

Appropriates an unspecified amount for costs associated with paid orientation and professional development for paraprofessionals.



Minnesota House Research Department provides nonpartisan legislative, legal, and information services to the Minnesota House of Representatives. This document can be made available in alternative formats.

www.house.mn/hrd | 651-296-6753 | 155 State Office Building | St. Paul, MN 55155